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# DÁIL ÉIREANN

*Déardaoin, 22 Feabhra 2007.  
Thursday, 22 February 2007.*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

*Paidir.  
Prayer.*

## Requests to move Adjournment of Dáil under Standing Order 31.

**An Leas-Cheann Comhairle:** Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31 and will call on Deputies in the order in which they submitted their notices to my office.

**Mr. F. McGrath:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the crisis in the health service, particularly in respect of patients being on trolleys at Beaumont Hospital. I call on the Government to implement an action plan placing investment, reform and additional beds as part of the health strategy and urge all Members and the Government, in particular, to do something urgently about the crisis in the health service.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the dearth of diagnostic and assessment services in the Cavan and Monaghan region for young children under 3 years of age with sensory disabilities; the inordinate waiting time being experienced by both parents and children for assessment, which can run to more than two years; the acute scarcity of speech and language therapists, paediatric neurologists, psychologists and psychiatrists, which adds to the difficulties in accessing services. I call on the Minister for Health and Children to take the necessary steps to ensure the earliest possible intervention for such children.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Justice, Equality and Law Reform and the Minister for the Environment, Heritage and Local Government to make immediate statements to the House on whether the Government is still fully committed to incineration in general and the Poolbeg incinerator, in particular, given

that they have now sought to give the impression that the 750,000 tonne incinerator is not going ahead——

**Mr. McCormack:** Before the general election.

**Mr. Gormley:**——despite the fact Dublin City Council has stated it is still on track; and the need for both Ministers to explain why the Government voted down a Green Party motion and Bill which would have stopped the incinerator.

**Deputies:** Hear, hear.

**An Leas-Cheann Comhairle:** Having considered the matters raised, I have found that they are not in order under Standing Order 31.

**Mr. Allen:** This gives a new meaning to Ash Wednesday.

**Mr. Roche:** It is a burning question.

## Order of Business.

**The Tánaiste:** It is proposed to take No. 18a, motion re referral to joint committee of proposed approval by Dáil Éireann of a proposal that section 17A of the Diseases of Animals Act 1966 shall continue in force for the period ending on 8 March 2008; No. 18b, motion re presentation and circulation of Revised Estimates 2007; No. 24, Health Bill 2006 — Second Stage (resumed); No. 25, European Communities Bill 2006 [*Seanad*] — Second Stage (resumed) and No. 1, Broadcasting (Amendment) Bill 2006 [*Seanad*] — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 4.45 p.m. tonight and business shall be interrupted at the conclusion of oral questions to the Tánaiste and Minister for Justice, Equality and Law Reform; Nos. 18a and 18b shall be decided without debate and, in the case of No. 18b, any division demanded thereon shall be taken forthwith; the proceedings on the resumed Second Stage of No. 24 shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. today; the proceedings on the resumed Second Stage of No. 25 shall, if not previously concluded, be brought to a conclusion at 2.30 p.m. today; the proceedings on the Second Stage of No. 1 shall, if not previously concluded, be brought to a conclusion at 4.45 p.m. today; that Question Time today shall be taken at 4.45 p.m., or on the conclusion of No. 1, whichever is the later, for 75 minutes and in the event of a private notice question being allowed, it shall be taken after 45 minutes; and the order shall not resume thereafter.

The Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 2 p.m.; there shall be no Order of Business, that is, within the meaning of Standing Order 26; the taking of any divisions shall be postponed until immediately after the

[The Tánaiste.]

Order of Business on Tuesday, 27 February 2007, and accordingly, the following business shall be transacted: No. 9, Medical Practitioners Bill 2007 — Second Stage and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 2 p.m. on that day.

**An Leas-Cheann Comhairle:** There are seven proposals to be put to the House.

**Mr. Rabbitte:** Will the Tánaiste assure the House that this is the real Order of Business? We were transparently furnished with an Order of Business yesterday that was fraudulent and led to another being put to the House after Private Members' Business when an extremely urgent matter had to be taken with minimum notice. Can we rely on this as the real Order of Business?

**The Tánaiste:** This is the real Order of Business. The decision to bring the legislation before the House yesterday evening on an emergency basis was not made until the afternoon. I reject the suggestion of fraudulence or sleight of hand was involved.

**Mr. McCormack:** We do not believe anything anymore.

**Mr. Gormley:** Is the incinerator project going ahead?

**An Leas-Cheann Comhairle:** Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 18a and 18b without debate agreed? Agreed. Is the proposal for dealing with No. 24 agreed?

**Mr. Stagg:** This is one of a series of guillotine motions on legislation with which we deal day in, day out during this session. In the last session of the Dáil we did not have enough legislation to keep the House going. It is a measure of the disorganised fashion in which the Government brings legislation before the House. The reason we have Standing Orders for the passing of legislation is to ensure legislation is properly scrutinised when it comes before the House. Standing Orders will be set aside on four occasions today. The daily and regular setting aside of Standing Orders designed and put in place to ensure the House properly and fully scrutinises legislation and call the Executive to account is fraught with the danger that bad legislation will be rushed through the House without proper scrutiny. The rush of guillotine motions before us every morning shows a degree of contempt for this assembly. On that basis, the Labour Party opposes the use of the guillotine on this measure.

**Aengus Ó Snodaigh:** Continuing a tradition, we oppose the use of the guillotine on this matter.

There should be enough time. We should have extra sittings on other days of the week if required to allow Deputies have a full debate. Extra sittings should also allow for a proper Order of Business and questions to Ministers. The House has gone on too long dealing with matters which are not as urgent as some of the proposals before us. We should have an opportunity to address and speak to them rather than have the debate guillotined in the way the Government now proposes, not only on this matter but also on a number of others during the coming weeks.

Question, "That the proposal for dealing with No. 24 be agreed to," put and declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with No. 25 agreed?

**Mr. Allen:** I disagree with this proposal because it deals with a vital Bill which was described as purely technical but which proposes to seriously erode the powers of the House in dealing with European directives. It should receive a full airing. The hour provided today is insufficient.

**Mr. Costello:** This measure will only be discussed for one hour today. It is extremely important because it proposes to change dramatically the manner in which we transpose EU directives into domestic legislation. Approximately 70% of all legislation which comes through the House is European legislation. The Bill will mean that instead of it being scrutinised in the proper manner it will go to the line Minister who will issue a statutory instrument which will become law. It also includes provisions which carry penalties of imprisonment for up to three years and fines of up to €500,000 for citizens of this country. The line Minister will be responsible solely for amending an EU directive and legislation which should properly be scrutinised and passed by the House. It is extremely bad legislation and a bad precedent to establish. The Bill deserves to have a full and proper examination in the House, not just the subject of a one hour debate today.

**Mr. Gormley:** I am afraid this legislation leaves the Parliament out of the loop. As such, I find it unacceptable. I find the time given to the legislation is extremely brief, given its gravity and the implications for the House and the general public. For that reason I oppose the use of the guillotine.

**Aengus Ó Snodaigh:** I oppose this proposal, first, on the basis that a guillotine is being imposed and, second, because of the impact and the legislation will have on the House. It is not fully appreciated, not even by those who

put together the explanatory memorandum. On that basis, every Deputy in the House should have an opportunity to examine this legislation properly and take part in a debate. I oppose the proposal.

**The Tánaiste:** This matter was debated extensively in the House and valuable points were

made on all sides. The Government listened carefully to the points made. The Minister of State will respond in the debate. Deputies should await his response.

Question put: "That the proposal for dealing with No. 25 be agreed."

The Dáil divided: Tá, 63; Níl, 48.

#### Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Cowen, Brian.  
Cregan, John.  
Curran, John.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Glennon, Jim.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.

Kelly, Peter.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

#### Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Ferris, Martin.  
Gilmore, Eamon.  
Gormley, John.  
Higgins, Joe.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.

Kenny, Enda.  
McCormack, Pádraic.  
McEntee, Shane.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Murphy, Catherine.  
Murphy, Gerard.  
Neville, Dan.  
Noonan, Michael.  
Ó Snodaigh, Aengus.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Sherlock, Joe.  
Stagg, Emmet.  
Stanton, David.  
Twomey, Liam.  
Upton, Mary.

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

Question declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with No. 1, Second Stage of the Broadcasting (Amendment) Bill 2006, agreed to?

**Mr. Durkan:** This is important legislation and the Opposition agrees that it should be processed quickly, but the length of time provided for the debate on this broadcasting Bill is deplorable, cynical and despicable. I protest the proposed guillotine strongly.

Question, "That the proposal for dealing with No. 1 be agreed to", put and declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for Question Time agreed to?

**Mr. Quinn:** Could time be made available or private notice questions entertained in respect of the joint announcement by the Ministers for Justice, Equality and Law Reform and the Environment, Heritage and Local Government that the proposed incinerator at Ringsend will not go ahead?

**Mr. Roche:** There was no joint announcement.

**Mr. Quinn:** The client who has entered into a contract——

**An Leas-Cheann Comhairle:** The matter will receive consideration.

**Mr. Quinn:** Is that a "Yes"?

**An Leas-Cheann Comhairle:** It will receive consideration.

**Mr. Quinn:** I will take it as a "Yes".

**An Leas-Cheann Comhairle:** Whether it is "Yes" or "No" will be conveyed to the Deputy in due course.

**Mr. Deasy:** The rejection notice will receive consideration.

**An Leas-Cheann Comhairle:** Is the proposal for Question Time agreed to? Agreed. Is No. 7, the proposal for tomorrow's sitting, agreed to?

**Ms McManus:** No.

**Dr. Twomey:** We must oppose the guillotine on the Medical Practitioners Bill 2007. The events in Our Lady of Lourdes Hospital in 1998 formed the basis of that legislation. The Judge  
11 o'clock Harding Clark report on the inquiry showed what went wrong in the protection of hospital patients. It is despicable that we are to have a three-hour debate on so important an issue.

**Ms Harney:** The Deputy stated that he would only need five minutes.

**Dr. Twomey:** As with last night's guillotined legislation, in which regard we are unsure as to whether the Government made a deal with Quinn Direct, I must oppose this guillotine. For the protection of the country's patients, I want a proper discussion on the Bill. We have waited 30 years for the legislation.

**Deputies:** Hear, hear.

**Ms McManus:** This is probably the most important legislation to be introduced by the Minister for Health and Children and has been awaited for 15 years or 20 years. It is long awaited, but it must not be short debated. It is unacceptable to give such important legislation a miserly amount of time.

Like health spokespersons, most Deputies will have received correspondence expressing concerns about the contents of the legislation. The Bill is concerned with protecting patients against malpractice. The Dr. Neary case was an example of the terrible damage that can be done to innocent people. The Bill is also concerned with how the medical profession will be policed and how clinical standards will be maintained and improved in rapidly changing times. These are fundamental issues of medical practice and it is wrong for the Parliament to speed through legislation without proper scrutiny, particularly when a Minister proposes changes to the Medical Council without justification. She has not explained——

**Mr. M. Ahern:** Speech.

**Ms McManus:** ——why a new approach to the Medical Council is being adopted.

**Ms Harney:** The Deputy does not want to live without it.

**Ms McManus:** The Minister interrupts no matter the issue. This is far too important.

*(Interruptions).*

**Ms Harney:** I am agreeing.

**Ms McManus:** I ask the Minister——

**Ms Harney:** Does the Deputy want a lay majority? What is her position on the matter?

**Ms McManus:** I ask the Minister to listen, not speak.

**Ms Harney:** I have listened.

**Ms McManus:** She has spoken without proper thought and reflection, of which we have seen the result. I know of several instances.



**Mr. S. Power:** The Deputy is making a Second Stage speech.

**Mr. Howlin:** The Leas-Cheann Comhairle knows what to do when he is in the Chair.

**Ms McManus:** I also know of a scheme for the building of private hospitals on public grounds that was not given proper thought and reflection. We are seeing the same sloppy approach to legislation.

**An Leas-Cheann Comhairle:** The Deputy should be brief.

**Mr. Kitt:** On the Order of Business.

**Ms McManus:** The Minister may be confusing ministerial meddling with democratic accountability.

**Deputies:** Speech.

**Ms McManus:** If she is not afraid to debate the matter——

**Mr. Ring:** The Deputy does not like it.

**An Leas-Cheann Comhairle:** Order.

**Ms McManus:** ——she should see the sense of ensuring full scrutiny. Instead, the debate will last three and a half hours on Friday.

**An Leas-Cheann Comhairle:** On the Order of Business. The Deputy should conclude.

*(Interruptions).*

**Ms McManus:** That is unacceptable in a Parliament where we have a duty and an obligation to ensure that patients are protected, that we learn from the mistakes of the past——

**An Leas-Cheann Comhairle:** There is no provision for a long speech.

**Mr. Cowen:** The Deputy should respect the Chair.

**Mr. O'Dea:** It is a long question.

**Ms McManus:** ——and that we face the future in the best possible way. This is not the way to do so.

**Deputies:** Hear, hear.

**An Leas-Cheann Comhairle:** I call Deputy Gormley.

**Mr. S. Power:** Some 15 minutes for this fellow.

**Mr. F. McGrath:** And the Minister of State will have 15 minutes. Can I have five minutes?

**Mr. Ring:** May I share time with Deputy Gormley?

**Mr. Kitt:** Take a deep breath.

**Mr. Gormley:** I will be brief.

**Mr. Cowen:** Another first.

**Mr. F. McGrath:** He will not mention the incinerator either.

**Mr. Gormley:** It is unacceptable to rush through important legislation that has been promised for many years and, if passed, could stand for another 30 years, a point made to us repeatedly when we receive delegations. Every Deputy has received many representations in respect of this legislation, but the Minister is saying that it is fine to rush the legislation through. If she sat on this side of the House, she would also say that it is unacceptable. I do not understand how we did not have enough legislation with which to deal in the last Dáil. I referred to binge legislation such as this, namely, rushing legislation through. Consequently, the legislation is bad.

This morning, the Minister spoke of how 37% of people used to be privately insured whereas the current figure is 52%. The reason is that people do not have faith in our public service. They will have less faith if we rush through legislation.

**Mr. D. Ahern:** Was that brief?

**Aengus Ó Snodaigh:** I will be brief. I oppose the proposal because it is not a proper sitting day. If we are to sit on a Friday, there should be an Order of Business and questions to a Minister. It should be a full day.

**The Tánaiste:** The Bill is important and has taken a long time to get to this point. When it is on Committee Stage and so on, everyone will be able to participate.

**Mr. Connaughton:** That is not the same thing.

**Mr. J. O'Keeffe:** With 90 pages of legislation.

Question put: "That the proposal for tomorrow's sitting be agreed."

## The Dáil divided: Tá, 62; Níl, 47.

## Tá

Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Cowen, Brian.  
 Cregan, John.  
 Curran, John.  
 Dempsey, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Glennon, Jim.  
 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.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Flynn, Noel.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G.V.

## Níl

Allen, Bernard.  
 Boyle, Dan.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gormley, John.  
 Higgins, Joe.  
 Howlin, Brendan.  
 Kehoe, Paul.

Kenny, Enda.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Snodaigh, Aengus.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Sherlock, Joe.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.

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

Question declared carried.

**Mr. Kenny:** I suppose we should all be cheered up by the fact the Tánaiste has re-entered the House. I did not see him or any of his colleagues here when the Moriarty tribunal was being discussed by Dáil Éireann. He used the excuse of writing his annual conference speech, but did not refer to the culture of corruption for the past 20 years in that forum either.

One could say that the Tánaiste was involved in every story this week, except for the collapse of the Italian Government.

**Mr. Howlin:** He might have been involved in that too.

**A Deputy:** He is working on it.

**Mr. Quinn:** One cannot be sure.

**Mr. Kenny:** One cannot be sure, that is true. He is the Minister for Justice, Equality and Law Reform.

I want to raise an issue of serious concern arising from the arrest of an investigative journalist in relation to the reporting of a leaked document, the report by Mr. George Bermingham SC into an issue raised on many occasions in the House by Deputy Rabbitte about Garda activity in respect of the death of Mr. Dean Lyons. With the arrest of this journalist we have moved to a position here where, effectively, there is an authoritarian regime arising from the Garda Act 2005 and the Minister's privacy Bill, which is being pushed through the Oireachtas. I find it somewhat "Irish", to be honest, that when the Fine Gael Party prepared a Private Members' Bill on the CC case, it was leaked to a national newspaper from the Department of Justice, Equality and Law Reform. The Minister for Justice, Equality and Law Reform confirmed he handed a copy of an application form for a passport to a journalist which was removed from a Department of Justice, Equality and Law Reform file. In this case this journalist has been arrested. I would like to know from the Minister for Justice, Equality and Law Reform if this reporter's arrest arose from a complaint made by the Minister or by his Department to the Garda.

**An Leas-Cheann Comhairle:** Has this any connection with the Order of Business?

**Mr. Kenny:** This is the Order of Business.

**Mr. Quinn:** The business of order.

**An Leas-Cheann Comhairle:** Has the Deputy a question relevant to the Order of Business?

**Mr. Kenny:** Did the Minister for Justice, Equality and Law Reform know about this arrest before it happened?

**Mr. Howlin:** This is about law and order.

**Mr. Kenny:** Third, and most importantly, can the Minister for Justice, Equality and Law Reform confirm whether he had a direct meeting with the journalist in question a number of months ago?

**An Leas-Cheann Comhairle:** Is there promised legislation on this?

**The Tánaiste:** I do not believe there is promised legislation relevant to that, but I want to say this. Yesterday evening I said in this House in answer to a question from Deputy Jim O'Keeffe that I had no hand, act or part in the arrest of anybody yesterday in regard to these matters. I also indicated to him that I had not caused any complaint to be made to the Garda Síochána or requested any person to make a complaint. I said that on the record of this House in response to

Deputy Jim O'Keeffe having asked me about these matters.

I was disappointed, therefore, to read in one of today's newspaper an article by Deputy Jim O'Keeffe stating that I had remained silent on the issue and that my fingerprints were all over these matters. On my honour I tell this House that what I said here yesterday was totally true.

**An Leas-Cheann Comhairle:** I call Deputy Rabbitte.

**Mr. Kenny:** A Leas-Cheann Comhairle—

**An Leas-Cheann Comhairle:** We cannot discuss the matter now. I have allowed the Deputy considerable latitude.

**Mr. Kenny:** I have just one question. Did the Minister for Justice, Equality and Law Reform have a direct meeting with the journalist involved?

**The Tánaiste:** I have met Mick McCaffrey whom I like a lot and I think he is a very decent fellow. He is a relative of an officer in my Department and I have met him on a number of occasions. I had no idea on that occasion—

**Aengus Ó Snodaigh:** Did the Minister ever give him any files?

**The Tánaiste:** —that this was going to happen to him. I like him very much as an individual. He is a decent, hardworking journalist. I have no malice whatsoever against him. I can assure this House that what I said here yesterday and repeated here today is the total unvarnished truth. I am disappointed that an Opposition Deputy—

**Mr. Treacy:** Hear, hear.

**The Tánaiste:** —who asked me about this yesterday, received an assurance from me, would write an article in one of today's newspapers—

**Mr. Kenny:** He does not go around tearing pages out of files and handing them to journalists.

**An Leas-Cheann Comhairle:** Order, please.

**The Tánaiste:** —saying that my fingerprints were all over this arrest. That is not true.

**Mr. Kenny:** He does not tear pages out of files and hand them to journalists.

**An Leas-Cheann Comhairle:** Order please. I call Deputy Rabbitte.

**Mr. Cowen:** It is dishonourable conduct Deputy.

**Mr. Rabbitte:** This episode has been one of the most extraordinary in the history of the Irish



[Mr. Rabbitte.]

criminal justice system that a young man not in control of his senses was caused to confess to a murder he could not have done. As a result of the commission of inquiry report no action has been taken. There have been no disciplinary actions and there are no new disciplinary procedures as promised. The only action that has happened is that a journalist has been arrested for breaking the deadline. He did not inaccurately report the contents of the report. He did not in any way misrepresent it. He merely broke the deadline and accurately reported the findings in that report.

I hear what the Minister is saying but is it not the case that a complaint would have to be made and, as I understand it, that complaint was made in the name of the Minister's Department? Is that not correct? Is the Minister saying to this House, with the full sense of awareness, that his Department would make such a complaint——

**Mr. Quinn:** And not consult.

**Mr. Rabbitte:** ——and not consult with you, the Minister? That really does stretch credulity, given his position as Minister and his responsibility as corporate sole.

It is extraordinary that a journalist, as happened in the beef tribunal where the only person against whom action was taken was a journalist, should be sought to be brought before the courts for merely reporting the outcome of a report into one of the most extraordinary incidents that has ever happened in our criminal justice system.

**Mr. Quinn:** Mugabe would not do it.

**Mr. Rabbitte:** No action has been taken of any kind, despite the extraordinary circumstances except that this journalist now is at risk. As I understand it, under the Commissions of Investigation Act, it is an offence to make available the report or any part of the report, which it is alleged was done by a garda in these circumstances, but it is not an offence to receive it. Is this action being taken against the journalist on the basis of the Official Secrets Act or the Commissions of Investigation Act? In any event it is a sad day and it is not sufficient for the Minister to give the pledge that he gave to Deputy Jim O'Keeffe last night in circumstances where it is known and admitted that his Department caused these actions to be taken against the journalist in question.

**An Leas-Cheann Comhairle:** Before I give the floor to the Tánaiste, I wish to point out that it is a long-standing rule of the Chair that the House is not a court and a Member's disclaimer of the accuracy of a statement attributed to him of a particular action must be accepted in the House, once a Member disclaims it. There is no other way of conducting business. I call the Tánaiste.

**The Tánaiste:** The Deputy will be aware that the Commissions of Investigation Act 2004 was passed by this House in order to avoid huge tribunal expenses. One of the elements that is part of the Bill is that instead of having the right of examination, cross-examination and adversarial procedure, the chairman of a commission is obliged to make available any finding to any person likely to be affected by it in draft form before finalising the chairman's report. The law is that the person who receives it is entitled to go back to the chairperson and have it corrected or, if the chairperson refuses to correct it, to apply to the High Court to have it corrected. That is in substitution for the adversarial procedure and panoply that we have in the public tribunals of inquiry. Therefore, it is a very valuable safeguard for the citizen that what is put in a draft report and circulated to everybody who is affected by it, and necessarily third party interests are an issue, should be the subject of confidentiality. This Act was passed by this House three years ago.

**Mr. Quinn:** Apply that to Mr. Connolly.

**Ms McManus:** Did the Minister apply that to himself?

**The Tánaiste:** Yes, three years ago. It was passed by all of us in this House.

**Mr. Quinn:** The Minister did not apply it to Mr. Connolly.

**The Tánaiste:** Part of it was to ensure that people's reputations would not be prematurely compromised——

**Mr. Howlin:** Mr. Connolly's——

**The Tánaiste:** ——and that the procedures——

**Mr. Quinn:** Is this a conversion?

**The Tánaiste:** ——under the statute would be fully respected. We made it a serious offence to breach the confidentiality of a draft report.

I understand, contrary to what Deputy Rabbitte is saying, that we are not dealing here with a case where somebody had the final report; we are dealing with a case where somebody had a draft, which was submitted to them in confidence with a warning attached that they would commit——

**Mr. Quinn:** Does the Minister seriously suspect that the Department did this without the Minister's knowledge?

**The Tánaiste:** ——a serious offence if they disclosed that draft to a third party.

**Ms Burton:** So the Department did know this.

**Mr. Howlin:** The Minister is defending the Department's action.

**An Leas-Cheann Comhairle:** Order, please.

**Ms Burton:** So the Minister thinks it is justified.

**An Leas-Cheann Comhairle:** Order, please.

**Ms Burton:** The Minister is justifying it.

**The Tánaiste:** That is the law.

**Mr. Quinn:** Has the Minister any control over his Department?

**An Leas-Cheann Comhairle:** Order, please.

**The Tánaiste:** If we want tribunals of inquiry in every case——

**Mr. Howlin:** So they were right.

**The Tánaiste:** ——we can go down that road——

**Mr. Quinn:** Answer the question.

**The Tánaiste:** ——and we can spend a great deal of money on them. George Birmingham SC conducted this inquiry and did so in a very expeditious way. He rigorously adhered to the letter of the law. In these circumstances it is entirely proper that this House upholds the law and does not criticise it.

**Mr. Quinn:** Does the Minister seriously ask us to believe that the Department took this action without consulting the Minister's office?

**The Tánaiste:** I am saying to the House again that the Secretary General of my Department became aware that it was proposed to publish an article in a newspaper based on a leaked report. The newspaper was warned that it was a criminal offence to publish the material before it published it. The Secretary General in those circumstances decided himself——

**Ms McManus:** Was it without consulting the Minister?

**Mr. Quinn:** The Minister's fingerprints are all over this.

**The Tánaiste:** ——when the publication took place that he would make a complaint to members of the Garda Síochána.

**Mr. Howlin:** Who is in control?

**Ms Burton:** Without reference to the Minister.

**An Leas-Cheann Comhairle:** Order, please.

**The Tánaiste:** He informed me and Mr. Birmingham SC of his intention to do so——

**Mr. Howlin:** So he did know

**The Tánaiste:** ——having previously sought from Mr. Birmingham SC, first, whether it was an authorised disclosure because that was a necessary precondition to make such a complaint and, second, whether Mr. Birmingham was of the view there should be an investigation into the leak. All he did was to ask that there should be an investigation by the Garda Síochána.

**Mr. Quinn:** Who is running the Department?

**The Tánaiste:** That was a decision made by him of which I was informed. I was not asked to express a view on the matter.

**Mr. Howlin:** Oh my God.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Stagg:** So the Tánaiste did know.

**The Tánaiste:** It was expressly put to me that it would be inappropriate for me to be the person who made a decision on the matter.

**Mr. J. Higgins:** That is not good enough. This is a continuation of institutionalised hypocrisy and double standards at the very heart of the justice establishment for which the Minister has responsibility. It is just like the beef tribunal, with corruption all over the place and virtually the only person called to book was a journalist who brought it into the public domain.

**An Leas-Cheann Comhairle:** That is not a question on the Order of Business.

**Mr. J. Higgins:** Very senior members of the Garda Síochána leak routinely and with impunity to get their side of the story out.

**An Leas-Cheann Comhairle:** That is not in order.

**Mr. J. Higgins:** Ask the family of the late John Carthy of Abbeylara, where the most senior members of the Garda Síochána spun against that unfortunate victim of heavy handedness. The Minister has been busy washing his hands of this affair. He may not do so. Deputy Kenny should send him over some of the hand gel he was touting around the hospitals yesterday.

**An Leas-Cheann Comhairle:** The Deputy should resume his seat. He is out of order.

**Mr. J. Higgins:** The Minister carries responsibility for it and he must answer for the continuation of these double standards.

**An Leas-Cheann Comhairle:** I object to any Member approaching the Chair in a very aggressive manner.

**Mr. Treacy:** Hear, hear.

**An Leas-Cheann Comhairle:** The independence of the Chair should be preserved at all stages and it quite disorderly to approach the Chair in an aggressive manner.

**Mr. J. Higgins:** Lest there be any misunderstanding, you are not the Minister for Justice, Equality and Law Reform. Any verbal aggression was directed towards him.

**An Leas-Cheann Comhairle:** The Chair is the sole judge in calling Members to speak.

**Mr. Gormley:** If you interpreted my actions as aggressive, please be assured that they were not. I was surprised that I was not called next, that is all.

**An Leas-Cheann Comhairle:** I accept the Deputy's assurance.

**Mr. Gormley:** The Minister's position is becoming weaker by the minute. Is he aware that people see his position as entirely hypocritical? He was the person who leaked information about a journalist to another journalist. This journalist was a citizen. The Minister talks about protecting the rights of citizens, but what about the rights of Mr. Frank Connolly? Is he a citizen? Should he have been protected in the same way as other citizens?

The Minister claims to like this particular journalist, but I do not know. I do know that the Minister has explained to the House that it was the call of the Secretary General, and then Mr. Birmingham. Who calls the shots in this Department? Does the buck stop with the Minister? Was it the case that he did not want to know because it was too sensitive? If Watergate had happened in this country, Bernstein and Woodward might have been arrested. There is a whiff of dictatorship coming from the benches opposite. I regret I must say that, but this is a serious matter. When journalists are being arrested in a democracy, we must all sit up and take notice. The Minister has a lot of explaining to do. I want him to explain in detail, because he will not get out of this one so easily.

**The Tánaiste:** I have told the truth to the House in unvarnished and very simple terms.

**Mr. Quinn:** He did not.

**Mr. D. Ahern:** Let him finish.

*(Interruptions).*

**An Leas-Cheann Comhairle:** I remind the House that the Health Bill must conclude by 1.30 p.m.

**The Tánaiste:** I have told the House the truth. If politics in Dublin South-East become so vindictive that the truth can be ignored and allegations are thrown around the House, then that is sad.

**Mr. Boyle:** It is about the Minister's accountability. He had knowledge and he chose not to act.

**The Tánaiste:** I have told the House the unvarnished truth. I had no hand, act or part in the arrest of those men. I did not request anyone to make a complaint. I was informed by the Secretary General of my Department that he proposed to make a complaint.

**Ms Burton:** The Minister is like Pontius Pilate.

**The Tánaiste:** He expressed to me the view that it was inappropriate for me to be involved in the matter and that he himself would make this complaint.

**Mr. Howlin:** Who is in charge?

**The Tánaiste:** That is the plain, unvarnished truth. It may not suit people's agendas.

**Aengus Ó Snodaigh:** The Minister is too friendly with him.

**Mr. Howlin:** The Minister is not fit for——

**Ms Sexton:** Nonsense. It was good management.

**An Leas-Cheann Comhairle:** Order, please.

**The Tánaiste:** Can I finish please? I want to be accountable to this House. I have told the truth to this House on my honour. It is not spun or varied in any way. I am asking the House to accept my word that what I have outlined is a true and fair picture of what happened. In no way was I the moving party in the making of this complaint.

**Mr. Howlin:** It was the Secretary General.

**The Tánaiste:** Deputy Jim O'Keeffe, who has just come in, heard me say this last night. He wrote an article in today's newspaper saying that my fingerprints were all over this arrest. This is wholly untrue.

**Ms Burton:** He was dead right.

**Mr. Kenny:** It was a good article.

**The Tánaiste:** Politics in this country has enough critics, but it does not need to be

damaged by people making vindictive attacks from within.

**Mr. J. O’Keeffe:** I stand over every word.

### Visit of Ivory Coast Delegation.

**An Leas-Cheann Comhairle:** Before proceeding with the Order of Business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer céad míle fáilte, a most sincere welcome, to a delegation of parliamentarians from the Ivory Coast. I express the confident hope that this visit will increase the co-operation and friendship that exists between our countries and that it will be to our mutual benefit.

### Order of Business (Resumed).

**Mr. Rabbitte:** If there is still time, Sir, I hope you might look favourably on a special notice question to pursue aspects of this matter with the Minister. He has now told us that he assented in the complaint being made.

**The Tánaiste:** That is not true. I did not assent to anything.

**A Deputy:** Are you a Minister or not?

**Mr. J. O’Keeffe:** It sounds like Pontius Pilate washing his hands to me.

*(Interruptions).*

**Mr. Durkan:** I seek your advice, a Leas-Cheann Comhairle. There has been a trend in recent times for Ministers to reply to parliamentary questions on areas over which they have responsibility, stating that they have no responsibility to the House. I put down a question on a matter last week—

**An Leas-Cheann Comhairle:** That is not a matter for the Order of Business.

**Mr. Durkan:** It is because it is about the way we conduct business in the House.

**An Leas-Cheann Comhairle:** That is a question about the disallowance of questions. It is not a matter for the Order of Business.

**Mr. Durkan:** There is no other method whereby this can be discharged.

**An Leas-Cheann Comhairle:** This is not a method either.

**Mr. Durkan:** One of my questions asked the Minister for Justice, Equality and Law Reform to indicate how he calculated the legal costs of the Mahon tribunal. I do not understand how that cannot be a matter for the Minister in the House, because he has spoken about it everywhere but

in the House. It is about time he accepted his responsibility.

I also wanted to ask the Minister for the Environment, Heritage and Local Government whether he would approve the funding for the various sewerage treatment schemes where there is serious pollution being caused to rivers and waterways. I got a reply from the Ceann Comhairle’s office stating that the Minister has no official responsibility to the House.

**An Leas-Cheann Comhairle:** This is not a matter for the Order of Business.

**Mr. Durkan:** The Minister has responsibility to the House. He funds the local authority. He provides every single penny of capital grants required for the local authority. I strongly object to this growing practice whereby Members of the House are excluded from the information which is then being fed to Government Deputies and candidates on the ground *ad libitum*.

**Mr. Costello:** Will the Minister allow time for a debate on the report adopted by the European Parliament on 14 February regarding extraordinary rendition?

In view of the upcoming rugby match in Croke Park, what is the Minister’s policing plan for the event? We all remember the shambles in O’Connell Street during the Love Ulster rally and the fact that there was no policing plan on that occasion. Does he have a plan A or plan B on this issue?

**An Leas-Cheann Comhairle:** This is not in order on the Order of Business.

**The Tánaiste:** As may be apparent from what I contributed earlier, I do not make policing plans. I do not plan who is or is not arrested.

**Mr. Costello:** The Minister did not even bring plans to the Cabinet.

**The Tánaiste:** The Whips can discuss whether there should be a debate on the issue of rendition. I do not think time will be available for a debate on the issue. The Deputy can raise the matter during Private Members’ time or on the Adjournment.

**Mr. D. Ahern:** We will take no lectures on human rights from stickies.

**Aengus Ó Snodaigh:** I am looking for advice on a number of Bills. Has work commenced on No. 63 on the Government’s legislative programme, which will allow the Director of Public Prosecutions to appeal against unduly lenient sentences? If so, how much progress has been made with it? When is it expected that the proposed family law and enforcement of fines Bills will be published? If the Bills will not be published in the near future, will the heads of the



[Aengus Ó Snodaigh.]

Bills be published soon? Has the Money Advice and Budgeting Service Bill 2007, which is replacing the Money Advice and Budgeting Service Bill 2002, been published? If not, when will it be published? The Government's legislative programme states that such a Bill will be introduced.

**The Tánaiste:** The Deputy will have to table a question for the Minister for Social and Family Affairs if he wants to get more information about the Minister's proposals for dealing with the Money Advice and Budgeting Service.

**Aengus Ó Snodaigh:** I did not ask about his proposals. I asked whether a new Bill has been published, as indicated in the Government's legislative programme. When will the replacement legislation be introduced?

**The Tánaiste:** The Deputy will have to ask the Minister how he is getting on with the replacement legislation, as I am not in a position to give details on the matter. While it is not possible to give the Deputy a date for the publication of the proposed enforcement of fines Bill, I can inform him that the Fines Bill 2007 has been ordered for Second Stage. The proposed family law Bill will be introduced later this year.

**An Leas-Cheann Comhairle:** That concludes the Order of Business.

**Mr. Kenny:** A Leas-Cheann Comhairle——

**An Leas-Cheann Comhairle:** We must proceed with the business of the day.

**Mr. Kenny:** Can I ask another question, a Leas-Cheann Comhairle?

**An Leas-Cheann Comhairle:** We must move on to the Health Bill 2006, which has to be passed by 1.30 p.m.

**Mr. Kenny:** I will be very brief. I would like to ask about the proposed referendum on child protection. As the leader of his party and the deputy leader of the Government, does the Tánaiste share the view on the referendum that has been expressed by various parties? There are no political difficulties or divisions in respect of the issues of absolute defence and soft information, which have been considered in detail by the committee. Does the Tánaiste think the obvious difficulties in that regard could be dealt with at an early date? Does he agree the issues of children's rights and welfare, which are the subject of confused or incomplete debate, could be dealt with at a later stage? Why are the two questions being rolled into one? As the leader of his party and the deputy leader of the Government, what is the Tánaiste's view on that? I ask him to comment on the matter.

**The Tánaiste:** As the leader of my party and a member of the Government, I agree with the position that has been adopted by the Taoiseach in relation to this matter. The terms of the proposed Bill, which have been circulated to the House, have been considered at length. The two aspects of this issue to which Deputy Kenny referred — the protection of children and the provisions relating to soft information — are worthwhile. The other provisions, which will allow children in long-term fostering to be adopted, for example, are also quite urgent. They have been talked about for longer than the outcome of the A case or the issue of soft information, which is of comparatively recent origin. At what stage should we decide that children in long-term fostering who may not be adopted are also a priority? I do not want to be argumentative with the House or with the Deputy, who has said there appears to be political confusion on this matter. I do not know where such confusion is arising. I have not heard from any of the Opposition parties any substantive objection to the provisions of this child protection amendment, about which they claim to be undecided. If the Opposition parties were to point out an aspect of this matter which could cause political difficulty or confusion, it would be a different matter. I ask every Member of the House, across all benches, to listen to the strong plea of the child care and protection organisations for us to pursue this agenda. They do not think we should split up this Bill, thereby delaying the implementation of protections for people in fosterage. They think we should do something decent to rescue such people from the limbo they are in.

**Mr. J. O'Keeffe:** They say it is more important to get it right than to rush it.

**Mr. English:** The Government has had five years to do something.

**The Tánaiste:** At what point will we feel there is a moral imperative to rescue such people from this situation?

**Mr. Durkan:** Why are we having just one question?

**Mr. Kenny:** Why not have two questions?

**Mr. Durkan:** The Tánaiste has gone silent again.

#### **Diseases of Animals Regulations: Referral to Joint Committee.**

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

That the proposal that Dáil Éireann resolves that section 17A (inserted by section 2(1) of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Ani-



imals Act 1966 (No. 6 of 1966) shall continue in force for the period ending on 8th March, 2008, be referred to the Joint Committee on Agriculture and Food, in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 8th March 2007, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

#### **Presentation of Estimates: Motion.**

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move:

That, notwithstanding Standing Order 152(1) or (2) of the Standing Orders of Dáil Éireann relative to public business, Revised Estimates for the Public Services for the year ending 31st December, 2007, be presented to the Dáil and circulated to members on 22nd February, 2007, being a date later than that prescribed for the presentation of Estimates and that the Revised Estimates be referred to Select Committees pursuant to Standing Order 152(3) and paragraph (1)(a)(ii) of each Committee's Orders of Reference and that each Committee report back to the Dáil by no later than 5th April, 2007.

Question put and agreed to.

#### **Health Bill 2006: Second Stage (Resumed).**

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

**Mr. Costello:** I welcome the Minister of State, Deputy Seán Power, to the House. I am glad to have an opportunity to speak on this legislation. The Health Bill 2006, which will establish the Health Information and Quality Authority and the office of the chief inspector of social services, will provide for a scheme of registration and inspection of residential services for older people, people with disabilities and children who need care and protection. It is hard to read this rather turgid 65-page Bill without thinking "so what". Why have all these provisions not already been made? Why are these offices not already in place? Why have we had to wait until the seventh year of the 21st century for someone to be appointed as the chief inspector of social services? We would have expected basic protections, such as the scheme of registration of residential services for older people, people with disabilities, people at risk and children in care, to have been put in place within the system long ago. The rights of these vulnerable people have never been properly protected by the State, despite the lip-service to "cherishing all of the children of the nation equally".

While the Bill before the House is welcome, it simply underlines the State's long-standing neglect of its duty to meet the basic entitlements of, and provide basic protections to, all its citizens. The legislation does not reach the heart of the matter — the malaise in our creaking and rudderless health service, which is drifting from crisis to crisis. We have to deal virtually every day with the nursing homes scandal and the ongoing accident and emergency crisis. The accident and emergency unit in Beaumont Hospital had to deal with record numbers this week. I am familiar with the waiting times in the Mater Hospital's accident and emergency department. No agreement can be reached on the location of the proposed national children's hospital. The entire system is rudderless and in a state of malaise. The lack of leadership at ground level is at the heart of this problem.

The insidious policy of creeping privatisation is espoused by the Progressive Democrats. The Minister for Health and Children, in particular, champions privatisation as a means of easing bottlenecks and streamlining the system. Fianna Fáil is tolerating this approach, obviously. The Labour Party has indicated that it will reverse this trend if it gets into office. The Minister, Deputy Harney, said during her first couple of weeks in office that she intended to conduct an audit of all the land owned by the Department of Health and Children. The Minister of State at the Department of Finance, Deputy Parlon, has been hawking land like a street trader buying and selling in the capital and putting prices up around the country in his decentralisation process. The Minister for Justice, Equality and Law Reform, Deputy McDowell, has been likewise hawking as much public land as he can. He has even sold his own offices in St. Stephen's Green for €52 million or €53 million and has moved into private rented accommodation which will cost the State an arm and a leg for the foreseeable future.

The first action taken by the Minister for Health and Children was to seek an audit of all health authority lands. She wished to identify lands that were surplus to need, *mar dheá*. This was then transposed into a policy of co-location of hospitals where the private sector would be allowed buy the land and build private hospitals with tax exemptions and reliefs. The private sector would operate these hospitals which would enjoy full access to the facilities and equipment in the public hospitals on the co-located site.

As I understand, there will be a private 80 or 90-bed unit constructed on public lands at Beaumont Hospital and this private for-profit health enterprise will have access to all the facilities in the public hospital. This operation will be replicated all over the country through the Minister's policy of providing a two-tier health system on the spurious grounds of creating 1,000 extra private beds and taking the same number of private beds out of the public hospitals. There is no guarantee whatsoever that the private beds in

[Mr. Costello.]

public hospitals will go. I challenge the Minister to give the House such a guarantee in her response to this Second Stage debate. We could have the worst of both worlds, where private hospitals will continue because of the squatter principle held by the consultants. We are all familiar with the history of Beaumont Hospital which was kept closed for four years because the consultants insisted there was no way they would work in Beaumont Hospital unless they were given their private beds. They would not tolerate a system of being employed to work in the public sector. They insisted that Beaumont Hospital could not open unless they were given their private beds and so the hospital was closed for four years. I do not think the consultants who have the existing private beds will run away from that cash cow. I can see these new private hospitals co-located in public grounds will be operating to their own dispensation but with access to the public operating theatres and facilities in the adjacent hospital. The Minister must clarify to the House how she will ensure that the 1,000 private beds already in the public hospital system will be dispensed with and how such beds will revert to public use.

If more proof was needed of the creeping privatisation of the health system, I can easily point to significant indicators. One third of all cataract operations in the Royal Victoria Eye and Ear Hospital are now being conducted through the National Treatment Purchase Fund, even though there are 12 consultants working in that hospital who could easily perform this surgery. They are not performing surgery because of the insufficient number of beds for elective surgery in the hospital. A total of 4,000 children are waiting for eye consultations in the Rathdown clinic in my constituency. Two ophthalmologists would solve the problem but the HSE is prepared to leave the children waiting for more than two years without treatment rather than make these appointments. This issue has been brought to the attention of the HSE on a number of occasions by the medical staff in Temple Street Hospital. Children with eye problems on the waiting list are in limbo and will not be dealt with because two additional ophthalmologists will not be appointed to carry out the required work. It is the old system of keeping them waiting for the private sector to deal with the problem.

The new phenomenon is that casualty patients are now occupying elective beds and this is not a progressive phenomenon. An astonishing 20% of hospital work is now elective while 80% is casualty. There are not enough beds in the system but the Minister will not supply them to the public hospitals and this is the reason the Minister's ten point plan for accident and emergency departments has not worked. This is the reason there is no solution to the problem for the foreseeable future but we will eventually reap the whirlwind because there has to be a domino effect. The

public system will deteriorate as it is increasingly starved of resources and morale will reach rock bottom. We will end up with a two-tier system. Even the Minister has acknowledged that more people are opting for private treatment. The public sector has been deliberately run down with the result that waiting lists and accident and emergency departments are driving patients out, as are the fears about MRSA. Both the morale in the system and its nuts and bolts must be taken into account.

The accident and emergency departments of hospitals are in a deplorable condition. The HSE figures are inaccurate regarding the daily number of patients waiting in the accident and emergency units for treatment beds as the figures refer only to patients who have been seen by a doctor and are to be admitted. These figures do not reflect the numbers of people who are waiting many hours to be seen and who are discharged without admission.

Last Saturday week I visited the accident and emergency department in the Mater Hospital. It was crowded. I spoke to one elderly man from Glasnevin who had fallen down the stairs in his home the previous Saturday. He had damaged his back and fractured his arm. He sat uncomfortably in a chair in which he had been for a full week. He had a week's stubble on his face and his arm in a sling. He had not had a shower in that week. He did not know if or when he would get a bed or a trolley or whether he would eventually be sent home after a week in a chair. This is not right and it can never be right. It is an undermining of human dignity. It has nothing to do with medicine but everything to do with dignity and how we treat our people who are ill or elderly.

The Minister and her predecessors have signally failed to provide a service which respects human dignity and which is efficient. More beds, better management and state-of-the-art casualty departments are essential to smooth the interface between the patient and the hospital service. This is not the ultimate goal of a world class health service——

**Mr. Calley:** What about Smithfield?

**Mr. Costello:** ——but it is the minimum requirement for human dignity.

**Acting Chairman (Mr. Carey):** Deputy Calley should allow Deputy Costello to continue.

**Mr. Costello:** It is high time that primary care is put in the system. It has taken ten years to see any element of primary care and it is coming in dribs and drabs.

**Mr. Calley:** I am not referring to primary care.

**Acting Chairman:** Deputy Costello without interruption.

**Mr. Callely:** Deputy Costello does not know what I am talking about. It is in his own area.

**Mr. Costello:** Most of the time I do not know what the Deputy is talking about.

**Mr. Callely:** It is in his own area. He should know about it.

**Acting Chairman:** I ask both Deputies to allow the Deputy who is contributing.

**Mr. Callely:** It is a shame.

**Acting Chairman:** Deputy Callely will have time to speak to a few minutes.

**Mr. Costello:** The issue of the children's hospital has been a bone of contention. The overdue decision to refurbish Temple Street Hospital and to place it on the site alongside the Mater Hospital has now been extended to be a plan for a world class national children's hospital. Anybody visiting Temple Street Hospital would deplore the fact that it has taken more than a quarter of a century to deal with the Dickensian conditions there.

Whether the site is adequate is a non-issue because this question had been examined by the task force established following the Mackenzie report, which decided the site was adequate for the purpose. If further expansion is required, there is a 20-acre site across the road which is currently occupied by Mountjoy Prison and the prison Garda station. The Minister for Justice, Equality and Law Reform has indicated long and loud he will close both facilities so there should be no difficulty in getting a certain amount of space from that site, which is literally across the road from the Mater Hospital. For the long term, considerable space is available.

Third, access is not an easy matter anywhere in this country or city due to the extraordinary congestion and traffic problems. However, there is a proposal for one of the metro stops to be located on the grounds of the Mater Hospital. It will be serviced with state-of-the-art public transport and is adjacent to both Connolly and Heuston stations, as well as being convenient for the North Circular Road and the Luas line coming from O'Connell Street.

For all these reasons, it is a desirable site. I firmly believe the project should proceed as expeditiously as possible. I would like it to be completed without further rancour, debate or controversy.

**Mr. Carty:** I wish to share time with Deputy Callely.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Carty:** I welcome the opportunity to speak on the Bill which continues the health reform

programme begun by the then Minister for Health and Children, Deputy Martin, in 2003, and carried on by the Minister, Deputy Harney, since she took over the Department of Health and Children in 2004.

A central priority of the health reform programme is to deliver high quality services based on evidence-supported best practice. The Health Information and Quality Authority is the means by which this objective will be achieved. The functions of HIQA will be as follows: setting and monitoring standards, safety and quality in health and personal social services provided by the Health Service Executive or on its behalf; advising the Minister and the HSE on the level of compliance with those standards; carrying out reviews to ensure the best outcomes for resources available to the HSE; carrying out assessments of health technologies, evaluating information on health and social services and the health and welfare of the population; advising the Minister and the HSE on deficiencies identified; setting information standards and monitoring those standards; and undertaking investigations as to the safety, quality and standard of services where the Minister believes there is serious risk to the health or welfare of a person receiving services.

We all know health information is a valuable resource. Many advances in health and health care during the past two centuries have depended on the increasing availability and application of useful health information. Discoveries in genetics and breakthroughs in bioengineering, health informatics and other fields are likely to transform our information base and provide more effective means to protect health, combat chronic disease and plan and deliver health care. Information is generated at such a pace there is a serious risk of information gaps opening up between the public, clients-patients, professionals, planners, policy makers and the research community. Keeping abreast of new information and applying it on a daily basis will remain an ongoing challenge. The national health information strategy will support the achievements of the vision, goals and objectives set out in the health service reform programme by ensuring health information becomes more readily available and appropriately used throughout the sector. HIQA will play a pivotal role in the implementation of the strategy. The potential of modern information and communications technology will be exploited to help health professionals provide safer and more integrated care to their clients-patients and to achieve value for money.

At its core, the strategy is about fostering a change of culture with respect to the development and application of health information at all levels. In the hands of people with the expertise and incentive to use it, data which is defined and understood in a shared way is transformed into information. This information, set in the context of previous action, becomes evidence, and evi-



[Mr. Carty.]

dence that is analysed and researched becomes knowledge. The potential of applied health information to transform all aspects of health care delivery and to effect major improvements in population health is clear and, with consistent effort, attainable. The implementation of this strategy will contribute in a very significant and fundamental way towards achieving that goal.

HIQA will play a crucial role in promoting delivery of the highest quality and most efficient health services to people in every part of the country. The Bill also establishes the office of the chief inspector of social services within HIQA, with specific statutory functions. The chief inspector will be responsible for inspecting residential services for children in need of care and protection, people with disabilities and older people, including in private nursing homes. Inspections will be carried out against standards set by HIQA and regulations made by the Minister. The chief inspector will also be responsible for registering these residential services, inspecting special care units and monitoring the delivery by the HSE of foster care services, the scheme for boarding out of older people and the HSE's preschool inspection system.

I was delighted the Minister assured the House that the preparatory work has been carried out by the interim HIQA so that, as soon as this Bill is enacted, it will be ready to use its powers. It is reassuring to know that very soon there will be a fully independent inspectorate for all nursing homes for older people, public and private, as well as centres for people with disabilities and for children.

It is vital HIQA has strong powers. It will set national standards and the chief inspector will inspect residential facilities against these standards. Where necessary, the Bill provides for action to be taken quickly to protect health service users. It also includes provisions for the urgent closure of centres. No longer will there be any issue about the legal capacity to urgently shut down a nursing home or residential care centre that is clearly failing in its duties and obligations.

There is no doubt a rigorous and robust inspection system is being set in place. Centres will be inspected against standards set by HIQA and regulations made by the Minister. The chief inspector of social services will have extensive powers in carrying out inspections and may enter a centre, examine any records, take copies of documents and inspect and remove other relevant items. The chief inspector can also interview staff in private and interview residents. Residential centres may not operate unless they have been registered by the chief inspector and it will be an offence to operate without registration. A centre must be in compliance with the conditions of its registration. Registration details will be available to the public on the Internet. The chief inspector can cancel a registration if the residential centre fails to meet standards. An urgent can-

cellation of registration can be sought by the chief inspector from the District Court if the chief inspector believes there is a risk to the life or a serious risk to the health or welfare of people resident in a centre.

I welcome the Minister's pledge to set up a commission on patient safety and quality assurance to examine and make recommendations on a system of licensing for all public and private providers of health care, which includes public, private and voluntary hospitals. It is the direction we must take to give patients the greatest possible assurances of safety and quality care.

I am certain HIQA will bring efficiency, quality and effectiveness to the health sector to inform and assist decision-making at all levels — national, local and individual. It will be a guarantor for the public and taxpayers that the highest and toughest standards of safety and systems are in force in our health services and that value for money in the delivery of health and personal social services is guaranteed.

**Mr. Callely:** I welcome the opportunity to participate in the debate on the Health Bill. I have expressed my concerns previously about inconsistencies in standards in long-stay institutions throughout the regions. Therefore, I welcome the establishment of an authority that creates a registration and inspection system for residential services for children, people with a disability and older people in need of care and protection.

We must leave until another day the debate on the issues of a reporting structure and how Members will be able to debate and get information on the separate authorities and inspectorates that will be established. I welcome the fact that we are establishing a registration and inspection system, but I am not satisfied this should be the end of it because when we establish such systems, we are inclined to lose the connection we need to tease out issues related to the authority or service. That debate is for another day.

I am not sure all Members or the public were fully aware of the registration and inspection system we had in place or that they are aware of the new system that will now operate. I welcome the registration and inspection requirements that will apply equally to all providers of residential care centres.

The main objective of the Bill is to provide for the establishment of the Health Information and Quality Authority, HIQA, and the Office of Chief Inspector of Social Services within that authority. In reading the Bill and the explanatory memorandum, I like to think all the i's have been dotted and all the t's have been crossed. That is not my area of expertise and I trust those charged with that responsibility have ensured this is so. It seems, however, the Minister is doing her best to ensure a rigorous and robust registration and inspection system will be in place and that the relevant authority will have extensive powers to carry out its functions.

One might think the reason the Bill is before the House is because it is responding to a small number of cases given significant public attention. It is not; the picture is bigger. Thousands of people receive professional and caring services from both public and private service providers, but a difference has existed between the application of regulations in the different services.

I support the Bill as it sets good and fair standards across all providers of services. In fairness, the Bill could not be introduced or implemented in the past as some of the statutory providers might not have been able to meet the new standards. While private service providers had a system in place, there were inconsistencies. However, the House should acknowledge the dedicated and committed people involved in the provision of long-stay accommodation across the public and private area. These people have provided TLC to people in need 24 hours a day, 365 days a year.

I pay tribute to and congratulate all those involved in the provision of long-term care to people in need of such care. The welfare and happiness of children, people with a disability and older people in need of long-stay accommodation is paramount and a reflection on us as a nation. It is only right that the public should have confidence in the provision of service and that there should be no difference in the quality of care in public, private or regional services as in the past.

The new registration and inspection system meets the best international norms. I always like to set higher standards and feel we should go a bar higher. As a nation, we have the ability to set new best international standards. God knows we need change. If this truth is not recognised, all the restructuring, reform and sophisticated specialisation will be of little benefit.

As the population increases — our population is estimated to reach 7 million by 2021 — there will be greater demand for long-stay accommodation. It is only right, therefore, that all service providers will be required to meet quality standards and there will be open and transparent monitored enforcement of standards.

Other speakers raised the issue of acute hospital services. I have the height of regard for Deputy Costello, but I am disappointed that he seemed to cherry-pick certain issues relating to accident and emergency services. I can relate to what he said, but I am surprised he would not give credit to some of the success stories in our services. When I mentioned Smithfield, the Deputy seemed to be at a loss and started talking about primary care. He does not seem to know what is happening in Smithfield, which is in the heart of his constituency. What is happening there will have a significant impact and has already had an impact with regard to those who attend the Mater Hospital to which he referred. I suggest Deputy Costello should visit St. Mary's rapid access facility and see what is happening in Smithfield. I would like him to come back to the

House when he has done so to say what he thinks of that service.

I am aware the leader of the Opposition, Deputy Kenny, is desperately trying to gain political support and yesterday on the Order of Business he raised the issues of the accident and emergency department at Beaumont Hospital, St. Joseph's Hospital and St. Mary's Hospital. Regretfully, as is normal with Deputy Kenny, he got it all wrong. That is no surprise. He is dedicated to too much comment on his incorrect diagnosis and not enough on a proposed solution to problems in the services. I am not alone in saying this; it is being said on the ground and the Fine Gael Party knows that is the case.

I have a great knowledge and understanding of the services emanating from Beaumont, St. Joseph's and St. Mary's hospitals. I have worked with these authorities along with other service providers in the area to enhance and develop services. I salute all the personnel in these hospitals, who provide tremendous care and give of their best in the delivery of services.

Beaumont Hospital undertakes tremendous work as part of its regional and national specialty. Just as Deputy Kenny challenged people on the Government side of the House, I challenge him to come with me and visit the neuro-surgery ward at Beaumont Hospital to see the good work being carried out there. He should also visit all the other wards in the hospital to meet the dedicated personnel, in particular, a geriatrician named Dr. Ciaran Donegan who is doing extraordinary work.

I agree, that like busy stations, Beaumont Hospital has some pressure points that are a source of concern. There is a bottleneck in accident and emergency departments and I am concerned about delays in the accident and emergency department. Like Deputy Costello, I share the concern about the figures being presented to us by the HSE. I stated previously on the public record that the jury is out in the case of the HSE.

I concur with what Deputy Costello stated about the figures being presented. I know well their source, Ms Helen Stokes, because I worked with her, but I do not know who is asking her to provide the figures as they are being presented. Figures in my possession indicate that on 10 January eight out of the 33 accident and emergency departments — 24% — had nobody waiting for admission and 16 out of 33 accident and emergency departments — 48% — had nobody waiting, and that, as late as 21 February, eight out of 34 accident and emergency departments — 23% — had nobody waiting for admission and 15 out of 34 accident and emergency departments — 44% — had nobody waiting, and then one sees a phrase, "from the time they had been referred by the accident and emergency team for admission", under the latter figures which gives the distorted picture on which I concur with Deputy Costello.

What surprises me is this. When I was in the Department of Health and Children I initiated



[Mr. Callely.]

the Rapid Access Clinic, which avoids entry through accident and emergency. It has proved so successful that the Department is now providing special funding to set up a new centre in Smithfield, not alone to accommodate the Mater Misericordiae Hospital's accident and emergency department but also Beaumont Hospital's accident and emergency department. Deputies Kenny and Costello do not seem to understand this. They are looking at their own political, general election orientated diagnosis of a situation, but there is much good work taking place.

Deputy Kenny got the geography of St. Joseph's incorrect. I am delighted that I, when in the Department, allocated the first funding to St. Joseph's for a special rehabilitation unit for stroke patients, which heretofore we had not got in the services.

**Acting Chairman:** Deputy Callely should conclude.

**Mr. Callely:** If one looks at the bigger picture, we have seen a tremendous development of services for cardiac care and heart and lung transplant. It is regrettable that I am out of time. I acknowledge the Bill is of some worthy benefit and there is much good work being done, but I also acknowledge that there is a great deal more to be done.

**Mr. English:** I am sure Deputy Callely, like everybody, would like to expand his local hospital, but I will bring him to my hospital where he can see what happens there under the same Government. Yesterday Deputy Kenny tried to raise facts about what he saw on his visit. We all know much good work goes on in all our hospitals, and especially in Beaumont Hospital, but it is his duty, as an Opposition Deputy, to raise issues that are not satisfactory. He will continue to do that and Fine Gael will always do so until we get the chance to fix them. One should not pull him down for doing so. That is his duty and he is doing a good job. If it touches a nerve, that is the Government's problem.

**Mr. Callely:** Give us the solution.

**Mr. English:** My party has plenty of solutions. Deputy Twomey has an endless number of solutions.

**Mr. Callely:** He has no solution.

**Acting Chairman:** I ask that Deputies stop interrupting each other and Deputy English proceed without interruption.

**Mr. English:** I point out that Deputy Callely mentioned some solutions he himself put in place, which are impressive and which have been used in other hospitals around the country. My diffi-

culty is when something good works in one place they do not try it everywhere else, and this is a matter which we should examine throughout the Department. There are some initiatives working in various hospitals that would work quite well in my local hospitals as well, if they were given the money to implement them or made a priority. There are solutions arising from both sides of the House, but we need to get them into every hospital. Certainly, I cannot stand here and accept that an Opposition Leader cannot raise issues that are obvious to the eye.

Deputy Callely mentioned Beaumont Hospital and other speakers mentioned other hospitals. Many clients in my area in County Meath who must attend neurologists, surgeons and other consultants in Beaumont Hospital could have to wait a year and a half to get an appointment. That is somebody's fault and it needs to be fixed. I acknowledge excellent work is done when one gets to the relevant person but a year and a half is a long time to wait to get an appointment.

**Mr. Callely:** Where does the fault lie?

**Mr. English:** We will go into that here. We get successive announcements from the Minister for Health and Children, Deputy Harney, that waiting lists have been shortened, and yet the waiting lists to get on the waiting lists have lengthened. The National Treatment Purchase Fund was a great initiative. I accept that it solves a problem within a couple of months for a person whereas years ago that was not the case, but it is no good massaging the figures creating a long queue of people on waiting lists to get on the waiting lists, which happens in the case of all the hospitals in my area, the figures for which I will get if they are sought. That does not help. Deputy Callely mentioned Ms Stokes and I receive her replies to parliamentary questions as well. We must get honest information and have a proper debate on it. One must not try to massage the figures because that does not help patient safety at all.

The Bill falls well short of the protection for patients we in Fine Gael and Labour want to provide and our document published a number of months ago highlighted clearly what we want to do. While I can go through this step-by-step if need be, I suggest Deputies read it so I may go on to other matters. It is clearly stated there, however, that we want to go a step further.

It is a pity the Minister would not take on board some of our initiatives and just accept them. It is the same old story here. Good ideas get put to one side due to politics and people continue to suffer. I am sure it has happened in the past and it is not all one-sided, but it should not happen. When something is good, we should agree, implement and accept it. Deputy Twomey, along with his colleagues in Labour, produced a good policy on patient safety and a patient safety authority. It contained much which was good which could have been improved, but yet this Bill

comes far short of it. That, in itself, is a disappointment. We will push to get improvements in that area.

The Minister is already speaking of introducing amendments to the Bill on Committee Stage to provide for whistleblowers. Such a provision, which must be introduced as an amendment, should be a given in a Bill on patient safety.

The health service is covered by a veil of secrecy dating back many years. The walls hear and one cannot speak. I have worked in it and I know what it is like. People are afraid to open their mouths in case someone next door, through a ten-foot wall, will hear them. That is the extent of the fear in the health service and it still exists among staff. They are afraid to open their mouths when they see problems, they are afraid to speak and they are afraid to question and consult. That has not changed yet under the HSE. I assume it will and hope it does. I assume and hope Professor Drumm will drive changes. I have spoken to him about it.

However, this issue still arises. One can state that maybe it arises only in my area, but I know it arises and it must be sorted out. If people who work for the State see a problem or have a question or a better idea, they should not be afraid to open their mouths and doing so should not result in difficulties down the line. That, in itself, is a form of bullying. The Minister of State, Deputy Brian Lenihan, is looking at me as if I were speaking nonsense. I am not. It is a fact and we need to sort it out. Whistleblower legislation is certainly an essential ingredient in sorting that out.

**Mr. B. Lenihan:** I do not think he is speaking nonsense.

**Mr. English:** Good. I do not blame a particular Government for the veil to which I refer, but we must admit it exists and sort it out. A Bill like this is a way to tackle that and to legislate to protect whistleblowers and those who want only to have everyday conversations never mind whistleblow on a serious matter. There is that feeling among staff in the health services that they cannot speak out and get involved. That is a pity because we need to hear everyone on these issues.

The people in the health service must realise their job is to help people provide a service, not to block access to a service or create issues to prevent a person from getting the help and service he or she needs which also happens. Often there are good staff in the wrong positions and bad staff as their bosses, and that needs to be sorted out. There is much expertise and many excellent staff among the health services who are not being used to their full ability. It is a shame and people will suffer as a result. There is a need for a root and branch review of everyone's position in the health service, which I thought would happen under the HSE but which has not happened. Instead, there have been more layers of

bureaucracy and red tape. Eventually, maybe this will lead to a result. In some areas it has already, but in many cases it has not. I accept that such change takes time but we need to drive it much faster in some areas.

In her speech the Minister spoke of the importance of bringing the Dáil back early for this legislation. The Dáil was rushed back in January to discuss this Bill. A Bill like this probably would not even get on to the third or fourth page of a national newspaper in another country because issues like this authority and other patients' rights would be accepted as a given and would not even need to be discussed, but due to all the scandals and bad news over the past few years in this country it must be discussed and this necessitated calling the Dáil back early to debate it.

Despite all the Minister's hype about bringing the Dáil back early a month ago to discuss this Bill, we are still here discussing it. It was off the agenda, then it came back on the agenda for two weeks and we did not get to it, and here we are a month later discussing an urgent Bill. We had proof last night of what can be done if something is urgent. If this was so urgent and at the centre of the Minister's heart, why are we still here a month later discussing it?

In her speech the Minister stated that step by step, in the reform programme and legislation, we are leaving behind the old system. As I mentioned earlier, I am not convinced we have left behind the old system and in some cases it is a matter of step by step in reverse. Efforts to achieve accountability are going backwards. We can no longer obtain answers in a few days regarding the problem of a client — doing so can now take months. It can take and has taken three or four months to obtain figures on waiting lists. We are going backwards in terms of accountability and responsibility for the health service. The Minister seems to have put the problem to one side. Responsibility for every second parliamentary question on the health service, if not more, is passed to the HSE.

The Minister stated we are leaving behind the old system in which vital information on health was not gathered comprehensively, and in which the assessment of new technologies and new drugs was not done clearly and systematically to serve the interests of patients and taxpayers alike. Let me hone in on new drugs. There has never been a full debate on methadone in this House. I have tried to obtain information on it left, right and centre, but it is very hard. The buck is being passed between the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, and the Minister for Health and Children, Deputy Harney. Nobody will make a decision on it. The State is spending vast sums on methadone without debating fully whether it is the best product and examining fully other drugs and initiatives in other countries. We are not trying to take people off methadone and not doing so can be serious. Doctors are prescrib-

[Mr. English.]

ing it to get patients off heroin, which is a step in the right direction, but patients should not remain on it. There are thousands of people taking methadone with no date specified on which they are to stop taking it. This incurs a high cost and a better approach could be taken.

The Minister listed all the changes she is making and the initiatives she has implemented. It seems she operates a system used in business called “just in time” in that she seems to implement many initiatives just in time for the election. It is a shame because I believed she would do a lot more for the health service.

One function of the Health Information and Quality Authority is to set down standards on safety and quality for all services. What will happen if those standards are broken? It is not clear in the Bill. Will the authority set down further standards regarding the delivery of services?

If an elderly person needs an assessment to have his house adapted, enter a nursing home, obtain treatment or receive a visit from a consultant, he will be put on an endless waiting list and may have to wait from one to 15 months. At no stage is a red flag waved to indicate this period is too long. It is waved in respect of the national treatment purchase scheme but in other areas one could have to wait a long time just to be assessed or obtain information or an appointment. A standard should be set down to ensure the existence of a set waiting time. If a patient must wait beyond two months to see a consultant, a red flag should be waved and the HSE should step in and provide the service in another way, be it privately or otherwise. We must have standards and patients need to know what is in line for them.

The Health Information and Quality Authority will be able to carry out reviews to ensure best outcomes and value for money for the resources available to the HSE. What powers will the authority have in this regard? If the reviews highlight a problem, what action will be taken? Will another report sit on someone's desk or will it be forwarded to the Minister? Will the authority demand action on foot of the information it gathers for its reviews? There is no point in reviews if they do not achieve anything.

The authority is to evaluate information available on services provided by the HSE and other service providers and on the health and welfare of the population, identify information deficiencies and advise the HSE and the Minister accordingly. It should advise the public and not just the HSE and Minister. A body produced a document before the Christmas holidays on the future of Irish in schools. Neither I nor the public has seen it because it is with the Minister. If we are to have an authority to prioritise patient safety, it should surely make its advice available to the public first, or at least at the same time as it is received by the HSE and Minister. It should not be handed over on the quiet in a little document to be read

by someone when he or she has time to do so. This defeats the purpose.

The chief inspector will have the power to operate and register the various centres. The Minister stated registration details will be available to the public on the Internet. Not everybody has access to the Internet although we wish they did. Ministers have a habit of talking about the Internet, but retirement groups, Active Age members and representatives of the Older and Bolder campaign tell us at their meetings that not everybody can use it. We must therefore make registration details available from other sources, be it in hospitals or HSE buildings. It is not satisfactory that the Minister's speech refers to making information available on the Internet and nowhere else.

Under section 50, the chief inspector can cancel a registration, vary a condition of registration or impose new conditions. Will the legislation leave the cancellation of registration straightforward? I am not convinced it will. Will there still be a grey area that will not be addressed for a long time? I want this clarified because it is important.

Hospitals, nursing homes and health and social service departments can best be described as places where patients go to receive care and get better. They trust the system to keep them safe, look after them and make them feel and get better. Sadly, this does not happen in this country. The trust has been abused and patients have been let down, albeit only in certain places. This is why we are debating this Bill. Thanks to my colleague, Deputy O'Dowd, this matter has been highlighted in recent years. It is a case of “recent years” rather than “recent weeks”, yet nothing has been done. In some cases, it is question of too little, too late, but at least we are moving on.

The needless death of Monaghan man Pat Joe Walsh from a curable ulcer occurred because of the apparent lack of a bed in neighbouring hospitals. While hindsight will not bring him back, sadly, it proves that several hospitals were available. Pat Joe Walsh and countless others like him should not have died, yet they did. The question of why is still unanswered and many people from Monaghan and others with similar tales are still asking it. Will the authority prevent needless deaths, protect patients' rights and make information available? Patients are not being looked after and do not feel safe.

MRSA and other superbugs such as the winter vomiting bug have infested hospital wards, striking fear into vulnerable young people and cherished elderly, who believe a routine hospital stay may result in their acquiring a more serious and vicious illness than they already have. This is certainly not right or fair and should not be acceptable in 21st-century hospitals. However, it seems to be acceptable because not enough is being done to stamp it out. Getting rid of MRSA is not rocket science. There are some simple and complicated solutions and we could certainly make a



real effort to implement them. The authority has a role in ensuring MRSA is stamped out.

The MRSA problem has been neglected in recent years and has not been solved quickly enough. Announcements were made to the effect that money is being spent on it, but there is no real effort to stamp it out. We published a Bill on the matter and launched an initiative but we have been debating it for months. For a start, a person responsible for overseeing cleaning should be put in charge in each ward. This is the number-one requirement.

Many hospitals and health centres have contract cleaners who clean other buildings on certain days of the week. They are not specially trained to clean hospitals and theatres and therefore do not clean to the high standard required. We should address this. Years ago, there were in-house cleaners who worked with the nurses, thus keeping the hospitals clean. In some cases, extreme measures were taken, nevertheless we must ensure that professional people who know exactly what they are doing are put in charge. Their expertise should be in the area of cleaning hospitals and hospital equipment. This is very important.

The Teamwork report sets out the future of services in the north east. It is a worthy document in its own right and has much good content. It indicates where we want to go and I and my party fully support it. It recommends building a brand new regional hospital to serve the north-east region and this makes total sense. However, at best, this will not be built for seven or eight years and will probably take ten to 15. The document specifies a target of approximately ten years. The authors of the report, which has been accepted by the Government and HSE and which is being enforced, recommended a reduction of services in many of our hospitals. One of the short-term aims of the report is to remove the emergency surgery facility from Our Lady's Hospital in Navan, County Meath. This has effectively been done but nothing better has been put in its place. Patients have been diverted from Navan Hospital to Our Lady of Lourdes Hospital in Drogheda, which is under unbelievable pressure and cannot cope. This Bill provides for patients' rights and protections, yet the patients will be put in danger because services are being withdrawn from existing hospitals in Navan and elsewhere before a new and better facility can be built. That is a disgrace and will result in people's deaths. The Minister of State has visited Enfield to open creches, so he is probably aware that it is a long journey from there or Ballivor to Drogheda.

**Mr. B. Lenihan:** My constituency is adjacent to County Meath, so I am very familiar with the area.

**Mr. English:** The Minister of State therefore understands that the roads in County Meath are not as good as those of other counties and that

people have a long way to travel in an emergency. We are all aware of the need for crash or heart attack victims to be treated in a hospital within the golden hour. I acknowledge that plans have been made to introduce modern technology and additional paramedic staff in the north east but these facilities are not currently available, so it would be wrong to withdraw surgical services from Navan Hospital. A reduction in services certainly would not protect patients.

However, nobody has met the people of County Meath to discuss the issue properly. We are told in meeting after meeting that surgical services in Navan were not adequate but the answer seems to be to withdraw the services rather than propose ways of improving them. The real solution involves providing additional staff and resources so that the hospital has a proper surgical department which serves the needs of the area. Ten years is a long time to wait for a new hospital, especially when the existing services have already suffered from ten years of neglect. The last time proper capital investment was made in Navan Hospital was under the rainbow Government. The accident and emergency department has been housed in a portakabin for the past 30 years.

The report, which is supposed to set out the future of health services in the north east, recommends a reduction in the services provided at the hospital. That does not appear to be patient centred. I have asked Professor Drumm, who says he would be happy to debate his ideas for the health service with anybody, to explain his intentions to the people of the north east because we do not believe him. The hospital has been neglected for years and we hear daily announcements that services are to be withdrawn. The laboratory service has been reduced, with the result that blood samples and other material are sent at great expense to the UK for assessment.

I ask that the Government engages with the people of the north east rather than lecture us. Few people in County Meath are trained to Professor Drumm's level but we know what we want and need. It is up to the Minister for Health and Children and the professor to tell us we are getting a better service or else to admit that our existing services are being withdrawn.

**Mr. O'Connor:** I would have been happy to share my time with Deputy English because he was speaking well. I had presumed he was a small child when his party was last in office.

**Mr. English:** I was never small.

**Mr. O'Connor:** I do not want to upset him further when I say a visitor to my packed clinic in Tallaght last Saturday had an address in Navan. The person apparently heard I was good, so had come to see me.

**Mr. English:** I am sure the person had a health problem.

**Mr. O'Connor:** Funnily, that was not the case. Deputy English mentioned Navan several times, so I hope I will be permitted to make at least one mention of Tallaght.

**Mr. English:** There was logic to my argument. County Meath is being neglected.

**Mr. O'Connor:** The Health Bill 2006 is a central element of the health service reform programme. The Bill provides for the establishment of the Health Information and Quality Authority and the Office of the Chief Inspector of Social Services with specific statutory functions.

I always welcome the presence of the Minister of State, Deputy Brian Lenihan, and I look forward to seeing him in Tallaght tomorrow, when he will accompany the Taoiseach to An Cosán in Jobstown to formally launch the childhood development initiative and a place for children in west Tallaght. The project in west Tallaght, the young Ballymun project and the northside partnership project were invited by the Minister of State to submit proposals for funding. He has recently confirmed that the Tallaght application was successful and that a service level agreement has been reached. In the context of this discussion on health, it is important that we welcome initiatives on caring for children.

Yesterday, the Taoiseach, the Tánaiste and the Minister for Social and Family Affairs announced a initiative by the Government on social inclusion. The area the Minister of State will visit tomorrow has benefited significantly from the enlightened approach in recent times to social inclusion. I am in this House as the successor to the long-serving Tallaght-based Deputy, Chris Flood, who as a Minister for State pursued the goal of social inclusion. I am glad that I have been able to take up the torch in that regard.

I cannot engage in debate on any health matter without referring to Tallaght Hospital and the challenges it faces. I always speak positively about that hospital and health matters generally in the Tallaght area. I bring my own life experiences to my political work, including the health scare I experienced when I had a mild heart attack eight years ago. We can criticise hospital services but I am proof of the positive effects hospitals can have. I must give credit for my recovery to the cardiac rehabilitation staff in Tallaght, who convinced me, when I was not sure, that I should run for election.

I became a member of the Eastern Health Board in 1994 and was the founder chairman of the South-Western Area Health Board. I listened carefully to the issues raised this morning by Deputy Callely, who was also a former health board chairman. The experience I gained from my time on the health board in terms of visiting hospitals, nursing homes and other institutions

throughout the eastern region gave me a clear insight into the health system. I am not afraid to admit that I questioned the abolition of a system in which visiting committees and public representatives had regular opportunities to visit hospitals. I do not want to be disloyal with regard to decisions made by the Government but I believe processes should be in place which allow accountability to be challenged and health institutions to be visited. Given the issues that have arisen in recent times, it is important that we understand the need for accountability.

The Minister of State at the Department of Health and Children, Deputy Tim O'Malley, is aware of my particular interest in the issues that come within his remit. I congratulate him in this regard. Within the context of today's debate, it is important he should understand the concerns of Members in respect of establishments and institutions.

I have often visited homes and other residences. I have told the Minister of State a number of times that several weeks ago, I visited the Central Mental Hospital in Dundrum with other colleagues. While this was not my first visit, it was a profound experience and such occasions are challenging. One is anxious that those who may be a danger to themselves or to others should have secure accommodation. At the same time, issues are often raised during such visits and some were raised with the delegation. It was organised by Newstalk 106 arising from a discussion that was broadcast one night. I was accompanied by Deputy McManus of the Labour Party and Dr. James Reilly from north Dublin, who is a former member of the health board and has a background in the Irish Medical Organisation and we saw things that worried us. The Minister of State, Deputy Tim O'Malley, has taken a particular interest in this subject and I am aware he is considering the challenges facing institutions such as the Central Mental Hospital. It is important for him to so do and that Members are not afraid to raise such matters.

There has been much recent talk on hospital services. This important issue was raised during Leaders' Questions last Tuesday and again yesterday, when I had the opportunity to refer to it. I will not comment on who goes to what hospital on guided tours except to state that many Members, particularly those on the Opposition benches, are suddenly talking about the general election. I will not lose my focus. As far as I am concerned, unless the Taoiseach decides otherwise, no election is imminent. He made that point last Tuesday. Until a few years ago the Taoiseach of the day called the election, after which all the candidates were selected. I was selected two years ago, which is different. Previously however, candidates would knock on doors for three weeks. At present, Members are in the midst of the longest-ever election campaign in the history of the State. It has certainly been the longest of my lifetime. This has created a false atmosphere and I



presume Opposition Members have been given a script because they are all mentioning it.

**Mr. English:** There is no script. Members on the Opposition use their brains.

**Mr. O'Connor:** I believe someone suggested all Government initiatives should be responded to by claiming they are related to the election. Regardless of whether it is good or bad news, it must pertain to the election. However, the election has not been called yet and Members must remain focused. I am not looking for a job as I already have one, which I wish to complete. Thereafter I will go before the people to ask them whether they wish to retain me. I am a democrat and this is what I want to do.

**Mr. English:** Deputy O'Connor should have some sense.

**Mr. O'Connor:** I will knock on every door in Tallaght, Brittas, Bohernabreena, Firhouse, Templeogue and Greenhills to bring that message to the electorate. As is my custom, I will talk to and listen to people every day at my work and at the eight clinics I hold every week, as well as at the other activities in which I engage. I will listen to people's concerns, including those pertaining to health.

While people may discuss Navan Hospital with Deputy English, they certainly talk to me about Tallaght Hospital. I live within sight of the hospital and have been a patient there. I am very proud of my involvement with the hospital over the years. The current Ceann Comhairle appointed me to its planning board almost 20 years ago. I was on the hospital's management board as a nominee of the Eastern Health Board when it opened in 1998 and I feel strongly about it. Moreover, I am concerned by what I have witnessed there, as I visit it regularly to see friends. For example, my niece was there a few weeks ago. I have regular opportunities in this regard. The hospital faces issues and challenges that I am not afraid to raise and I will continue to do so on a regular basis. For example, I have strong feelings on the question of future cancer services in Tallaght Hospital and I believe that Tallaght must be one of the designated centres on publication of the Department's cancer report. I will be deeply unhappy otherwise.

Moreover, I have been consistent in my views on children's services at Tallaght Hospital. They were established in 1998 by a charter upheld by the Taoiseach, when the Adelaide, Meath and National Children's Hospitals all moved to Tallaght. At that time, there was a clear understanding that the children's hospital had been located in Tallaght and would remain there. Regardless of other decisions taken, the issue of the Mater Hospital, the location of the new super children's hospital and regardless of whether I live in Tallaght, it is clear to me that Tallaght's

children's hospital services must be retained. This is my bottom line.

While I apologise for mentioning Deputy English so frequently, he was the most immediate previous speaker and I listened to him carefully. He referred to drugs services about which I have always been strongly supportive and proactive within the community I represent. All Members should feel strongly in this regard, as it is often extremely difficult to have such services accepted in some communities. However, they should be supported.

I am glad the Tallaght drugs task force and the various services in the Tallaght region, including the JADD group in Jobstown, the St. Dominic's services in Millbrook Lawns, the various community organisations in Tymon North, St. Enda's and Brookfield, are all doing tremendous work. The same is true for the Tallaght Rehabilitation Project in Kiltalown House, which had its new premises launched recently by the President. I am also highly supportive of the SWAN family support group in Springfield. I mention those groups and the latter in particular because the previous speaker made a point about how services are funded. I have no problem with the HSE monitoring such services or inspecting them. However, it sometimes occurs to me that it should be pressed home to the HSE that it allows some projects to fall through the cracks. It becomes unclear exactly what are the services, what they should provide, with whom do they compete, who should give them money and how much should be given. I make another plea on behalf of such local organisations and for the SWAN group, the family support service in the Springfield estate where I live. It needs such help in this respect and it is important to make this point.

I wish to make another general point on health services in Tallaght and I will mention the hospital again shortly. However, when issues such as safety and the adequacy of facilities and so on are discussed, I have referred several times, both in this House and as the Government convenor on the Joint Committee on Health and Children, to the development of primary care services in the Tallaght area. Some fine health centres now operate in Tallaght. I refer in particular to the Mary Mercer centre in Jobstown.

However, while I do not wish to be parochial or to confuse Members on Tallaght's geography, a health centre exists in Millbrook Lawns in Tallaght. Some Members have heard me mention it more than once. I raise it regularly in the House and at HSE briefings. This centre was badly damaged by fire eight years ago and it is relevant to discuss it briefly in the context of the legislation under discussion. The HSE must understand by now that it is time to redevelop that centre. It is not good enough that staff, clients and the public must tolerate a building that was badly damaged by fire and that still awaits redevelopment. However, when the HSE confirms plans for its redevelopment, Opposition

[Mr. O'Connor.]

Members will claim this is only due to the forthcoming election. I will be obliged to tolerate this and to keep my focus. It is time to redevelop the Millbrook centre and this is another bottom line for me. Whatever happens to me in the election, I will still fight for those services. It is time the HSE did so.

Colleagues mentioned the HSE. I will not pile misery on it except to state it should be more proactive than it thinks it is on issues brought to its attention by TDs. I have a health board background, I attend all the briefings and I put down Dáil questions. The HSE claims it is trying to improve the system. However, it is frustrating to put down Dáil questions and receive holding answers. Professor Drumm was a bit vexed with me when I mentioned an occasion when the HSE phoned me to ask the location of Millbrook Lawns health centre. For a public representative such matters are a bit annoying to say the least. The HSE must continue to grapple with the problems before it.

They provide the service which people expect. It is about providing safe environments in which to provide health services, whether in health centres, doctors surgeries and, in my case, Tallaght Hospital. People from Tallaght use other facilities such as the Coombe, St. James's and even Beaumont. It is important to state that.

Regarding the Bill before us which I have been discussing——

**Mr. English:** Deputy O'Connor has two minutes left.

**Mr. O'Connor:** Is Deputy English watching my time?

**Mr. English:** Does Deputy O'Connor know what the Bill is called?

**Mr. O'Connor:** I am impressed such a prominent member of the Opposition and such a favoured comrade should stay to hear me speak. I might do a press release on it.

Much criticism has been made of the health services. I am not afraid to state from the Government benches that people should be entitled to services. I come from an old Dublin which had hospitals everywhere. I lived within sight of Mercer's Hospital, the Adelaide Hospital, the National Children's Hospital and the Meath Hospital. As one may gather I lived just up the road. Funnily enough, I am not from Tallaght. I am from this parish. I remember those days. Perhaps times have moved on.

**Mr. English:** That makes 80 references to Tallaght.

**Mr. O'Connor:** Perhaps all we need to deliver hospital services is a number of big hospitals. However, they should be safe environments. People are entitled to make political points.

Opposition colleagues are entitled to be critical. This Bill and others introduced by the Minister try to get the job done. I attended a meeting of the Oireachtas Joint Committee on Health and Children a few weeks ago. Deputy English should hear this before he leaves.

**Mr. English:** I must attend a committee meeting.

**Mr. O'Connor:** At that meeting no less than the SDLP spokesperson from Northern Ireland stated she was very impressed by what she sees of the work of the Minister for Health and Children, Deputy Harney. I do not ask the Deputy to believe it, I am only stating what the lady said. The Minister is a former colleague of mine. She represented my constituency very well. I was happy she decided to go to another constituency to give me a chance. I look forward to supporting the Bill and I thank the Acting Chairman for his courtesy.

**Mr. Ferris:** This Bill is too little and too late. However, it is no surprise that we are disappointed yet again by the Government when it comes to delivery of equity and the highest standards in our hard-pressed health services. I want to pay tribute to the frontline workers in the health services who must work against the odds because of the disastrous policies of this and previous Governments. I wish to state categorically my meetings with health care providers in Tralee General Hospital have shown me the nurses and doctors working there are second to none.

It is a disgrace that members of the Irish Nurses Organisation and the Psychiatric Nurses Association have been driven to take industrial action, beginning next week, because of the failure of the Government and the HSE to ensure proper working conditions and standards of pay for these workers. I urge people to support their lunchtime protest on Monday, 26 February at Cork University Hospital, to be followed by protests at other hospitals in the coming weeks. Members of the IMPACT trade union in the health services also had to put industrial action on the agenda because of the way their workers have been treated.

When the task force report on accident and emergency services was published last month the Health Service Executive claimed a major improvement had been made in accident and emergency services. However, it then admitted it only begins to count the waiting times for patients in accident and emergency units from when consultants decide to admit them as in-patients. No account is taken of the time, often amounting to many hours, spent waiting to be seen by a consultant.

When one examines the figures, one sees no improvement whatsoever has been made. In February 2006, the highest daily figure for people on trolleys and chairs in accident and emergency

units was 392. This month, February 2007, has already exceeded that figure because yesterday, 21 February, 412 people were on trolleys and chairs.

This week we had a scandalous situation at Beaumont Hospital in Dublin where there were 52 people in the accident and emergency unit and the hospital appealed to people to stay away. This is the proud legacy of Fianna Fáil and the PDs who have been in office for the past decade with three Ministers with responsibility for health, all of whom failed miserably.

I will speak parochially on the provision of health services in Kerry. According to the INO, people lie on trolleys nearly every day of the week, despite claims to the contrary by Government politicians and the HSE. Kerry General Hospital's accident and emergency department is still without a consultant since the resignation of Dr. Barry O'Rourke, who resigned more than a year ago because of the shortage of a registrar and other staff. Kerry General Hospital is chronically understaffed, particularly in the accident and emergency department, and we understand a recent review of staffing levels revealed that at least 70 new staff must be recruited.

I also wish to draw attention to psychiatric waiting lists. Last December it was revealed that children may have to wait years for psychiatric treatment and that Kerry has the longest waiting lists in the country where children must wait up to four and a half years to be assessed. It is no coincidence that County Kerry has one of the highest rates of suicide in the country. The fact that children and young people do not receive treatment in time is a major contributory factor in disruptive behaviour resulting from ADHD. While other issues have been raised by groups with close involvement in the area, it is nonetheless vital that those who are referred are seen within a reasonable timeframe.

Unlike most of our EU counterparts, Ireland does not have a nationwide cervical cancer screening programme whereby all women aged between 25 and 60 years are invited by the State to attend their GP or family planning clinic for a free smear test every three to five years. In 2006, the Government promised such a programme would be rolled out by 2008 under the auspices of the new national cancer screening service which was to come into being this year. Will the Government confirm that screening services will be available nationwide by 2008? Will women in every part of the State be able to avail of the service? Must women in counties such as Cork and Kerry wait several years like they had to wait for the roll out of BreastCheck?

A related issue is the length of time it takes for women to be seen and to receive the results of their smear tests. At present, the average waiting time for women to receive the results of cervical smear tests is between four and nine months whereas in countries which have national screening test programmes the average waiting time is

only six weeks. This makes a massive difference to women in terms of reducing their anxiety and allowing them to access any necessary treatment if the tests prove to be positive. Therefore, it is vital that such a programme is made available in this country.

When will this Government and the Minister for Health and Children finally admit the seriousness of the problem with hospital infections such as MRSA? Why are they afraid to admit the extent of the problem? Is it because they truly believe it is not that bad, or has it more to do with hospitals being chronically overcrowded, understaffed and underfunded, and they know MRSA cannot be tackled until the problems in hospitals have been dealt with? Perhaps if the Minister was as passionate about sorting out the public health system as she is in pushing her privatisation agenda, people would not be afraid to go to hospital for fear of becoming ill. I know people are afraid to go to hospital because they fear they will contract the MRSA bug. Last evening I was in Tralee General Hospital where I met a person who had had a hip operation a number of months ago. He has unofficially been told that he has MRSA, yet the hospital will not officially confirm this. I know another person who has refused to go into hospital, despite being in need of treatment, because of a fear of contracting the bug. The Government and the Health Service Executive must face up to their responsibilities on the MRSA issue.

I have spoken with many who work in the health system and the overriding opinion they express regarding MRSA is that many hospitals do not even bother screening staff because they know that the superbug is widespread and that it would be too costly for them to eradicate it. My own daughter who works in a hospital gave birth to her baby in Holles Street prior to Christmas. She was told, after being examined, that she was an MRSA carrier. She had to go through special procedures to eradicate the bug before the baby was delivered. She had been screened nine or ten months before but was not told anything. The bug is widespread and I can say without fear of contradiction that it is the result of understaffing and the lack of attention paid to it.

We buried a great woman in Tralee this week who had met the Minister for Health and Children a few short months ago. Ellen Rowan led a campaign for almost 12 years for a community hospital for County Kerry. I am thankful she has gone to the next world knowing it will happen. She campaigned with other senior citizens for many years in order to bring this about and it is a tribute to her and the people around her, many of whom have passed away, that this will be a reality. A community hospital should be provided as a right and people should not have had to campaign endlessly to secure a service they should have been entitled to.

The rushing through of emergency legislation, while necessary to retain risk equalisation, has



[Mr. Ferris.]

exposed the inequitable and inefficient way in which health services are funded. The Government has downgraded the public health system. As a result, people are being forced to take out private health insurance. This means they are paying on the double through the PAYE and PRSI system, as well as through insurance payments. There is a fear that they will not get the care they need in time within the public system. The Government's privatisation of health services, including the scandalous private hospital co-location plan, is undermining the public system.

This debacle exposes the need for radical reform of health funding. Sinn Féin proposes the immediate establishment of a health funding commission to report within a reasonable time-frame on the projected cost of the transition to an all-Ireland system of universal public health care provision. This would take into account all spending on health services under the current systems, including State funding and spending on private insurance, and make recommendations on how the State could best harness these resources in the interests of more equitable and efficient delivery.

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I thank Deputies for their participation in the debate. I note and welcome the support expressed by many for the introduction of this legislation, but I am disappointed that the spokesperson for the main Opposition party is not supporting the Bill.

A fundamental principle of the health service reform programme is that the users of health and personal social services should be placed at the centre. It is important to stress that the Bill will bring about real and significant changes for service users. It establishes the Health Information and Quality Authority, incorporating the office of the chief inspector of social services. This independent organisation will reinforce the safety and quality of health and personal social services to ensure all service users can be assured that the services they receive are of a uniformly high standard. These statutory functions give the HIQA a significant role in shaping the health service and the standards set by it will provide a clear blueprint for a quality driven service.

The HIQA also has a health technology assessment role. Health technology assessment is widely regarded as able to deliver succinct, high quality and trusted evidence to decision makers at all levels of the health care system. It is envisaged that the HIQA's health technology assessment function will support evidence-based decisions and that the availability of impartial evaluations of the clinical value and cost effectiveness of complex health technologies, including drugs, will be an invaluable tool for service providers and health care practitioners and policymakers. I should emphasise that the role of

the HIQA will be to advise the Minister and the executive on this issue.

The HIQA's evaluation role in regard to health information will lead to better information for supporting evidence-based approaches to health care which, in turn, will achieve improved health outcomes. The need for information that facilitates prioritisation, planning, evidence-based decision-making, efficient service delivery and monitoring and evaluation at all levels was acknowledged in the health strategy. The national health information strategy, launched in 2004, lays the foundation for the provision of enhanced health information across the health service. It recommends the necessary actions to address current deficiencies in health information systems and put in place the frameworks needed to ensure the optimal development and utilisation of health information. The HIQA will now have a central role in health information development and the implementation of the recommendations set out in the national health information strategy.

I would like to briefly touch on some issues raised by Deputies. They were interested in clarifying the status of the HIQA, accountability issues, the extent of the body's remit, the standards referred to in the Bill, the role of the chief inspector of social services and inspections of residential centres. The HIQA will be an independent agency, completely separate from the HSE, and have its own budget. The Bill provides for the CEO of the HIQA to appear before Oireachtas committees.

In the context of the HIQA's remit, some Deputies commented on the exclusion of a reference to mental health services from the Bill. I stress that this is because the legislative and regulatory framework is already in place under the Mental Health Acts, the Mental Health Commission and the inspector of mental hospitals.

Concerns were expressed that acute hospitals might also fall outside the HIQA's remit but that will not be the case. The HIQA has the power to set and monitor standards in respect of acute hospital services and can also operate accreditation programmes for hospitals. I should mention also in respect of hospitals that, as indicated by the Minister, the commission on patient safety and quality assurance has been established to look at the issue of the licensing of hospitals, with an associated enforcement regime. A requirement for all health-care providers, public and private, to be licensed for service delivery by the State would ensure minimum standards of professional qualifications and premises quality would need to be complied with.

**Mr. Allen:** I attended this debate to listen to the Minister of State's speech, but I am amazed no one is here. May I call for a quorum?

**Acting Chairman (Mr. McCormack):** Will the Minister of State give way to Deputy Allen to raise a point?

**Mr. T. O'Malley:** Yes.

**Mr. Allen:** No. I want to call for a quorum because no one is in the House. This is an important issue.

**Dr. Twomey:** And the Minister of State is getting it wrong.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Mr. T. O'Malley:** I take issue with the statement made during the debate that the Health Bill does not deal with patient safety because patient safety is at the heart of the Bill. The Bill empowers the HIQA to set nationally applicable standards in services and gives it extensive powers, set out in Part 9, to monitor compliance with standards and undertake investigations. As well as patient safety, the Bill will ensure current good practices are embedded and developed. The setting of standards for health care is, therefore, a key function of the HIQA. Regulations may be made by the Minister in respect of procedures to be followed by the HIQA in setting standards, including procedures on consultation and publication.

The chief inspector of social services will be an employee of the HIQA and have statutory independence in decisions on registration and inspection of residential centres for older people, people with disabilities and children in need of care and protection. The centres will be known as designated centres under the Bill. The chief inspector may also appear before an Oireachtas committee to give a general account of the activities of his or her office.

The regulatory arrangements for inspections will provide an objective, robust and transparent inspection and registration system for designated centres. Registration of centres is for a three-year period. It is deliberate that the Bill does not specify how often a designated centre must be inspected within a given timeframe. It is better not to be overly prescriptive in this matter, as it should be for the judgment of the chief inspector to make decisions appropriate to each centre. Deputies expressed the opinion that the inspection of designated centres should include unannounced visits. The Bill is not prescriptive in this matter, but the interim HIQA has indicated that there will be unannounced visits.

I should make it clear that the chief inspector inspects against standards set by the HIQA and regulations made by the Minister. These standards will be published. Registration information will be available to the public on the Internet. No residential centre will be able to operate if it is

not registered and people can be assured that it is operating within the terms of its registration. The chief inspector must be satisfied as to the suitability of those participating in the management of a centre, an issue raised by Deputies.

Regarding standards in residential centres for older people, I take this opportunity to refer to a working group, chaired by the Department and set up with representatives from the Health Service Executive, the social services inspectorate and the Irish Accreditation Board, to develop national standards for long-term residential care settings. The draft standards produced by the working group were formally published by the Minister last month and handed over to the interim HIQA which will oversee a public consultation process. The draft standards provide the HIQA with a useful and comprehensive template for circulation with relevant parties as part of a comprehensive consultation process. The draft envisages core standards that will apply to all residential settings where older people are cared for and for which registration is required. Under the provisions of the Bill, no residential setting for older people will be allowed to operate without being registered.

The draft is set out in two parts, the of which first focuses on the standards concerning the resident as an individual and includes personal identity, social connectedness, rights and health care. The second focuses on the organisational aspects of the residential care setting and includes management, staffing, care environment and health and safety. The publication of the standards by the Minister was the first step in the process. The interim HIQA has established a working group to develop the draft standards further and oversee the public consultation process.

In debating the Bill Deputies spoke of an advocacy role and the need for a framework for complaints. By virtue of its functions, the HIQA is a patient advocate. There are other patient advocacy agencies. In addition, the Health Act 2004 (Complaints) Regulations 2006 were made in December that year and make provision for complaints by persons to the HSE and service providers and require the establishment and operation of procedures and arrangements intended to achieve a fair and reasonable resolution.

I note the importance placed by Deputies on the inclusion in the Bill of provisions regarding the protected disclosure of information or "whistleblowing". This issue will be dealt with on Committee Stage. I thank the House for facilitating the Second Reading of the Bill. We are on an important journey with the health service reform programme and, with this Bill, have taken a big step along the way.

Question put.



## The Dáil divided: Tá, 58; Níl, 40.

## Tá

Ahern, Noel.  
 Andrews, Barry.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Browne, John.  
 Callanan, Joe.  
 Carty, John.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Cowen, Brian.  
 Cregan, John.  
 Curran, John.  
 Dempsey, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Glennon, Jim.  
 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.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Flynn, Noel.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G. V.

## Níl

Allen, Bernard.  
 Boyle, Dan.  
 Breen, James.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Coveney, Simon.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Durkan, Bernard J.  
 English, Damien.  
 Gilmore, Eamon.  
 Gormley, John.  
 Harkin, Marian.  
 Healy, Seamus.  
 Higgins, Joe.  
 Kehoe, Paul.  
 McCormack, Pádraic.

McEntee, Shane.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Gay.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Neville, Dan.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Perry, John.  
 Quinn, Ruairí.  
 Ring, Michael.  
 Ryan, Seán.  
 Sherlock, Joe.  
 Stagg, Emmet.  
 Twomey, Liam.  
 Upton, Mary.

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

Question declared carried.

**Message from Seanad.****Health Bill 2006: Referral to Select Committee.**

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

That the Bill be referred to the Select Committee on Health and Children, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Health Insurance (Amendment) Bill 2007, without amendment.

**Message from Select Committee.**

**An Leas-Cheann Comhairle:** The Select Committee on Finance and the Public Service has concluded its consideration of the Finance Bill 2007 and has made amendments thereto.

**European Communities Bill 2006 [Seanad]:  
Second Stage (Resumed).**

The following motion was moved by the Minister of State at the Department of the Taoiseach, Deputy Treacy, on Thursday, 8 February 2007:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

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

"Dáil Éireann declines to give the Bill a second reading on the following grounds:

(a) 50 years after foundation of European Economic Community, the process of closer European co-operation is becalmed by reason of citizens' perception across Europe of a lack of democracy in the operation of the EU;

(b) Such concerns as to the lack of democratic scrutiny were critical in the defeat of the first Nice Treaty referendum and in the response to that result, including in the establishment of the National Forum on Europe;

(c) The present law, under the European Communities Act 1972, requires approval by the Oireachtas in the form of primary legislation of all proposals to create indictable offences to implement European law;

(d) The Bill would bring about a major transfer of power from the Oireachtas to Ministers by allowing Ministers to create indictable offences by regulations, rather than through the introduction of legislation;

(e) As directives are binding only as to the result to be achieved, and leave to the national authorities the choice of form and methods (under Article 249 of the EC Treaty), the implementation of a directive is not an automatic or rubber-stamp exercise and involves important policy choices as to form and methods, and it is in the interests of democracy that such important choices should, in serious matters, be made directly by the Oireachtas and not by Ministers through the medium of regulations;

(f) The Bill would, if implemented, allow such policy choices as to form and methods to be exercised by Ministers, instead of by the Oireachtas as at present, in cases where it is proposed to create indictable offences;

(g) Oireachtas scrutiny after the event is not an adequate substitute for the power to make the decision in the first instance, which is the power currently held by the

Oireachtas in cases where it is proposed to create indictable offences;

(h) The Bill is therefore a significant dilution of democracy at a time when concerns as to lack of democracy have shaken citizens' confidence in the EU;

(i) The Bill is primarily motivated by a short-term view of administrative convenience; the State is not obliged to introduce the Bill by EU law and is free to withdraw the Bill without infringing EU law."

—(Deputy Costello).

**Mr. Cuffe:** I wish to share time with Deputy Harkin.

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

**Mr. Cuffe:** This Bill represents an affront to democracy. It allows Ministers to enact European legislation without coming to the floor of this House. That is bad for Europe, Ireland and democracy. All these statutory instruments and ministerial regulations should be brought before this House for debate before becoming law. It is not right that regulations, which often dramatically change the way in which this State interacts with the public, are brought in through the back door. These regulations should come under the scrutiny of the House. European legislation should not be brought in by the back door. It is an affront to democracy that the Minister would try to rush through legislation to effect this change.

We should enact European Union legislation but we should do it right. I cite the example of the Aarhus agreement, which is based on ensuring that the public's voice is heard. We are still waiting for the Minister for the Environment, Heritage and Local Government to properly enshrine the provisions of that agreement in Irish legislation. Surely the public has a right to know about it. Surely the Legislature has a right to give its views on proposed regulations and the incorporation of European statute into Irish law. I ask that the Minister of State ensures that this House and the people are part of that process and that we do not simply rubber stamp European laws and bring them in through the back door.

**Ms Harkin:** I stand here with a heavy heart because we should not be having this debate. There are a number of reasons that I make this point. What we are trying to do today is to solve a legislative problem using administrative measures. Bluntly speaking, the Government has found itself in a hole but instead of trying to fill it in, it is continuing to dig.

We should not be having this debate because what we are attempting to do is to override the crucial role the Oireachtas has in overseeing the transposition of EU legislation. We will create a

[Ms Harkin.]

minefield of uncertainty by introducing retrospective legislation. That is always a risk, but taking account of the timespan that is involved, some 34 years, and the sweeping measures we are giving to Ministers, it is a huge risk which is too big to take.

We should not be having this debate because it will further alienate people from the EU, on which I will elaborate later. It will give ammunition to those who oppose the EU for any number of reasons, good and bad. As the Minister of State is aware, I am very supportive of the EU project and am proud to be part of it. However, it does not mean that we get everything right.

There are positives and negatives to being part of the EU. Many of the benefits have already been outlined in this debate. While I do not want to repeat them, I will mention one or two to balance what I have to say. Ireland has benefited greatly from joining the EU. When I went to Europe, I was surprised at how colleagues, particularly those from some of the new member states, look to Ireland. They see Ireland as the model of good practice.

We received in excess of €50 billion from the EU and used it well. We invested in our education system. The regional colleges were built in the 1970s and they subsequently became institutes of technology. That was the start of the expansion of third level education here, which enabled us to have an educated workforce who helped to create the Celtic tiger.

I am old enough to remember back to the mid-1970s when what the rent landladies charged students was dependent on the grant aid from Europe. The impact of that money not only allowed us to have third level graduates who fuelled the Celtic tiger, but it also had a huge impact on the local economy. We used EU funds to build up our economic infrastructure and to support our farmers and community groups, which was a useful way of using them. We are still using that money to fund child care provision — the list goes on.

While EU funds were important, the most important element was access to the Single Market. That was one of the factors that helped to fuel our inward investment. Companies that located in Ireland had access to the European market. Ireland has an export figure of 2.5% for such worldwide services. That gives us an idea of how important it is to have access to the market.

The benefits derived from the European Union have not just been economic. Most of our equality legislation has been driven by the Union. When the concept of equal pay was brought forward, we tried to obtain a derogation but failed. Most of our good environmental legislation has emanated from the European Union. We cannot claim that all EU legislation has had a positive impact, but sometimes that is our own fault. I will not go into the details of the nitrates directive as

it has already been mentioned in this and in other debates, but we often have to look at how we did not act. It is the main reason we find ourselves in this position. Sometimes it is our interpretation of EU legislation that causes problems for many, especially in the agriculture sector.

I wanted to make these positive comments about the European Union to underline the positive aspects of EU membership but also to acknowledge some of the difficulties that can arise. There are very few in this country who would stand up and say we should not have joined the European Union, or that we should leave if we have the opportunity to do so. If the proposed constitution was in place, that latter option would be open to member states. Many have serious issues with the European Union but most would recognise that, on balance, we are part of a project that has ensured peace and stability in Europe and that has enabled old enemies to work together for the common good. This has brought considerable benefits to Ireland.

Many use word such as “eurocrats”, “plutocrats” and “technocrats”. They talk about late night discussions and decisions in smoke-filled rooms as if this was how we go about our business. It is not. Proposed legislation comes from the Commission. Many will say its members are unelected but each country has a Commissioner at the table. Even before draft legislation is brought forward, there is a consultation process. Since I was elected to the European Parliament, I have been involved in alerting stakeholders and those interested in legislation coming from the Commission to the fact that there is a consultation process, of which they can be part, even before legislation comes from the Commission. It then goes to the European Parliament which amends it, often substantially. The Bolkestein, or services, directive was substantially altered by the European Parliament, especially the country of origin principle. What left the Parliament was very different. That is an example of where we had real democratic accountability. Legislation must then go the Council of Ministers and back to the Parliament until we reach what is known as a common position. The Minister knows all of this, but I wanted to outline the position, as many statements have been made about how we draft European legislation. The Parliament must reach a common position on about 70% of legislative measures. To say eurocrats and technocrats are responsible for all legislation coming from the European Union is not correct. When we reach the point where legislation is enacted, it is up to each member state to decide how it will implement it. The European Union requires an outcome, but the mechanism used is at the discretion of each member state.

That brings us to the issue we are discussing. What happens at member state level? How will we use our structures to implement EU legislation? What safeguards will we put in place and what checks and balances will we include? I do

not come from a legal background. I was a humble maths teacher before I was elected to the Dáil. However, I have read the Bill and the explanatory memorandum, listened to some of the debates in the House and read the Seanad debates. I have spoken to some people whom I consider to be experts in European affairs. My personal conclusion is that there are serious problems with the Bill. If we were to have a referendum on this matter, would the people vote in favour of the Bill? My instinct is that 90% would vote against it. Perhaps the people and I are wrong, but I do not think so. This is the yardstick at which the Minister of State should look. How would the people of Sligo, Leitrim, Mayo, Galway or Donegal vote if this issue was put to them? Would they trust any Minister to do what is outlined in section 2 of the Bill? It states:

(a) make provision for offences under the regulations to be prosecuted on indictment where the Minister of the Government making the regulations considers it necessary for the purpose of giving full effect to a provision of the treaties governing the European Communities or an act adopted by an institution of those Communities, and

(b) make such provision as that Minister of the Government considers necessary for the purpose of ensuring that penalties in respect of an offence prosecuted in that manner are effective and proportionate, and have a deterrent effect, having regard to the acts or omissions of which the offence consists, provided that the maximum fine (if any) shall not be greater than €500,000 and the maximum term of imprisonment (if any) shall not be greater than 3 years.

In other words, if I were to ask the people of Sligo or Leitrim if they would allow a Minister to create indictable and summary offences in order to comply with European law, would they say yes?

**Mr. Ring:** No.

**Ms Harkin:** Looking at the line “having regard to the acts or omissions of which the offence consists”, would they trust any Minister or Minister of State with such a power? I think they would reject it overwhelmingly. It is simply too much power to vest in one Minister. They would reject the provision to make this power retrospective without oversight from the Oireachtas. Many do not know we are having this debate and do not know its outcome or impact. The people elect us as Teachtaí Dála, messengers to the Dáil, to look after their best interests. They do not elect us to rubber-stamp a decision made by a Minister, but to have an involvement in the process. The Minister of State is denying us that right, but he is also denying the people their right, which is the critical issue.

Do the people really know what is going on? If they did, would they support the Bill? I know the

Attorney General has advised the Minister of State to take this route. As an aside, Attorneys General do not always follow their own advice, as is the case with the Minister for Justice, Equality and Law Reform. The Attorney General's advice may solve the immediate problem caused by the Supreme Court decision, but what are the implications in the long term? Has the Minister of State considered the sidelining of the Oireachtas and all that will entail? Has he considered all the possibilities that may be covered by introducing retrospective legislation going back 34 years? Has he considered the possibility of abuse or misuse of this power by a subsequent Minister? Has he given his opinion that this is fully constitutional? Even if he is sure that it is, has the Minister of State forgotten the precautionary principle? Will he accept some of the amendments and put in place some safeguards to ensure the checks and balances work? That is necessary if the Minister of State is to be sure any legislation enacted on his watch will stand the test of time. I understand the need to deal with this situation — we must deal with it — but I think the Minister of State is compounding mistakes which have already been made. He is trying to push a huge mess under the carpet by giving sweeping retrospective powers to Ministers to deal with problems by getting them out of the way and moving on. Somebody will trip over the pile of rubbish that will remain under the carpet.

The Minister of State spoke about putting transparent and effective procedures in place. These procedures may initially seem effective because they will get rid of the problem, but they will not be transparent by any stretch of the imagination.

They will not even be visible — we will not be able to tell that the new powers are being used. The Minister of State said the European Union will not work unless member states implement community law and decisions in a reliable and consistent manner. He gave the impression we are trying to ensure in this Bill that the rules are the same for everyone, as they must be. However, I can give the House a list of penalties which are different in various EU member states. I do not have time to mention them all, but I will highlight one of the inconsistencies on which this legislation will have no impact. If one is found guilty of falsifying fisheries control documents in the UK, one will be fined €132,000. The equivalent penalty is €4,500 in Spain, €400 in Portugal and €270 in France. I do not know what it is in Ireland, but perhaps the Minister of State can tell us. I have a list of penalties, for breaching various rules and regulations, which differ substantially in various EU countries. I am aware of an offence for which one can receive five years' imprisonment in one country, but no penalty in another country. It is not true to suggest this legislation will make all EU countries implement penalties in the same way.



[Ms Harkin.]

The Minister of State said this Bill represents a response to the serious implications of the Supreme Court judgment, which requires this country to update the way it uses secondary legislation to give effect to EU obligations under Irish law. He told us it is that straightforward. If the Bill is a response, it is an ill-judged response. This measure is not that straightforward. It is not just a question of updating the way we use secondary legislation. This Bill makes some fundamental changes in that area. It will allow sweeping retrospective legislation to be introduced.

When I discussed this issue with Mr. Pat Cox, a former President of the European Parliament, he mentioned that he was able to introduce an inter-institutional agreement, running parallel with a process called comitology, to allow for review, stand-still and call-back. In other words, he negotiated the right of the European Parliament to call a particular issue back if it feels there is a problem with it. I am asking the Minister of State to do the same thing. He should give this House the right to engage in a process of review, stand-still and call-back. If he does that, he will be taking a reasonable and balanced approach to this legislation.

**Mr. Allen:** I would like to share time with Deputy Ring.

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

**Mr. Allen:** The European Communities Bill 2006 is very bad because it is subversive and it undermines the primacy of the Oireachtas. People have given their lives to protect the primacy of this Parliament, which is being undermined by a Bill that the Government suggests is simply a technical measure. This legislation is being used as a Trojan horse to undermine everything the Members of this Parliament stand for. The Government tried to sneak in what it claimed was a small technical Bill, but is actually of utmost importance to this House and the citizens whom we, as elected officials, represent. The purpose of the Bill is to amend the European Communities Act 1972, which allowed for the transposition of specific EU law into Irish law by means of statutory instruments.

**An Leas-Cheann Comhairle:** I remind the Deputy that I will call the Minister of State to reply at 2.15 p.m.

**Mr. Allen:** I am not too happy with the Government's decision to guillotine this Bill.

**An Leas-Cheann Comhairle:** The House has decided to bring the debate to an end at that time.

**Mr. Allen:** The House should have ample time to consider this serious Bill, which proposes to give Ministers the right to transpose EU regulations and directives, including laws that carry penalties of heavy fines and imprisonment, into Irish law. This legislation, which is extremely significant and extremely flawed, is even more exceptional because it will allow Ministers to enact laws retrospectively. Given that the Government has shown no willingness to consider amendments to the Bill, and considering how unacceptable the legislation is in its current form, Fine Gael has no option but to reject it as seriously defective and, therefore, to vote against it. Fine Gael will seek to amend the Bill substantially on Committee Stage, although I wonder how useful my amendments will be given that they are sure not to be accepted.

The Bill highlights a number of significant problems with the Government's lackadaisical approach to the adoption of EU directives, not least of which is the subversion of our democratic process. Section 3 of the Bill proposes to give Ministers the right to implement EU law by means of statutory instrument, thereby amending domestic legislation without the consent of any Member of the House. Such action would completely remove the Members of the Oireachtas, who are representatives of the Irish nation, from the democratic process. If this legislation by stealth is accepted, the Government will be able to subjugate the power of the Oireachtas to the whim of an individual Minister. As the scrutiny of ministerial statutory instruments is not as rigorous as the scrutiny of proposed legislation, it would be irresponsible to give Ministers the authority to validate retrospective criminal legislation without an adequate amount of inspection.

This Bill needs to be re-examined and amended. It is the responsibility of my party to demand that the Bill ensures that all statutory instruments — those deriving from EU legislation and others — are laid before the Oireachtas for 21 sitting days to allow any Member to review, and if necessary, challenge their provisions. We propose that statutory instruments will become law only if no such challenges are issued. This proposed amendment, which is necessary, also seeks to remove the retrospective effect of the legislation.

The Fine Gael Party, which has always supported Ireland's role in the European Union, will continue to support that role in the years to come. Significant benefits have accrued to Irish people from this country's membership of the EU. Certain improvements which have been driven by the EU have been extremely beneficial to the nation as a whole. Although the implementation of EU directives has made Ireland safer and more prosperous, this country continues to lag behind other member states in the timely adoption of such directives. The method by which directives are

adopted has been consistently defective under the stewardship of this Government.

I am currently the Chairman of the Oireachtas Sub-Committee on EU Scrutiny, which is severely understaffed and continuously overworked. It fulfils an extremely important role on a shoe-string budget. It is time to recognise the sub-committee's importance, and the magnitude of its work in terms of Ireland's membership of the EU, by putting in place new arrangements to increase its staffing and funding. Given that the sub-committee met 16 times and examined 552 documents in 2006, it should be obvious, even to the Minister, that better arrangements are needed for the examination of so many important documents in such a short period of time. I do not know how the officials who work behind the scenes to scrutinise and examine every document that is referred to the sub-committee are able to bear their workload. The majority of the sub-committee's work — 69% of it in 2006 — involves examining documents relating to regulations, decisions and directives. Some 56 Common Foreign and Security Policy measures were considered that year, including the application of restrictive measures against Burma, Zimbabwe, Sudan, Liberia and Côte d'Ivoire and against suspected terrorists for their involvement in the assassination attempts on Belorussian officials and the former Lebanese Prime Minister, Mr. Rafik Hariri. Other documents which were considered dealt with steps to combat the proliferation of nuclear and chemical weapons. On issues of such importance we must not simply hand over absolute authority, retrospective or otherwise, to one Minister.

Of the 552 documents considered in 2006, a total of 98 or 18% were singled out as having significant implications for our country and as warranting further scrutiny. These were subsequently referred to the appropriate sectoral committees. Documents of such impact cannot be allowed to slip through the fingers of the understaffed sub-committee if further scrutiny is a necessity. We simply must improve the method by which these directives are reviewed; it would be nothing less than complete negligence to do otherwise.

It is our responsibility, on behalf of our country, to scrutinise European Union proposals to ensure we achieve the maximum benefit from them and are not hampered by laws contrary to our national interests. To simply allow Ministers to ratify them with a wave of a hand is not in anyone's best interest. A dangerous gap exists between the administration of the EU and the common European citizen. Rather than taking steps to bridge this gap, and make the law of the EU more accessible and pertinent to the Irish citizens and the democratic institutions that they have founded and protected, this Bill and the method by which European directives will be transposed if it is enacted, will only serve to alien-

ate our nation further from the European Union and will give hostages to fortune to the enemies of the Union.

Fine Gael has always promoted Ireland's membership in the European Union and will continue to do so. We actively recognise the good things that have been brought about in Irish society from EU directives and our membership in the Union, namely, the important human rights and anti-discrimination legislation, the ability to work and travel in any EU country, strong industrial guidelines that protect our environment and codes for workers' safety that protect our national health.

However these benefits do not simply fall out of the sky. It is important to recognise that these benefits flow from our transposition of EU directives into domestic law. This is a matter of such great importance that it deserves more than the cursory lip service Ministers seem content to give it.

It is not our intent to discourage the adoption of EU directives. They have proven to be significantly beneficial to our nation and to our way of life. I regret that in discussing such important and dangerous legislation the Government is effectively gagging the Opposition. This legislation will undermine the supremacy of this Parliament.

**Mr. Ring:** I am disappointed Members have not more time to speak on this very important Bill. I listened to the contributions from Deputies Allen and Harkin. The Government should consider withdrawing this legislation as it is dangerous, devious and bad. It is bad for Irish citizens and bad for Europe. If this was put before the Irish people, they would reject it. This is the reason Irish people are becoming cynical about Europe. Ministers could be making decisions about people's lives and on whether people should be prosecuted. This is the worst legislation I have ever seen coming through this House. As somebody who has never been pro-European, this will not do anything for the European Union because the people of this country will see this as European legislation dictating to this Parliament.

We are a few weeks away from a general election. I question whether we need a general election, a Dáil or an Assembly, because we have no power in this Assembly any longer; we are being dictated to.

Deputy Harkin referred to the European commissioners. They are selected for office but in a true democracy they would be elected. We have too many people who are selected such as Government officials and county managers. At least Members in this House are elected by the people. Deputy Harkin has been elected by the people to serve in Europe and for this I respect her. I do not respect commissioners because they are selected by governments.

[Mr. Ring.]

This is serious business and the people of the country do not know what is happening. I can tell the Minister of State there will be future referendums on Europe and we will spell out what is going on in Europe. We will spell out to the people what is happening at European level and what is happening here in this House.

I will finish as I started by questioning the need for this Dáil. The people who died in this country in 1916 and in 1921 would turn in their graves if they knew that the great Fianna Fáil Party was selling this country out to Europe and that we no longer have any power in our own Parliament. Fianna Fáil will be out at Easter marching up and down. The Taoiseach will be marching up and down with the green flag behind him but the Government has sold us out to Europe.

**Minister of State at the Department of Foreign Affairs (Mr. Treacy):** Is cúis áthais dom bheith ar ais arís le freagra forleathan a thabhairt do na h-oráidí uilig a chualamar inniu, an tseachtain seo caite agus ar feadh coicíse. I thank all Deputies who contributed to the debate.

Given the national importance of our membership of the European Union it is entirely appropriate that both Houses have had a full opportunity to consider in detail the different issues raised by this Bill. I look forward to further debate on Committee Stage at the Joint Committee on European Affairs. However, many of the criticisms levelled at this Bill during this debate have been quite unwarranted. The picture painted by Opposition Deputies last week and today of individuals being imprisoned at the whim of Ministers for trivial breaches of EU law, was completely over the top. Ministers are not in the business of fining and imprisoning people—

**Mr. Allen:** They did so yesterday.

**Mr. Treacy:** —nor have they any role in these matters, which are clearly reserved for the courts under the Constitution.

This Bill provides that a Minister will only have a limited legislative power to make provision for indictable offences in regulations made under the 1972 Act. This will only be done when a Minister fully considers that it is necessary to do so in order to live up to our EU treaty obligations. This Bill makes it plain that the penalties must be proportionate. In other words, serious penalties will only be provided for in cases of serious breaches of EU law.

Where it is necessary to provide for prosecution on indictment, the Minister must operate within the parameters set down in section 2 of this Bill. This provides for a maximum fine of €500,000 and a maximum term of imprisonment of three years on conviction in the Circuit Court, a higher court. Such penalties would only be imposed by a court after a fair trial and not by the

Minister or his or her officials, nor the European Commission, nor anyone else for that matter, whether they be in Opposition or Government.

Our EU membership means that we are bound by our treaty obligations. These require us to have effective, proportionate and dissuasive penalties, for serious breaches of European Community law. This is what this legislation seeks to achieve. The Government is not seeking to persecute farmers, fishermen, pharmacists or anyone else, as Deputy Denis Naughten implied in his speech and later in his outrageous and false press releases. Law-abiding people have nothing to fear from any law, whether that it be domestic or EU law.

**Mr. Allen:** On a point of order, the Minister of State should withdraw the word, “false”. He may not agree with the contents of the press releases but to call a Member who is not here today a liar is unwarranted.

**Mr. Treacy:** I have not objected, criticised or interrupted anybody.

**Mr. Allen:** I ask the Minister of State to withdraw that statement.

**An Leas-Cheann Comhairle:** It is not a point of order.

**Mr. Treacy:** On the other hand, Irish consumers and businesses have everything to gain from a properly regulated Single Market within the growing European Union.

I was surprised and disappointed at the levels of negativity displayed towards the EU during the debate in this House last week and today by Members belonging to parties that regard themselves as pro-European. It ill behoves Irish public representatives to make cheap jibes about the alleged machinations of unelected Brussels bureaucrats. Some of the most outstanding Irish people have served our country in Europe at the highest level. Just because they were not elected to office does not mean they did not do a good job or were lacking the necessary intellectual capacity and skills to do so. This type of misinformation gives succour to the small minority in this State which would prefer us to sit in splendid isolation without any of the benefits that 34 years of EU membership have brought, and continue to bring, to all our people both North and South.

There was an implication running through some of the contributions to the debate that EU law is something foreign to Ireland and is imposed on us from the outside. As Deputy Harkin said, nothing could be further from the truth. We are fully involved in the elaboration of EU decisions.

These are taken in accordance with clear rules laid down in the European Union treaties, the provisions of which the Irish people have repeat-



edly endorsed by referendum. EU law belongs to us, just as it belongs to each and every member state of the EU. It is true that EU law is adopted in a different way from national laws and that Ireland only has a certain number of votes at the Council of Ministers and in the European Parliament. This is the way the European Union must operate with 27 member states. We cannot, however, demand the right to second-guess decisions taken in Brussels just because they do not ideally suit us all the time. We benefit hugely from EU membership and must be willing to give effect to EU decisions when they are adopted with full Irish involvement. All European laws are beneficial to all of our citizens. In different ways and on different occasions, these EU laws are available to each individual Irish citizen to protect and sustain their individual rights where and when necessary.

Let us debate the issues, by all means, but we ought to do so in a calm and rational manner, without the scare tactics we have heard from some surprising quarters during this debate. I reject the suggestion by Deputy Costello that the Government is not acting in a transparent manner. We published this Bill three months ago and have allowed plenty of time for debate.

As regards the comments of Deputy Ó Snodaigh, I must correct him on a number of points. I never said this was an innocuous Bill but that it was a short, technical Bill with an important national purpose. However, I would have expected a better appreciation of the basic rules which we agreed, as a nation, in 1972, when we took on the responsibilities of EU membership. This Bill has nothing to do with creating an EU super-state and most certainly does not amount to a *coup d'état*. This kind of gross hyperbole does no service to the cause of rational debate on European issues to which I am personally committed, as is the Government in which I have the honour to serve, and to which most practical and fair-minded public representatives are committed also.

I appreciate Deputy Finian McGrath's reference to 1916, a reference also made by Deputy Ring. I share Deputy McGrath's respect for the founding fathers of this State, as we both share a common heritage. However, republicanism, nationalism and support for the EU are not incompatible. This is the reason the Irish people voted overwhelmingly for EU membership in 1972 and agreed to the necessary constitutional changes which this entailed. Since then, despite all the alarmism of certain politicians, Irish independence has not been compromised or eroded. EU membership has acted to enhance our independence, enabling us to achieve and cherish national ambitions. Indeed, we are stronger today, culturally, politically and economically, than at any time during the history of this State.

EU membership has underpinned our economic success and ended the scourge of mass emigration. Our national language got official recognition within the EU last month, after 34 years of EU membership. This shows both the diversity and democracy of the European Union and, as a republican democrat, I fully subscribe to that ethos.

Deputy Boyle and others suggested the Bill in some way undermines our democracy. Such claims ignore the fact that EU law is adopted with the full involvement of elected politicians and the European Parliament who, between them, have the final say in what is agreed in Brussels. Contrary to the impression given in some contributions, the European Commission merely makes proposals. It is also responsible for overseeing the implementation of EU law. It does not take decisions, make laws or impose anything on the member states. It is a vehicle of service to the entire European Union, with full responsibility for the effective administration of the Union.

I want to correct Deputy Connaughton and put on record the fact that no amendment was tabled to this Bill by the Opposition in the Seanad to enhance the role of the Oireachtas.

**Mr. Costello:** We will change that.

**Mr. Treacy:** I also assure Deputy Connaughton that the procedures set out in this Bill in no way affect the requirement in our Constitution regarding future referendums in the State.

Contrary to what Deputy Durkan and others in his party claimed during this debate, there is no intention to increase executive power at the expense of either of these Houses. There is no sidelining of the Oireachtas. Once this Bill is passed, all EU legislative proposals will continue to be seen by the Oireachtas at the scrutiny stage. Given the vital national importance of our EU engagement, we value the broad consensus on EU issues that has existed in this House over the years. There is no interest to be served by turning EU affairs into a divisive political issue, yesterday, today, tomorrow or at any time.

Deputy Coveney alleged a cloak and dagger approach by the Government. I reject that charge entirely and I am disappointed a Member with a dual mandate in Dáil Éireann and in the European Parliament would make such an allegation. I also reject his charge that the Bill affects the credibility of the European Union in Ireland. The Bill in no way cuts across the existing arrangements in the Oireachtas to scrutinise draft directives and regulations. It is up to the Oireachtas itself to work the scrutiny system and make its views known.

Deputy Deasy claimed that, in his role as Chairman of the Joint Committee on European Affairs, he should have been consulted about the Bill before it was brought into the House. I am



[Mr. Treacy.]

not clear what he means. This Bill was published on 1 December 2006, before the Seanad debate. It was included in the Government's legislative programme for the last session and again this session. Deputy Deasy has had every opportunity to raise the Bill with either myself or the Minister, Deputy Dermot Ahern, in the meantime. He states his committee is not divisive and has never had a vote. I sincerely hope we can avoid a vote on this occasion also. I will be constructive in the Joint Committee on European Affairs and I hope all Members will join me in that approach. I would never be so presumptuous or disrespectful as to discuss this or any other Bill with officials or members of any committee until Dáil Éireann has made its decision in the first place, at the relevant stage of a Bill.

I reject the idea put forward by Deputy Harkin that we should not be having this debate. All debates are good for democracy, information purposes and understanding. This is a debate on a Bill which we must enact to take account of the serious implications of two Supreme Court judgments. As I have repeatedly stated, the Attorney General has since advised that we need to change the way in which we have been transposing EU law using secondary legislation. The retrospective provisions of the Bill are essential because the Supreme Court judgments mean that some of the body of legislation in place since 1973 is susceptible to legal challenge. With respect to all Ministers, Governments and parliamentarians since 1972, they presumed the force of law was included in the 1972 EU accession Act. If the law and the Supreme Court's interpretation of the law states otherwise, we have a constitutional responsibility as parliamentarians, both in Government and Opposition, to collectively deal with the decision of the court.

Deputy Harkin asked what safeguards are being put in place in the Bill. First, the powers referred to are vested solely in Cabinet-level Ministers. Second, the Bill in no way cuts across the existing arrangements in the Oireachtas to scrutinise draft EC directives and regulations. Third, all decisions of Ministers will be subject to review by the courts and will be publicly published in full. Fourth, the Members of this House will retain all rights to question and debate all ministerial decisions.

As regards penalties, I have repeatedly recalled that as a member state we are obliged to ensure penalties are effective, dissuasive and proportionate to ensure our laws are upheld. Our level of penalties was set after careful consideration with all Departments. To my mind, those penalties are in line with the best EU practice.

Deputy Allen made some valuable and constructive points. He has first-hand knowledge of the challenges we face in ensuring that we keep track of and influence the direction of EU policy

and law. As regards his idea of laying statutory instruments before the House, I have stated we are open to considering it. However, the Oireachtas will have to find an effective solution to the challenge of volume and speed which arises in several cases with both European and other laws.

There were some criticisms of the proposal to retrospectively validate all of the statutory instruments whose validity has been called into question by the Browne and Kennedy judgments in the Supreme Court. This is one of the key purposes of this Bill. It is essential that we avoid a situation in which doubts exist regarding our ability to give effect to EU law. As it stands, there are hundreds of statutory instruments whose validity is in doubt, although this is no fault of the House, the Parliament or the Government but relates to the trust of politicians in the past that their laws were adequate for their day and the future. These regulations were adopted by all Governments stretching back over the past 34 years. They were passed in good faith, with the intention of implementing EU law in a manner that was considered to be perfectly appropriate before the Browne and Kennedy judgments.

In providing for retrospective validation, we have included what is known as a constitutional saver clause. This is designed to ensure the constitutional rights of individuals will not be affected by the retrospective validation of regulations — in other words, the primacy of the right of the citizen remains paramount under the Constitution for decision by the courts. Second, the validity of the approach that we have taken has already been confirmed by the Supreme Court in the *Leontjava* judgment. The passage of this section of the Bill is extremely important if we are to respond effectively to the consequences of the Browne and Kennedy judgments. As Members of Dáil Éireann, we all have a constitutional and political responsibility to do so.

In summary, this legislation is vitally necessary and clearly arises from the implications of both of the Supreme Court judgments. These require us to update the way we use secondary legislation to give effect to our European Community obligations in Irish law. It is entirely proper that the Government, with the Oireachtas, takes account of those judgments and responds positively to them. It is that simple and straightforward.

We will, as always, reflect carefully on the substantive points made by Members during Second Stage. We are ready to consider reasonable suggestions put forward by Deputies with a view to enhancing in an effective manner Dáil involvement in EU related secondary legislation. I look forward to taking the legislation forward in the Select Committee on European Affairs. I assure the Chair and the House, in particular Deputy Deasy, that I will approach the debate in a positive and co-operative fashion. I ask him and his

colleagues to do the same in the interest of all citizens in the discharge of our collective responsibilities as Members of the Dáil representing our republic, a highly respected, successful member state of the European Union for

over three decades. I commend the Bill to the House for validation.

Question put: "That the words proposed to be deleted stand part of the main Question."

The Dáil divided: Tá, 56; Níl, 45.

Tá

Ahern, Michael.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Carty, John.  
Collins, Michael.  
Cowen, Brian.  
Cregan, John.  
Curran, John.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Fox, Mildred.  
Glennon, Jim.  
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.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Donnell, Liz.  
O'Flynn, Noel.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G.V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Coveney, Simon.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Durkan, Bernard J.  
English, Damien.  
Gillmore, Eamon.  
Gormley, John.  
Gregory, Tony.  
Harkin, Marian.  
Healy, Seamus.  
Higgins, Joe.  
Hogan, Phil.  
Kehoe, Paul.  
McCormack, Pádraic.

McEntee, Shane.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Gay.  
Morgan, Arthur.  
Murphy, Catherine.  
Murphy, Gerard.  
Neville, Dan.  
Ó Snodaigh, Aengus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Perry, John.  
Quinn, Ruairí.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sherlock, Joe.  
Stagg, Emmet.  
Upton, Mary.

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

Question declared carried.

Amendment declared lost.

**An Leas-Cheann Comhairle:** I declare the Bill read a Second Time in accordance with Standing Order 119(2)(i).

**European Communities Bill 2006 [Seanad]:  
Referral to Select Committee.**

**Minister for Communications, Marine and  
Natural Resources (Mr. N. Dempsey):** I move:

That the Bill be referred to the Select Committee on European Affairs, in accordance with

[Mr. N. Dempsey.]

Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Broadcasting (Amendment) Bill 2006 [Seanad]:  
Second Stage.**

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I move: "That the Bill be now read a Second Time."

This Bill has two major goals. The first is to allow RTE to provide a television and radio service to Irish communities living outside the island of Ireland. The second is to hasten the development of digital terrestrial broadcasting services in Ireland. I propose to deal with each of these goals in turn.

The issue of contact with Ireland and the desire for information about contemporary Ireland is fundamental to Irish communities and individuals living abroad. That longing to connect to events at home affects even those of us who live on this Island. Many of us on holiday abroad have found ourselves, despite our best intentions and resolutions, sitting in an Internet cafe logging on to the RTE website to catch-up with what is happening at home. The longer one spends abroad, the more acute that need to connect becomes.

Up until 2001, Tara TV provided a means for the Irish community in Britain to access some of RTE's programming. Unfortunately, this commercial venture did not manage to attract sufficient revenues and ceased to broadcast.

As has been pointed out by the task force on policy regarding emigrants, the loss of Tara TV is greatly regretted by many Irish people in Great Britain, particularly the elderly. As a consequence, the task force recommended that consideration be given to developing the role of television as a contact point for the Irish abroad and that funding be made available for the provision of such a service.

At present, RTE's public service remit, as set out in the Broadcasting Authority Act 1960 and the Broadcasting Act 2001, only extends to the provision of a television and radio service within the island of Ireland. Section 28(8) of the 2001 Act limits the use by RTE of television licence fee income to its public service remit. As a consequence, RTE cannot use such income to provide broadcasting services in Britain or elsewhere.

With a view to implementing the recommendation of the task force, the Government agreed that the draft general scheme of the Broadcasting Bill would include provision to amend the existing public service remits of RTE and Teilifís na Gaeilge to allow them develop broadcasting services for Irish communities abroad and that public funds could be deployed for such a pur-

pose. Given the scale and scope of the draft general scheme of the Broadcasting Bill, and ongoing work by the Oireachtas Joint Committee on Communications, Marine and Natural Resources under the e-consultation initiative, the Government decided to extract and progress this small element by means of this Bill.

Sections 3, 14 and 15 of the Bill outline the legislative amendments necessary to effect this change. Section 3 amends section 16 of the 1960 Act to require the RTE Authority to provide a television and radio service to Irish communities outside the island of Ireland. It also requires the television service to be provided to be representative of the programme schedules of the existing public service channels RTE One, RTE Two and TG4.

The final form of programme schedules will ultimately be a matter for RTE. However, given the issue of broadcasting rights, it is likely that the programme service provided will consist primarily of contemporary domestic programming commissioned or produced by RTE and TG4. RTE is acutely aware that Irish communities abroad will not be satisfied with a purely archive-based service and will strive to ensure that any service provided is reflective of the national domestic public services.

Section 3 also imposes a statutory duty on TG4 to supply some of its programming to RTE for the purposes of the new service at a level to be agreed between the two public service broadcasters. The provision is intended to define such supply as being in the nature of a public service duty rather than an arms-length commercial arrangement.

Section 14 of the Bill amends section 28(8) of the 2001 Act to allow RTE to use public funds drawn from television licence fee income for the purposes of providing the new broadcasting service. The section also amends section 28(10) of the 2001 Act to require the RTE Authority to report to the Minister on its use of public funding for such a purpose.

Section 15 of the Bill amends section 32 of the 2001 Act to empower the Minister for Communications, Marine and Natural Resources to direct the RTE Authority to maintain a special account of its use of public funding in the provision of the new broadcasting service. It should be noted that this Bill is just the first step in getting a broadcasting service on air. It is nevertheless an important first step, as I am sure the Deputies will agree. This is an issue dear to the hearts of many in the Irish community in Great Britain and I commend the efforts of Irish community organisations in Britain and the Deputies and Senators who have worked on their behalf in driving this issue. It is fair to say that Deputy Stagg has been particularly vigilant in this area.

The Bill as originally published did not make specific provision for the broadcasting of RTE's

radio services to Irish communities abroad as such services are already available in Britain and further afield by means of RTE's long-wave service and by satellite. The Bill, as published, was intended to remedy the immediate deficiency, namely, the absence of a television service. Having listened to Senators' concerns during the course of the Seanad debate, the Bill has been amended to require RTE to provide both a radio and television service to Irish communities abroad.

I propose to turn to the elements of the Bill that deal with digital terrestrial television, DTT, and digital radio broadcasting. The development of DTT in Ireland is integral to the continued availability of free-to-air Irish public broadcasting to Irish television viewers. Although satellite, cable and MMDS services can provide a range of televisual offerings to the Irish consumer, none of these platforms will provide the near-universal, free-to-air digital service regulated under Irish law that DTT can provide. Given the fast-changing developments in technology, analogue terrestrial transmission is set to become obsolete in the near future, particularly as most European countries move to digital provision. It is essential to ensure that Irish broadcasting services keep pace with these developments.

DTT will provide the technology upgrade necessary to maintain free-to-air availability of Irish television broadcasting. DTT can offer citizens much more in terms of choice of channels and quality of picture. It can also create opportunities for additional private sector investment and product offerings, with the possibility to provide new and enhanced Government and public services.

It is estimated that approximately 29% of households with licensed televisions use analogue free-to-air terrestrial television only, and that up to 90% of households use analogue free-to-air terrestrial television on at least one television set in the household. The roll-out of DTT will be particularly important for these households as it will provide them with a viable alternative to analogue television with increased quality and a better range of broadcasting services. It will also serve to meet the requirement that all TV licence holders continue to receive public service broadcasting on a free-to-air basis.

I am conscious of the need for Ireland to keep ahead of the fast pace of developments in digital broadcasting across the European Union. With this in mind, I launched my Department's DTT pilot programme in August 2006. The aim of this pilot is to bring momentum to the development of DTT in Ireland and to encourage stakeholder and public interest therein. The pilot project is expected to run until 2008 and will provide insight into the issues associated with the roll-out of a national DTT system and the potential impact on the analogue television network.

One of the advantages of digital transmission over analogue transmission is an increase in efficiency, which can benefit the spectrum-planning process. A move to DTT and a subsequent analogue switch-off will free up spectrum, which can be made available for additional broadcasting or telecoms applications. Demand for additional spectrum has increased significantly and has been a key factor in the move towards digital broadcasting across Europe. While demand for additional spectrum is not as significant a factor in Ireland as it is across Europe, Ireland will wish and be expected to plan for the use of spectrum in an internationally compatible way.

The European Commission has suggested 2012 as a target date for the switch-off of analogue services. Consequently, there is a pressing need to bring forward amending legislation in order to facilitate the activities that will lead to national DTT roll-out and analogue switch-off.

The Bill has already been the subject of a lively and wide-ranging discussion in the other House. Some Government amendments were made to the DTT elements of the Bill at that stage, which amendments mainly provide that the process run by the BCI for the allocation of multiplexes will take place in a timely fashion. They also clarify that ensuring compatibility across multiplexes so all services can be received on one set-top box is a key consideration for both multiplex contractors and the BCI. I may table further technical amendments to the Bill on Committee Stage.

The DTT parts of the Bill before the House essentially amend one part of the Broadcasting Act 2001, and the basic policy objectives underpinning the 2001 Act still remain in place. The licensing model set out in the Broadcasting Act 2001 required an all-or-nothing response from the market that was not attractive and proved to be unworkable. The proposed legislation seeks to establish a more scaleable model that allows public service broadcasters to migrate to DTT and private sector operations to seek DTT multiplex licences as they see fit.

This Bill offers a degree of flexibility in the take-up of multiplexes which will prove more attractive to private sector operators than options available in previous legislation. The proposed framework also puts in place a mechanism to implement analogue switch-off, which has not been developed before. Under this Bill it is proposed that up to six multiplexes or frequencies should be dedicated to DTT, allowing for approximately 25 to 30 standard television channels. However, flexible allocation of the frequencies thereafter could mean further DTT multiplex allocations, if required by market players.

It is proposed that the first multiplex will be allocated to RTE and will also contain TG4, thereby ensuring a foundation level of Irish broadcasting services on the DTT platform. A second multiplex could be allocated to RTE, sub-



[Mr. N. Dempsey.]

ject to consultation. This is likely to be for high-definition television as it requires more spectrum. The next four multiplexes will be left to open competition run by the BCI within a specified time limit. The BCI will be obliged to run a competition for three of these multiplexes immediately, reflecting currently available spectrum. It is expected that TV3, as the fourth analogue terrestrial licensee, may be on one of the four multiplexes. However, TV3 can instead be carried on the “public service” multiplex if it so wishes. The framework will allow for multiplexes to be added as the market requires, with spectrum for these four multiplexes guaranteed. I expect these multiplexes will be in demand given the level of response from the market in the context of the DTT pilot. The framework will also allow for a gradual take-up of multiplexes over time if that is the market response.

A similar process will be run by the BCI in respect of the allocation of sound broadcasting multiplexes for digital radio, possibly of the DAB standard. While DAB is not as well established across the Union as DTT, it has been established successfully in the United Kingdom. RTE is currently running a DAB trial which will allow issues around a national roll-out to be explored. In that context, this Bill allows for the establishment of DAB multiplexes and provides a model for licensing by the BCI of DAB in the future. However, it does not rule out the use of digital sound technologies other than DAB.

I will now outline the provisions made in the Bill. Section 1 provides for the Short Title, collective citation, construction and commencement. These are standard provisions in legislation. Section 2 provides for interpretation and provides definitions for a number of terms used throughout the Bill.

Section 3 provides for the authority, RTE, to establish and maintain multiplexes and makes provision to ensure that the RTE and TG4 channels are carried on the first multiplex. It also ensures that consideration will be given to the carriage of TV3 on the DTT platform in the event that measures under section 4 do not bring this about. It provides that TG4 and TV3 may make payments to the authority in the event that the authority carries these channels on a multiplex.

Section 4 outlines the functions of the Broadcasting Commission of Ireland, BCI, in regard to arranging contracts with multiplex contractors for providing additional multiplexes of programming. The BCI will be required to ensure compliance by contractors with the provisions of the Act. This section also sets out conditions to allow for provision of the analogue commercial licensee’s services on the DTT platform and for any Northern Ireland service that could be designated for carriage in the future.

Section 5 provides that the Commission for Communications Regulation, ComReg, is required to make available licences for DTT services to RTE and other multiplex service providers. Under this section, ComReg may allocate further licences for DTT to be contracted by the BCI and other services. The section also provides for ministerial powers to make provisions for the use of services under section 5 in the event of a declared emergency.

Section 6 provides that ComReg is required to make available licences to RTE and other providers in a similar arrangement to that of section 5 but for digital sound broadcasting. Section 7 provides for ComReg to levy fees by regulation on to various broadcasting licences, including multiplex licences.

Section 8 provides that the BCI should run a competition within a specified time limit for the awarding of multiplex contracts for television and radio, which should be publicly advertised. The section obliges the BCI to invite applications for contracts in respect of three national multiplexes within six months of the coming into force of the legislation. Under this provision, the BCI has discretion to set the coverage area for any multiplex service and services can include regional and local digital services.

Section 9 sets out the criteria to be considered by the BCI when awarding contracts to multiplex contractors. Additional criteria can be added at the discretion of the BCI where necessary.

Section 10 allows the BCI to set out the terms and conditions for multiplex contracts and sets out a number of possible terms and conditions to be included. In addition, it provides that the commission may suspend or terminate the contract under certain conditions, that the contractor may pay fees to the commission and that each multiplex contract shall be open to inspection by the public.

Section 11 sets out the provisions to allow consideration by the Minister for Communications, Marine and Natural Resources of a date for analogue switch-off, having consulted all relevant stakeholders. It provides for the Minister, following consideration of a report from the commission or the authority or at any stage, to issue a policy direction in that regard.

Sections 12 and 13 give effect to various minor amendments to the Broadcasting Act 2001 in respect of DTT and the new licensing model proposed, with particular regard to electronic programme guides and the application of BCI codes and rules.

Sections 14 and 15 concern RTE’s public service remit, to which I referred earlier. Section 16 provides for an analogue broadcasting licence for TG4 after the station’s separation from RTE on 1 April 2007.

Section 17 provides for the repeal of sections of the Broadcasting Act 2001, in order that the

new alternative licensing regime can apply. Section 18 allows for the Minister's costs in the administration of this Act. The Schedule sets out the sections of the Broadcasting Act 2001 that are repealed by section 17.

Extensive consultation has taken place on the proposed legislation with a wide range of public service and private sector bodies, including the BCI and ComReg. In addition, both ComReg and the BCI will have a role in the allocation for spectrum for DTT purposes. My Department has also been in communication with the European Commission in the context of analogue switch-off. The DTT pilot currently being run by my Department has also provided an opportunity for full engagement with regulators, broadcasters and all other stakeholders on issues concerning DTT roll-out. It is planned that this pilot will continue over a two-year timeframe, during which DTT broadcasts will transmit from Three Rock in Dublin and Clermont Carn in County Louth.

A DTT pilot stakeholders group has been established by my Department to provide a forum within which stakeholders can raise and discuss issues associated with the pilot and long-term DTT strategy. Key discussions have been facilitated with a range of public service and commercial broadcasters on the issues arising out of participation in the DTT pilot.

This Bill presents an opportunity to ensure that the Irish public continues to have access to new and improved broadcasting services on a universal and free-to-air basis. A national DTT platform is a prerequisite for maintaining and developing a vibrant and relevant Irish broadcasting sector, while meeting our commitments to the EU switch-off target date of 2012. Consequently, I commend this Bill to the House.

**Mr. Durkan:** I welcome this Bill. However, given that it is part of a wider legislative initiative, it would have been more beneficial had we time to pass all the legislation discussed in the e-consultation process. Broadcasting is undergoing major change with the advent of the digital era. The future of free-to-air transmissions is in doubt and legislation will be required in that regard. The needs of consumers, both in Ireland and abroad, will have to be observed. The Irish diaspora is spread far and wide and significant numbers of Irish people travel on a daily basis to other parts of Europe and the world, not to mention the numbers who come here from elsewhere. All travellers have an interest in the current events of the country they have left or are visiting. We should be certain this Bill will meet the needs of these travellers.

Having visited the Irish diaspora of a different era in Camden Town and further afield in Boston and Chicago, I was struck by the interest of the Irish abroad in having up-to-date information about events at home. I once met a group of

people whose forefathers had long ago been transported to Australia and who had never previously met an Irish public representative. They cried at their first meeting with the Irish parliamentary delegation of which I was part. It was disturbing to see their hunger for information about a country they had never visited.

**Mr. Broughan:** Was the Deputy's visit covered in the Irish media?

**Mr. Durkan:** The measures proposed in this Bill will be useful to that group of Australians.

With regard to the Minister's proposals on technology, I intend to bring amendments on Committee Stage because I am not certain that use will be made of the optimum technology.

Although this Bill only forms part of the wider broadcasting legislation currently under consideration, the building blocks put in place should be able to stand the test of time. As Members are aware, technology has an extremely short lifespan and some technologies become obsolete overnight. Consequently, it is imperative that the technology put in place and the systems used should stand the test of time. It has been suggested in some quarters that the proposed technology to be used, namely, the multiplex system, is on the cusp of being out of date due to overcrowding. It may not necessarily give the best possible service to those for whom it is intended. In this context, it may be necessary to consider amendments although the Minister has already stated there is provision to use other technologies in this regard.

I wish to refer briefly to the digital television pilot scheme in operation. While pilot schemes are well and good, they are merely pilot schemes. There are methods to acquire and condense the information and to bring it up to speed much faster than is the case with the existing scheme. A couple more years will elapse before anything worthwhile will be done in respect of moving towards the switch over from analogue broadcasting. I have received information from sources that suggests it would be possible to carry out a similar exercise to the pilot programme in a shorter time that would provide the requisite information and begin to put in place the necessary procedures for the change to digital broadcasting. The Minister will probably claim this is untrue and that other considerations exist. While I am familiar with such considerations, if we spend too much time debating the procedures to be followed, time may have caught up with the technology and it may be obsolete before it is ever put into place.

Although this may sound extraordinary or crazy, it has happened on countless previous occasions in Ireland and elsewhere. Other countries now recognise that some of the technology that has been proposed for use under this Bill is out of date and will not be used or must be

[Mr. Durkan.]

changed. Given the Minister's opening remarks, obviously he is considering this issue.

**Mr. Broughan:** Would the Deputy like to see the current Government on high definition television?

**Mr. Durkan:** I am unsure whether that would be good for the consumer.

**Mr. Broughan:** It might frighten consumers.

**Mr. Durkan:** I suspect consumers would be taken aback in the era of high definition television. I take Deputy Broughan's point.

**Mr. N. Dempsey:** The Deputy has more to worry about in that regard than me.

**Mr. Durkan:** Some of the Minister's colleagues have paid so many visits to television and radio studios recently that so doing in high definition might prove to be a shock for which the public may not be prepared. Although the public has been shocked on numerous occasions, I will not go into specific instances.

Although it should not apply to the service that is being introduced, some Ministers tend to regard the national broadcasting service as their own, or as "one of ours", in the catch phrase from RTE's "Killinaskully". However, the public broadcasting service is not "one of ours". It is available to all and to both Government and Opposition in equal proportions. The current or any future Government should be made aware that any attempt to subsume the national broadcasting service is simply not on. Ministers may believe that by virtue of their office, they have the automatic right to descend on a television or radio studio to give the public the benefit of their high moral tones and values on all kinds of issues at all times. However, they should realise that such facilities must be made equally available to everyone else without exception.

For instance, a change of Government, which will take place, might come as a terrible shock to the public because they will no longer see those familiar faces continually, even in high definition. This may create withdrawal symptoms among those unfortunate Members who are on the Government benches, but who will then be sitting on the Opposition benches. There is ample scope and space for all in the broadcasting area.

While I am on the subject, this Bill does not cover local broadcasting, which is a powerful element in Ireland's communications system. In future, there will be more local television. I will revert shortly to the difference between television and the use of a personal computer or whatever for viewing programmes. However, Members should consider the direction being taken by local radio. At present there are numerous cases, in

Ireland and worldwide, in which other local media outlets are investing in local radio. This is taking place to such an extent that the years are being reeled back in that the local element is being replaced in a reversion to national or international services. While this is acceptable, local radio should not be so described if it is no longer local. While this has not happened in all cases, such a tendency exists and arises from a number of factors. In common with the telecommunications sector or the information technology sector in general, at a time of low interest rates, which has been the case for some time, it is much more lucrative for investors to consider investing in utility services to make high returns.

One need only consider the Eircom saga in this respect. It is a classic example in which a utility service has been rolled over four times in the last eight years. Each time, the emphasis has been on the value of the company rather than the value of the service to the consumer. As for the broadcasting area, Members must retain clearly the objective of providing a service to the consumer, rather than for the convenience of the service provider or investor. The Minister may need to investigate this issue in respect of the broader broadcasting legislation. While I do not refer to the legislation before the House, it will arise and must be dealt with. I know this issue will be dealt with, either by the Minister or by Opposition Members after they take office, as it will be necessary to do so. While this matter will be discussed in greater detail subsequently, I believe it must be done by way of legislation.

The question of regulation and competition appears to work better in the United States than in Ireland. Perhaps the model we are using is not optimal. However, it appears that in the United States, there is provision in legislation whereby the service being provided must be adequately funded, invested and upgraded on a regular basis to ensure its continued provision to the consumer, as opposed to fattening the company or utility service for sale as an investment venture. This matter requires a great deal of attention and pertains to all of the services for which the Minister is responsible, such as electricity generation, electronic communications of all forms, the communications sector in general and the postal transmission services. They are all utility services that will become highly attractive for investments or for a quick fattening sale. However, the potential exists in all to damage the level of service that the consumer has a right to expect. I raise this point to ensure Members are on the right track. Will the Minister indicate whether it is possible to shorten the pilot project to which he referred and bring forward proposals to telescope it and get ahead of the posse rather than chase it? While I do not suggest the Minister is to blame, in recent years we saw slow starts and progress in this area. The availability of broadband is a classic example.

For whatever reason, we moved from a situation a few years ago where we were at the leading edge to being second or third last in the European league. No matter what we do, unless we jump ahead of our targets and set our own standards which should leave us at the leading edge, we will not be in a position to compete effectively in the European arena. It is short and simple. The same applies to every service provided by other Departments which have the ability or necessity to utilise modern telecommunications.

I will return to the use of technology and digital short wave or long wave transmissions. The Tara transmission and long wave transmissions from here were of major benefit to Irish people living abroad. The degree to which they will benefit from the new system is what will most interest us now.

The Minister mentioned a single set-top transposer. It should be possible to build into the technology within receivers an ability to decode automatically. The more one switches on and off boxes, transposers and various thingamajigs the more complicated it becomes. It is possible to build into radio or television receivers a system which can automatically receive and decode a signal and deal with it in any way.

Way back in the early 1980s I won a video recorder. I do not know how I won it but I remember the first prize was a Volkswagen Golf——

**Mr. Broughan:** Was it in a Fine Gael draw?

**Mr. Durkan:** It was not. I think it was a GAA draw. The first prize was a Volkswagen Golf and the second a video recorder. They were that close together at the time. It came in a box and somebody who knew about these matters asked me whether it was a betacord or VHS recorder. I told him it was a betacord recorder and he told me I ought to get rid of it straightaway because it was old technology. In fact, it was not; it was the best. However, it was not the most used, which is a different matter. The major manufacturers had come together under a particular technology umbrella and decided to use the VHS system which was not nearly as good, easy to use or advanced as the betacord system. That is a fact. I used both and from personal evaluation, that is what it amounted to. It proves a point that what we are told is not always correct. We know this from the various expert groups which advise us. Expert advice varies. The great thing about experts is that two groups can have totally different opinions, each proving its case. However, only one of them is right. Which is it?

Will the technology to be used have a reasonably long lifespan? Will we avail of it early and will it have the ability to transmit a signal to the widest possible audience throughout Europe, in particular, and further afield, if possible? That is

what I would most like to know. It can be done, as we can receive signals in tunnels. I must check whether we can receive a signal in the new tunnel here. From past experience, I know it is possible to receive an adequate signal throughout Europe. It is also possible to receive a good quality signal transmitted from this country throughout Europe, whether it be long wave, short wave or digital. The old-fashioned or overcrowded signal and the clear near stereo signal are as different as chalk and cheese. There is no comparison.

From driving cross-country, we are familiar with the automatic pre-selection system in motor-cars. It changes to pick up various stations as one travels from one part of the country to another. One does not always get a good quality signal, sound or response. When there is a squelch, fade or loss of signal, one wonders what is happening. We had such an example in recent times. As the Minister is aware, broadcasting services from a number of churches ceased. Many parishes were annoyed and disappointed. They had available to them an FM signal which was quite good but then disappeared. As the Minister knows, I was in touch with his office and he provided me the information available to him. I was also in touch with the regulator and received the information available to that office. I was told air traffic control was in deep trouble with the system and that it had to be changed. From experience gained in a previous incarnation, I was amazed that was interference with air traffic control. I was not all that reassured from the information I received. Suffice to say, it is possible to have both signals. It is possible to provide a service for all churches in a way which will not interfere with anybody else, any other signal or emergency services. It is possible to provide such a service throughout the country and further afield. In the context of what is proposed in the Bill, it is possible to restore the high quality signal available to churches and utilise the technology available without interference. This is the right time to do so. The confidence in the system of those who had come to enjoy a particular quality of service would be restored. For regulatory reasons or otherwise, overnight they found they no longer had the service. It should not be this way.

Will the Minister examine how the Bill can assist those involved in providing a service from churches, particularly for older people and those who are ill and are unable to attend mass or church services on a Sunday morning? This would be of major benefit. Someone will argue that a system is provided for them through a new type of receiver box. It is a CB-type signal which is not of high quality. We do not need to rely on it. It would be helpful if the Minister could indicate to the House how the matter might be dealt with.

Perhaps we are seeing the end of free-to-air television services; it looks to me that that is the way it is going. It has been that way in the United



[Mr. Durkan.]

States for some time. This is sad, as there will always be a place for a free-to-air broadcast station which fulfils national broadcasting needs and the public service obligation. Such a station would be free and independent and not rely unnecessarily on advertising support, etc. There are different horses for different courses. TG4 provides an interesting service different from that provided by many other stations. It has been innovative and effective in the sports area and the broadcasting of Oireachtas proceedings. Live proceedings from the Oireachtas have been broadcast when the occasion has arisen. It has done a good job for the Irish language and the consumer by presenting such an option.

The time has come for the live broadcasting of proceedings in these Houses, something Members seek all the time. There is ample scope and space for building a service around the proceedings of the national parliament. For those who ask who would want to listen to them, it should be said people ignore proceedings in the Houses at their peril. Everything that is legislated for must pass through the Houses and the public has a right to know what its representatives say and do, how they vote and deport themselves and what is done in response to the Government or Opposition. It is a vital part of democracy and would be a very important service. Such a broadcast would be viewed by a large number. I am sure my colleagues share my experience of people walking up to me and asking about what a certain Member had said because I would have been present at the time and knew what was happening. If we wish to have a full House, something which receives much comment outside, we should make it interesting and bring the public with us. If it cannot be here, we should be brought to it. The people have a right to know as events happen. During the summer months, when everybody believes we all go away and have no interest in what goes on here, any radio or television station worth its salt would be able to build programming around issues already discussed. This could come from committees which sit for most of the year or by repeating some broadcasts from the Houses. TG4 has done tremendous work in this area and shown us the way.

I have referred to a number of points and, like my colleagues, hope to bring forward amendments on Committee Stage. We need time to do so. I do not believe it is fair or proper to expect us to deliver such amendments within 24 hours. The issue is too important for that.

I welcome the Bill in general and hope all the aspirations for it can be met in full. In so far as we can, we will do our best to assist its passage.

**Mr. Stagg:** I wish to share time with Deputy Broughan.

**Acting Chairman (Deputy Glennon):** Is that agreed? Agreed.

**Mr. Stagg:** I am very happy to be here speaking on this issue, but my interest lies only in sections 3, 14 and 15. The balance will be very ably dealt with by my colleague, Deputy Broughan, the Labour Party's spokesperson on this area.

The debate on the issue of broadcasting to the Irish abroad started with the Labour Party's Private Members' motion on 27 and 28 January 2004 which sought the implementation of the task force report on the Irish abroad. Amazingly, this was the first time the issue of the needs of the Irish abroad was discussed in this House, despite the large numbers involved over a protracted period of time. There has been real progress since. Funding by the Government has increased from €4 million in 2004 to €15 million this year and services have been increased accordingly. However, the task force envisaged a larger amount, €34 million, in funding from the Government. It could be said there is "a lot done, more to do".

That we are discussing the measure today is proof that campaigning works. I was not the only person involved in the campaign; Members from the Government side and other Opposition parties were involved also. We were persistent and successful, as is demonstrated by our discussion of section 3 today. The Opposition can propose as much as it likes but in the long term the Government disposes. I want to recognise that reality.

Arising from the 2004 debate, Fine Gael and the Labour Party have developed a joint policy position for the implementation of all aspects of the task force report during a period of government. Two issues have regularly and constantly come to the fore in my discussions with both individuals and organisations working for the Irish abroad. One is free travel when such persons visit Ireland, an issue the Government is addressing but an initiative it is having difficulty implementing. The other is reception of Irish television services by the Irish abroad, particularly in Britain, for which there is a strong demand, which grew greatly after the Tara service disappeared for economic reasons. The reason for such strong demand is very obvious, as people wish to keep in touch and ensure they know what is happening. They want to be in contact with home and do not want to be isolated.

I pay tribute to and thank the Taoiseach. I pestered him on the Order of Business with the matter which I raised 15 times. I got a good reception every time. He spoke to me privately and told me he was favourably disposed to my suggestion that this measure be removed from the large Broadcasting Bill and included in this one. He told me he would speak to the appropriate Minister whom I thank for doing exactly that and

bringing this short measure before the Dáil. Other issues are attached about which I do not know much; I am interested only in this matter. My colleague is an expert and will tackle the Minister if the need arises.

Section 3(1)(b) states:

by inserting the following subsections after subsection (1):

“(1A) The Authority shall establish and maintain a television broadcasting service and a sound broadcasting service, which services shall be made available, in so far as the Authority considers reasonably practicable, to Irish communities outside the island of Ireland and the Authority shall have all such powers as are necessary for or incidental to those purposes.”

That is key legislation which will empower RTE to broadcast outside the island. When we previously considered this matter, both sides of the House believed it could be done but RTE wanted to avoid it at all costs, putting every possible obstacle in the way. When the Government was at the point of instructing RTE to do it as a matter of policy, the body indicated that the old Broadcasting Act restricted it to broadcasting on the island of Ireland. This amendment arose from this and enables it to broadcast outside the island.

This will give a degree of recognition demanded by the Irish abroad for the very real and significant assistance provided by them during the 1950s, 1960s and 1970s. The amount is colossal, even in the context of today's figures. It amounts to a real transfer of €3.5 billion. Through this measure and others, it is high time to thank the elderly people in question, many of whom sent money home to those who were regularly in poor circumstances. We should thank them for the food, clothes, books and education paid for with their money. Often, £5 sterling, equivalent to an Irish week's wages, would arrive in an envelope. As I have personal experience in this regard, I want to record my thanks.

The constantly recurring themes in the discussions with the Irish abroad were the reception of television and free travel. On the former, people had a service through Tara Television, but when it disappeared suddenly, the isolation felt by many was all the stronger. In England, there is a large number of Irish widows in the 55 year to 65 year age group arising from the tough lifestyles of their husbands, which affected the health of those men and caused them to die young. While the widows are not particularly poor, they are culturally isolated and removed from their communities. One's cultural identity is important, the most important part of which is retaining links. Being able to see contemporary RTE, home-produced, sports and news programmes would be a positive strengthening of that link and reduction of the isolation in question.

I ask the Minister not to allow RTE to drag its heels. Earlier, he stated that it might take some time, but there is no reason in the world for that to be the case. New services can be set up quickly, but this is an extension of an existing service. With modern technology and the provisions in the Bill, there is no reason the service cannot be in place in time for the All-Ireland Final. I look forward to counties Meath and Mayo playing. I am not hopeful of counties Meath and Kildare meeting in the final, as they are in the same province.

**Mr. Broughan:** Their last match was rough.

**Mr. Stagg:** I am sure it will be rough the next time.

**Mr. Durkan:** It might be called off.

**Mr. Stagg:** I look forward to the final being available to our brothers and sisters abroad. I will hand over to my colleague, who will address other matters in the Bill.

**Mr. Broughan:** In general, I welcome the introduction of the Broadcasting (Amendment) Bill. For a long time, the Labour Party has campaigned for and supported the two key objectives of the Bill, namely, the introduction of broadcasting services for the Irish diaspora, particularly in the United Kingdom, and the introduction of digital terrestrial television services. The Bill can rightly be said to be a victory for the long campaign led by my colleague, Deputy Stagg, for the extension of television services to the large Irish community in the UK, which was forced to leave these shores during the past 50 years or so. The Labour Party is proud of Deputy Stagg and his achievement and I commend him.

Last year, I had cause to describe the Minister, Deputy Noel Dempsey, and the Government as an analogue Government in a digital age. Unfortunately, that description remains merited. The Bill is a small first step rather than a comprehensive vision for facilitating a smooth and speedy digital transition. The Labour Party believes that a comprehensive plan for achieving digital switch-over must be prepared and implemented urgently, as we cannot afford the botched introduction of yet another critical component of the digital infrastructure.

Our particular concern is the digital inclusion of our whole population. Vulnerable groups that will be most affected by the switch-over, such as senior citizens and households that have low incomes and are socially or geographically isolated, must not be left behind in the transition process. In three months time, it should be a policy of the new Government to provide set-top boxes to senior and vulnerable citizens.

**Mr. Durkan:** Hear, hear.

**Mr. Durkan:** When the main broadcasting Bill, or the large broadcasting Bill, as we have been calling it, was published last September, a question that occurred to everyone concerned the whereabouts of the DTT section. It soon became clear, as Professor Colum Kenny of DCU predicted rightly, that the Government would need to publish a second Bill to amend the main broadcasting Bill and to provide for DTT, which is before the House today. The Government had no intention of putting the main Bill through the House.

The heads of the main Bill were historic because it was the first legislation to be submitted for full consultation to the people through the Oireachtas website. At least 60,000 hits were recorded in the main consultation period. It seems cruel, but typical of the Government, that a Bill so invigilated — our committee held two days of hearings on it — should be allowed to wither on the vine as the Government passes out of office. It is typical of the Government to kick issues to touch and to hope they will go away until after the general election.

**Mr. Durkan:** Sneaking away.

**Mr. Broughan:** It is disappointing, but not surprising, that the same ad hoc and disjointed approach to broadband is being taken to broadcasting matters. Is it not bizarre that the main broadcasting Bill was to establish the new broadcasting authority of Ireland, which was to subsume the Broadcasting Commission of Ireland, yet this Bill refers to the BCI? It is an incredible mess in terms of legislative strategy.

**Mr. Durkan:** An each-way bet.

**Mr. Broughan:** Yes.

**Acting Chairman:** Deputy Broughan without interruption.

**Mr. Broughan:** Repeatedly, section 3 refers to new functions for the RTE Authority, but RTE was another body to be abolished through last September's Bill. I welcome that RTE is present in the legislation before the House. As I tried to clarify at the committee hearings, the Labour Party is opposed to the abolition of the RTE Authority and favours the British broadcasting model of regulation where the national broadcaster has its own regulating authority and OfCom regulates the rest of the broadcasting and communications landscape.

We are legislating for DTT in a regulatory and broadcasting environment that was to be radically changed by the overarching broadcasting Bill. Therefore, it is an incongruous and incomprehensible situation within which to bring forward DTT structures. Will the Minister address these matters in his response?

There are eerie and disturbing parallels between the ongoing disastrous broadband roll-out overseen by the Government and the roll-out of digital terrestrial broadcasting. More than a year ago, I warned the Minister of a significant danger, in that we could see a rerun of the broadband debacle that has resulted in the international joke that is our position in EU league tables for broadband penetration, as described in *The Irish Times* a few weeks ago. Many of the same issues are involved, namely, being extraordinarily slow on up-take, being left behind by our EU and OECD partners, undertaking no research or proper preparation, not establishing public information or awareness campaigns, not ensuring that all citizens will have access to developing services and allowing a digital divide between sections of our society to develop. Did the Government and Minister learn nothing from his mismanagement of broadband and its roll-out?

**Mr. Durkan:** Hear, hear.

**Mr. Broughan:** One of the starkest examples of the Government's lethargy on all matters digital has been the failure to set a timeframe for switching off the analogue signal. In section 11, which deals with analogue switch-off, we get only a vague commitment to conduct a consultation process and review in two years. The EU has stated that 2012 is the preferred end date for switching off the analogue signal across Europe. Perhaps analogue transmission suits an analogue Government, but the rest of Europe is beginning to live in the digital age. The Government has made no decision. The target dates for most other EU member states range from 2008 to 2012. I again ask the Minister to address the issue of whether 2012 will be the date for the switch-off of analogue services. I have asked this question six times already in parliamentary questions in the past year and a half.

A two-year digital terrestrial television, DTT, pilot programme at two locations has been established in the last couple of months but there are still few, if any, radio services available in the form of digital audio broadcasts, DAB. I understand people with DAB sets have nothing to receive and that interactive digital services such as video on demand, VOD, archive services or interactive commercials are also underdeveloped.

Neither the Government, the national broadcaster, RTE, nor the communications regulator, ComReg, has taken or been charged with taking the primary role in leading the digital switchover. In the United Kingdom the former head of Channel Five, Mr. David Elstein, told British MPs at the House of Commons Committee on Culture, Media and Sport that the digital switchover "will be the biggest single civil project in the history of this country". He went on to say, "Just telling



people that all their TVs and videos are going to stop working is not managing things.” That is more or less what the Minister, Deputy Dempsey, told me at Question Time a few months ago.

Converting terrestrial television services to digital services is a complex project that will necessitate a high degree of co-ordination and co-operation. So far there has been little management by the outgoing Fianna Fáil-Progressive Democrats Government of the unfolding digital transition. For example, how does the Minister envisage ComReg being involved? In sections 4 to 6, inclusive, it has a minimal role. On Tuesday we shall discuss a major Bill to change ComReg, yet the Minister does not seem to have given it a serious function, except in its role as dispenser of spaces on the spectrum, as mentioned at the top of the Bill. Most of all, the Minister has not published any costings or cost-benefit analysis of the digital switchover, or the potential cost to the taxpayer and householder of the total project. When I asked on 30 May 2006 whether he had any cost estimates, he replied:

It is quite a simple sum. One must add up the cost of the televisions that will have to be bought, perhaps one or two per household. That is a matter for the individual householder.

He appeared to be very unclear on the actual process of digital switchover. DTT allows for a relatively simple conversion process and may not entail every owner having to replace existing television and video recorders. The Minister told me last week that the DTT project would cost €6 million, with €2 million being spent in 2007-08. Therefore, the explanatory memorandum to the Bill is not correct, because it states it will be Exchequer neutral; yet, the Minister is talking about spending a minimum of €6 million, I presume on information campaigns.

The ceannaire of RTE, Mr. Cathal Goan, has costed the charge for set-top boxes which we need at €100 each. If there are 1.8 million households, the figure involved could reach a minimum of €180 million alone. Then there is the major cost to RTE and others of replacing analogue transmission equipment and rolling out the DTT network. However, there are no estimates for any of this and nothing as regards what multiplex licences will cost when we go past the second multiplex. It seems clear that on costings the Minister has done no homework and is not prepared to give the public or householders even a general view of what this initiative is likely to cost the country.

In other countries a much more proactive approach has been adopted by governments. The German region of Berlin-Brandenburg, for example, was the first in the world to complete the digital switchover in August 2003. The rest of Germany is on schedule to have converted by 2010. In Berlin-Brandenburg set-top boxes were

supplied to around 6,000 low-income households. The process involved a staggered switch-off, a partnership with industry, a major public information campaign and a regional and local approach, none of which the Minister has attempted here.

The United Kingdom has been described as the “most advanced country in terms of digital progress”. This progress has been achieved because of the strong proactive approach taken by the British Labour Party Government on the issue and the establishment of an effective partnership between the regulator, the main public service broadcaster, the BBC, and the Government. According to the British Government’s cost-benefit analysis, of the cost and power implications of digital switchover, as produced by OfCom in 2005, the process would bring benefits in the region of £1.1 to £2.2 billion. We have a whole series of such reports from OfCom and the BBC, yet in this country, apart from a very brief document from RTE, we literally seem to be working in the dark.

A rolling series of dates for the switch-off of analogue services has been set in Britain. Wales, for example, will be switching off in 2009. The Six Counties will be among the last group of regions to switch off in 2012. The British have set up an independent non-profit organisation, Digital UK, to oversee and co-ordinate digital transformation and ensure the switchover is carried out in an efficient and equitable manner. I may table an amendment on behalf of the Labour Party proposing the establishment of a similar agency here.

New Zealand, too, provides an interesting example in the Irish context as it is a country of similar size, populationwise, and makes special provision for the representation and protection of the Maori heritage in a way not dissimilar to how we protect the Irish language and culture. A very proactive approach has been taken by the Labour Party Government towards moving to full digital transmission. It is concerned, in particular, to protect the free-to-air digital content which clearly is thought to be under threat. The transition to digital transmission is critically important for individual viewers. Digital services will provide many benefits, including enhanced picture quality, sound, range of portable and mobile reception, information services and increased choice of television and radio channels, as Deputies Stagg and Durkan have so eloquently expressed.

There will be significant problems for Ireland. In the informative briefing document sent to Members of the Oireachtas by the RTE ceannaire, Mr. Cathal Goan, he states 88,000 families in Leinster who receive free multi-channel television services will be cut off when UK services in the west of England and Wales go digital. This gives them just a couple of years. A further 115,000 households will lose free multi-channel reception in a staggered manner as other areas in



[Mr. Broughan.]

the United Kingdom switch off. This is an enormous number of Irish families which are on the verge of losing multi-choice free-to-air reception. That is why I told the Dáil last week that a few years down the line many householders may well have a “Noel Dempsey moment” when they turn on their sets and they go fuzzy or blank.

**Mr. Durkan:** Perish the thought, drifts of snow.

**Mr. Broughan:** In the event they shall probably say, “God be with Noel Dempsey, wherever he is now, but he did not prepare our areas.” RTE has stated the analogue transmission network “may not survive beyond 2012-2015”. More than 500,000 households rely completely on terrestrial analogue services and nearly all will experience some cost because of the switchover. So far the Government has conducted very little research in this regard. As the rest of the European Union is migrating from digital in the next few years, the quality of Irish broadcast services will be affected unless we, too, rapidly make the switch to digital services.

For the Labour Party, public service broadcasting has always been a cornerstone of the broadcasting system, as it embodies qualities such as range and balance, diversity, social and cultural values and universality which are essential to a properly functioning democracy. We are proud of the role Deputy Michael D. Higgins played as Minister of State in the development of public service broadcasting, with the foundation of TG4 and the expansion of RTE’s services. Digital technologies, however, may undermine the delivery of public service broadcasts and threaten such seminal principles as being free at the point of use, universally available and connecting with a majority of the national audience. There is a risk that as digital services become more ubiquitous, a broadcasting ecology that is predominantly pay-per-view, with few locally produced programmes, could develop. That is something we must avoid at all costs. That is the reason the national broadcaster has stressed the need for the urgent development of Irish digital services.

We have heard right wing journalists debate whether there should be a licence fee, if it is sustainable in the digital era or whether the public service broadcasters, RTE and TG4, should be allowed to take advertising. There are profound issues involved. I warmly welcome the development of broadcasting abroad but digital broadcasting necessitates a wider debate afforded by the discussion on this Bill.

The development of digital broadcasting offers the national public service broadcaster a major opportunity to forge a unique role in the broadcasting of programmes of national importance as the main facilitators of a national shared public space. I commend RTE, TG4 and other commer-

cial broadcasters on the public service side on the work that has been done particularly in the past decade.

A disappointing feature of the Bill is section 9, to which I will table amendments on Committee Stage. Regarding the conditions to be applied to the awarding of multiplex contracts, there is no a specific reference to public sector broadcasting.

I welcome the provisions for digital radio and the multiplexes. I was contacted by a number of people who raised concerns about the introduction of digital audio broadcasting, DAB, technology. In an article in a recent edition of the *The Guardian* the ACC plus, the advanced audio coding format, was officially adopted as a new standard for digital audio broadcasting. A question posed in the article was whether DAB technology in the United Kingdom is perhaps obsolete. DAB technology necessitates the introduction of new transmission equipment. It also involves listeners having the relevant technology to access the radio services. I am aware RTE has recently run a six month trial of DAB along the east coast involving RTE Radio 1, 2FM, RTE Raidió na Gaeltachta, RTE Lyric FM, Today FM and WRN. I understand that currently there are no DAB services available in Ireland. Therefore, I am not sure if anyone who bought a DAB set recently can receive digital radio broadcasts. The Minister might respond to that point.

Developing DAB technologies offers RTE and other broadcasters an opportunity to establish new niche services and experiment with a wide variety of digital content. This would be a major development for community and local stations. I was contacted recently by a retired engineer, Mr. Enda O’Kane, regarding the provision of digital radio mondiale, DRM, services, which he and many others — I referred to the recent article in *The Guardian* — have said would offer many advances over the existing analogue broadcasting systems, especially from the point of view of interference which limits listening enjoyment, particularly at night. I ask the Minister to respond to that point in regard to the radio multiplexes.

One of the interesting questions arising under the legislation is how the Minister intends to proceed with spectrum management once the analogue signal is switched off. Spectrum space has potentially very high commercial values and can be used for a wide range of mobile TV, standard mobile telephone services, wireless broadband, terrestrial high definition TV, standard definition TV channels, interactive services or even, as described by the European Commission, the wild-card option of innovative new services.

The argument has been put forward that the public good will be best served by allocating much of the released frequencies to terrestrial high definition television, HDTV. However, HDTV requires much more spectrum space. The Minister indicated in his Seanad speech on the Bill that under this legislation six multiplexes will

4 o'clock

be dedicated for DTT facilitating approximately 25 to 30 standard channels. Why did he decide on standard channels rather than high definition television? As I said to Deputy Durkan, we might see the next Government and Opposition on high definition television. Why will there be only 25 to 30 standard channels?

**Mr. Durkan:** The Minister will then be on this side of the House.

**Mr. N. Dempsey:** Perish the thought.

**Mr. Broughan:** I welcome the Bill. The Government's approach to the legislation and to the way forward through the use of digital technology is a classic example of it behaving as an analogue dinosaur. We need a new Government for the digital age and, hopefully, that will happen a few months' time.

**Mr. Durkan:** Hear, hear.

**Mr. N. Dempsey:** We need an Opposition that knows where it is going.

**Mr. Eamon Ryan:** I wish to share my time with Deputies Crowe, Catherine Murphy and Finian McGrath.

**Acting Chairman:** That is agreed.

**Mr. Eamon Ryan:** I remember when I lived in London in the mid-1980s thinking I might not return to live here and having a sinking feeling as I watched the BBC news in my flat in west London. Even though I had grown up watching the BBC news, as we had that channel at home, living on the east coast, I thought then for the first time that BBC News was biased in the sense that it did not give me the full picture. RTE was not available to me and on BBC News I got only half the picture or half the story of my country. That had a profound effect on me. That is when I had a sense that I was living in a foreign country.

I say that for two reasons, first, because I fully support and understand the proposal of providing Irish services to our emigrants in the UK who have a connection with this country and, second, it makes the important point that we need to have control, ownership and possession of our free to air Irish broadcasting services to ensure we do not lose control of that most important part of our civic and State life. I refer to the ability to communicate to each other and to have access to news which we, rather than Rupert Murdoch or another corporate individual, control.

I commend the proposal to provide services for those in the UK. Perhaps through amendments on Committee Stage we can discuss what proposals the Minister considers most appropriate to meet the aspiration that has been set. It is instructive that an earlier attempt to do this failed on a commercial basis. I am not saying the services

should be commercial but we should be canny in how we spend our money. Those services, by nature, would not be ones to which royalty rights issues attach, rather they would be programmes that could be selected from RTE, TG4 or TG3, and possibly could be provided on a free satellite service in the UK or in combination with the web access service. That may be a cheaper way to provide universal coverage of services in the UK rather than free-to-air digital services, which might be more expensive. I would be interested to hear the Minister's view on the best channels of communication to achieve that and the cost implications. Has the Department an indicative outline of the cost of the various solutions or ways of distributing the services? While all Members here support the provisions as set out, it is important to be clear from the start about what we are talking rather than being aspirational and not committing ourselves because we do not know the possible costs or implications.

The provision of services here is complicated by the availability of other platforms. That 70% of households here are on either a cable or satellite service has an obvious effect. Furthermore, the fact that we will go through a transition period where those households who do not have that service will lose the British channels they currently receive by dint of geographical spillover is a significant development and complicates the issue before us as to how we plan our own free-to-air services. I contend that in two years' time, as Deputy Broughan said and as Mr. Cathal Goan pointed out, some 88,000 families in the Leinster area will lose that multichannel television they have had for at least the 40 years I have been here. This is of some consequence.

We should ensure we have a strong free-to-air service. If we plan for a free-to-air service which only contains the four existing Irish channels, such a service will not lose out to the alternative platforms, be they satellite or cable, which can carry the full array of channels. We should plan in this legislation for solutions which ensure a free-to-air service that attracts a reasonable viewership, even if it is not the full percentage of our population, to make it viable or justifiable. The solution would be to adopt a North-South — the Minister intimated this in reply to questions earlier in the week — all-Ireland approach, possibly on a free-to-air digital service, to the provision of the main public sector broadcasting channels, BBC 1, BBC 2, RTE 1, RTE 2 and possibly ITV and TV3, although I recognise there are difficulties with including TV3 and ITV in terms of royalty issues, North and South. I strongly contend that we need such an all-Ireland dimension to make sure we have a strong free-to-air service, although not necessarily to compete with NTL or Sky. They offer a different package, namely, a plethora of sports and other add-on adjunct channels.

[Mr. Eamon Ryan.]

I do not believe a free-to-air service would survive on just the four Irish channels themselves. I suggest that we should be doing something similar to what we have just passed in the energy area and to what will hopefully pass through the House of Lords next week. We should be looking at all-island solution, whereby ComReg, the Broadcasting Commission of Ireland, RTE, Ofcom and other bodies in the North, as well both Governments, can come together to manage the development of an all-Ireland free-to-air service. If this happens, people in Belfast and Derry can readily access Irish channels, while we might also be able to carry some UK public service channels on our free-to-air service. That would provide the type of free-to-air service that people are used to in Ireland. Without such a development, the free-to-air service will not hold up and we may push many of our new customers in rural areas towards Sky and cable. This will leave us without any free-to-air service that provides an independent State-controlled guaranteed broadcasting transmission network.

I will table amendments on this issue on Committee Stage and I will be interested to hear the Minister's views. There is an urgency about all this as we will be losing our current analogue services in two years' time. If that is to happen, we should try to get a better alternative. When dealing with ComReg's spectrum management and the possibility of the BCI as a future all-Ireland regulator, it is apparent that there is a cross-over in responsibilities. If we create a single regulatory structure, with very clearly defined and separate divisions within it, we might follow the Ofcom model in the UK where the spectrum licensing was held in a broadly defined broadcasting regulator.

I do not understand why the Department has engaged in pilot testing. This technology is developing all over Europe, including Northern Ireland, and I do not see the technological reason for the Department to do it. I do not even know why it rather than an outside body is doing it. We should also legislate to insist on the availability of a political channel in any Irish free-to-air service or for any free-to-air services overseas. We have to take seriously the opening up of these Houses and the Oireachtas committees. We should be legislating for that now so that one of the multiplexes opens up the work we do here. That is the right step in the democratic process.

**Mr. Durkan:** Hear, hear.

**Mr. Eamon Ryan:** We should use this debate to discuss the future of RTE. There is a real question about whether RTE is a content producer. That question should also be asked of TV3, but we have responsibility for RTE. It should not see itself as being involved in the transmission area. There are real questions about the future of RTE,

which is unfortunate. We are not legislating here for a general broadcasting Bill, which we should have done before the end of this Dáil. Under the heads of the Bill set out by the Minister, a future Minister will have too close a relationship, responsibility and authority over the control of public sector broadcasting.

Having said all that, I still commend the Bill and I look forward to debating it on Committee Stage.

**Mr. Crowe:** The irony is not lost on me, as a Sinn Féin elected representative, that I have an opportunity to make a contribution to a Bill on broadcasting and RTE, 13 years after censorship against Sinn Féin under section 31 was lifted. Section 31 was highly undemocratic, stifled debate and discussion and denied viewers and listeners in this State the experience of fellow Irish people. Despite our criticism of the effect of State censorship directed against my party, and its lingering effects on some RTE personnel, Sinn Féin is committed to support for public service broadcasting.

The core point is that we were promised an RTE-led digital television service in previous years by Governments led by Fianna Fáil and the Progressive Democrats Party. The original proposal from the then Minister, Deputy de Valera, in the late 1990s included an enhanced RTE service with an international partner. It would have extra Irish-based channels, including 24 hour news, current affairs, education, science and so on. The Government dithered, letting BSkyB and then NTL enter the market with their own digital offerings. This made any move by RTE meaningless. While new stations like Setanta, Channel 6 and the City Channel are welcome, they do not constitute the promised expanded public service. The full ignominy of this became obvious when RTE became an add-on to the BSkyB digital satellite service.

I welcome moves in the Bill to allow RTE to broadcast to Irish communities living outside the island of Ireland, but what about the situation on the island of Ireland? RTE has a remit to broadcast all over the island, but what about the areas in the North that do not receive RTE? Will the Bill address this problem in any way? I have heard the argument proposed that we should follow the French example of TV5, which is a worldwide publicly funded service. However, such a scenario seems far off for RTE when it is not broadcasting all over the island of Ireland. Does the Minister accept that there should be all-Ireland coverage? The Irish diaspora around the world should be facilitated by receiving up-to-date current affairs and news from RTE. Retaining a link with one's country is desirable and television is a good medium to provide it. It is also important for people to keep in touch with home when they are abroad.



I am conscious of the need to move with the technological times. We have been very late with the introduction of digital terrestrial television. Broadcasting is obviously evolving, like other sectors. The Minister stated that digital television was important in providing an alternative to analogue television, increased quality and a range of broadcasting services. It is not only about that, but the quality of programmes. With the advent of NTL Digital and other services, television in Ireland is rapidly becoming more like that in the United States. Bruce Springsteen famously sang about “57 channels and nothing on”.

We want a television service that will promote Irish created content, be it news, current affairs, documentaries, sports, films or regional programmes. This Bill effectively states that such a service will not be delivered. Channel 4 has a similar budget to RTE, yet its More 4 and E4 channels have news and current affairs programmes that put RTE to shame.

I am glad that radio services have now been included in the Bill. The National Council for the Blind made a good argument about extending the Bill to include radio so that it caters for members of Irish communities outside Ireland who are also blind or vision impaired. Are there any provisions for subtitling programmes for people who are hard of hearing? I am also concerned that subscription charges should not be used a back door for companies to introduce charges.

**Ms C. Murphy:** The broadcast media plays a major part in all our lives. Hardly a day goes by without every household in Ireland turning on the television or the radio. This Bill clearly represents a milestone in the delivery of broadcast services. There is no point in having very good technical quality if it is not matched by good content. It is clear that vision is needed in that regard. I regret the limited timeframe for the debate on this important issue. This is a missed opportunity. People often fail to participate in the planning process, for example, until its consequences become evident as the bulldozers roll in. The same thing will happen in this instance.

The Government's failure to provide enough time for this debate will mean that many people will not know until it is too late that they could lose services they are currently enjoying. There will be great resentment among such people if the proposed changes creep up on them. The number of people who lose services is equivalent to the combined population of counties Meath and Longford. If the Government tried to withdraw other services from those counties, there would be a national outcry. That will happen if a decent debate on this issue does not take place.

We need to ensure that quality free-to-air services are offered to consumers, who should be central to this debate. When the Ryder Cup was not designated as a free-to-air event, it was available only to those who could afford to pay for it.

That such circumstances could arise again should be of concern to all of us. We need to outline a clear vision of the kind of service that should be offered to the public. It should not be delivered on an incremental basis. We have debated the nature of the broad vision we should have. Surveys in the recent past have found that when people who predominantly read British newspapers are asked to name their public representatives, they are likely to name British politicians. We will make a big mistake if we do not protect the integrity of the content that is delivered.

The explanatory memorandum that accompanies the Bill states that it aims to establish a market-responsive model for licensing digital terrestrial television in Ireland. The use of such a model in the broadband sector has led to inadequate delivery of broadband services to many people. I do not favour the hands-off approach that is adopted in many sectors. ComReg's consumer protection function does not extend to NTL and other service providers. Consumers were the losers when NTL recently decided to impose a charge on customers who do not pay by direct debit. There is no competition in many cases, which means that consumers do not have a choice and pay more than they should. Perhaps the points I have made relate more to content and the availability of services than to technical quality. Many people do not have enough money to pay for television channels which are not free-to-air.

**Mr. F. McGrath:** I welcome the opportunity to speak on the Broadcasting (Amendment) Bill 2006. I will speak about the broadcasting sector in general and take a deeper look at the role of the media in Ireland. We need to accept that the media has changed over the last five or six years. Before I consider the legislation, which relates to the broadcast media, I will speak about the direction the print media has taken over recent years. As elected Members of the Oireachtas, we should challenge the dumbing down by some sections of the print media of their coverage of Irish politics, which has been a sad development. Like many people outside the House, most Deputies are afraid to point out, in case they are punished for such comments, that many Irish newspapers are owned by a few wealthy people with a political agenda. The freedom and fairness of our press is diminished when owners interfere in the editorial control of the newspapers, as they sometimes do.

We need to examine the cultural bias and values of certain newspapers and media organisations. It is fair to ask whether they are acting in the public interest. As I understand it, top-class journalism is able to inform, educate and entertain. Two of those three core goals — to inform and to educate — seem to have gone out the window, as most branches of the media seem to be interested in entertainment and nothing else. At a time when the personal lives of politicians and



[Mr. F. McGrath.]

pop stars are treated as being more important than serious political issues, some serious questions need to be asked. It is important to challenge media organisations about their lack of investigative journalism. I urge media professionals to reverse that trend.

Although I am critical of RTE from time to time, I generally consider it to be a top-class organisation which fulfils its public broadcasting remit. I wish to complain about RTE's bias in one respect. I refer to the way RTE represents Independent Deputies in this House, who are likely to achieve between 8% and 15% of the vote in many constituencies. They do not feature prominently on television as regularly as the members of parties which get between 1% and 3% of the vote. The journalists who work for our national broadcasting service need to explain what is going on. Is their approach democratic and in the public interest?

I was appalled in recent days when a journalist, Mr. Mick McCaffrey, was arrested in connection with the leak of a report on the case of the late Mr. Dean Lyons. The Minister, Deputy McDowell, and certain officials within the Department of Justice, Equality and Law Reform showed their brass necks this morning when they took the high moral ground and said they had nothing to do with Mr. McCaffrey's arrest. We know they were directly involved in the Frank Connolly case. I raise these fundamental questions as part of the broader debate on the media.

The Broadcasting (Amendment) Bill 2006 seeks to establish a more flexible and market-responsive model for licensing digital terrestrial television in Ireland. It will allow progress to be made towards the switch-off of analogue services. One of the Government's core broadcasting policy objectives is to ensure that the Irish public continues to have access to a range of quality programming, which is a central part of the Bill, on a universal and free-to-air basis. Many of us question the direction in which certain sections of the media are going.

I welcome the proposal to extend RTE's remit to allow it to use public funding to provide a broadcasting service to Irish emigrant communities abroad. I also welcome this positive development, which is necessary in light of the mass emigration from this country that took place over many years.

**Mr. Durkan:** That is right.

**Mr. F. McGrath:** The success of our economy means the opposite is now the case. We have a duty to ensure, through the broadcasting sector, that Irish emigrants abroad who want to retain a connection with their home country are able to know exactly what is going on here. We also have a responsibility to respect the immigrants who have come to our country to make a massive con-

tribution to our economy. We need to be vigilant in that regard. The broadcasting sector can be used, as part of a top-class public service, to tackle issues like racism and the exploitation of workers. It is important that broadcasters are conscious of such requirements.

I understand that no financial implications to the Exchequer are foreseen as a result of the Bill. The amendments to RTE's remit will mean that it will engage in various activities, including the provision of services to Irish communities abroad, which is very important. When we discuss the Bill it is important to transmit the right message, which is that professional workers in this sector should act in the interests of taxpayers and citizens. We should highlight examples of good practice in areas like investigative journalism and quality public broadcasting. We need to express our strong support for broadcasting that deals with the Irish language, culture and sport, which are important. I commend all those who are directly involved in broadcasting. I ask them, in the interests of politics and democracy in this country, not to dumb down their coverage of Irish politics.

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I thank Deputies for their contributions on the Bill. The two issues covered by the Bill are of particular interest to Deputies, who will agree that it is vital to ensure that Irish citizens can continue to access a quality, free-to-air broadcasting service. In particular, we need to uphold the right of Irish people living abroad to access Irish public service broadcasting.

I am disappointed at a number of the comments made across the Floor about the delay in the major Broadcasting Bill. This is not of my making and I suggest the Members might look closer to their own committee, whose work on this Bill I acknowledge, but it was supposed to have finished with the Bill by 16 December 2006 when it should have been returned to me. If I had received it at that time there would not have been any undue delay. Unfortunately I have not received the report yet—

**Mr. Durkan:** That was last year.

**Acting Chairman:** The Minister without interruption, please.

**Mr. N. Dempsey:** If Members opposite want the Bill passed I suggest they try to accelerate the process in the select committee.

In response to Deputy Durkan, I do not know of any Member on this side of the House who has at any stage referred to RTE as "one of ours", meaning one of Fianna Fáil's. Most of what I have heard from Fianna Fáil would be the opposite to that.

**Mr. Durkan:** I advise the Minister not to go there.

**Mr. N. Dempsey:** I accept that perhaps Deputy Durkan may not know this but if he cares to check it out he will find that RTE has had more visits from the Fine Gael press office and headquarters than from Fianna Fáil, in an attempt to intimidate it into changing the balance.

**Mr. Durkan:** I was right the first time. It is "One of ours".

**Mr. N. Dempsey:** As the Deputy says, "Do not go there".

**Mr. Durkan:** I thought it was illegal to put out a broadcast without a Minister being on board.

**Mr. N. Dempsey:** A Chathaoirligh, I understood there was a protocol in this House that when a Minister is speaking his microphone stays on and not that of the heckler.

**Mr. Durkan:** My microphone was not on.

**Mr. N. Dempsey:** It was on.

**Mr. Durkan:** It just sounds as if it was on.

**Mr. N. Dempsey:** The Deputy is loud enough without the microphone.

**Acting Chairman:** The Minister without interruption.

**Mr. Durkan:** The Minister and the Government have a persecution complex.

**Mr. N. Dempsey:** I fear for poor Deputy Broughan every time I come into the House to answer questions or to address a Bill. He gets himself into a lather of sweat about a whole range of issues during the course of his contribution. If he bothered his head and informed himself, he would realise there is no need to be getting excited about them.

**Mr. Durkan:** He will be back in the Chamber soon.

**Mr. N. Dempsey:** The Government is dealing with many of the issues raised by Deputy Broughan. He believes that ignorance is bliss. If he informed himself about what was happening he would not have to get himself worked up into righteous indignation every time he stands up in the House to have a go at the Government and so on. He should calm himself down a little and inform himself. If there are criticisms to be made then let him criticise but he should not make a fool of himself in the House by talking about things that are being dealt with.

**Mr. Durkan:** He is trying to inform the Minister.

**Mr. N. Dempsey:** I refer to a number of serious points raised by Deputies during the debate. I will leave the political points aside.

Deputy Durkan raised the issue of the provision in the Bill to allocate multiplexes on a regional basis for the purpose of radio broadcasting. This will be done by ComReg in consultation with the BCI. They may award the multiplex licence for radio specifying particular regions. It is important that this provision is in the Bill.

Many questions were asked about the value of the trial being undertaken and the reasons for it. The purpose of the trial is to assess DTT set-top boxes in an Irish environment. Deputy Eamon Ryan also raised this matter. Lessons were learned from the pilot scheme, in particular at the time of the Ryder Cup and more recently, which showed that it may interfere with other receptions. The purpose of a pilot scheme is to aim for perfection as much as possible.

We want to ensure set-top boxes which will operate in an Irish environment. The technology for DTT is known but it must be tuned and fine-tuned to Irish circumstances and the Irish environment and this is what we are doing.

**Mr. Durkan:** It is an Irish solution to an Irish problem.

**Mr. N. Dempsey:** Deputies asked how soon DTT will be available once this Bill is passed. Once the Bill is passed RTE is immediately mandated to broadcast public service channels in DTT. There are currently no proposals with regard to ending free-to-air Irish broadcasts. I have indicated clearly to Deputy Broughan who has asked me the question six times but he has not heard the answer. I informed him it will not be any later than 2012 and will probably be a good bit earlier than that. The trial will take two years and it will finish in August 2008. The Broadcasting Commission of Ireland, BCI, is required to initiate a competition to allocate the multiplexes within six months of enactment of this legislation.

I acknowledge that Deputies on all sides have indicated they will facilitate the passage of the Bill as quickly as possible and I thank them. Within six months of the date of its enactment into law, the competition for the multiplexes will be in place and this will enable us to move ahead very rapidly. The trial also allows for commercial operators to assess the market case for full DTT roll-out which is essential to ensure the success of DTT in the future. We are trying to move this forward as efficiently and as fast as possible.

Deputy Durkan asked about the technical details and he questioned whether we are legislating now for something that will be out of date and whether there is a danger it will not be able to deal with changes in broadcasting and tech-

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nology. The Deputy is correct that broadcasting and telecommunications are changing rapidly. The Bill does not specify any type of technology because that is the responsibility of the people in RTE and other places who are the experts. They decide on the most suitable equipment. The trials will help to inform them but there is no specific technological standards cited, be that in the radio area of DRM or DAB. The Bill will not specify any particular technology standards; we will leave it as open as possible.

**Mr. Broughan:** Is the Minister setting out any particular criteria for the manufacturers and retailers?

**Mr. N. Dempsey:** No. We are not setting out anything. The trial will allow people to know what is the most suitable technology and it will be up to them to use the most suitable technology.

**Mr. Broughan:** If a person buys a DAB radio in Dixons, what happens?

**Mr. N. Dempsey:** What does the Deputy mean?

**Mr. Broughan:** What happens when it is switched on and there is nothing on it?

**Mr. N. Dempsey:** One would be very foolish to buy it until one was sure there would be something on it to listen to.

**Mr. Durkan:** Will all technology be tested for user-friendliness and durability?

**Mr. N. Dempsey:** We will not be doing the testing as it is not the responsibility of Government. Those who want to use multiplexes are the people who will decide about the technology. We are insisting that whatever multiplexes are used that one set-top box should be suitable and this will be licensed through the BCI. This is the only area where the Government will be involved in the technology. It is up to the companies involved in the multiplexes to have the best possible equipment. This is a commercial operation and it will have to be commercially operated.

**Mr. Broughan:** Multiplexes can have differing systems and standards.

**Mr. N. Dempsey:** Yes. Deputy Stagg made a number of points with regard to broadcasting to the Irish communities abroad. All of us would agree in general with Deputy Stagg on the importance of the matter. The proposal before us with regard to permitting RTE to provide a broadcasting service to Irish communities abroad begins the implementation, as Deputy Stagg said, of a key recommendation of the report on the task force on policy regarding emigrants. Deputy Stagg was concerned, perhaps because there was

less enthusiasm for this in the past than we all feel there should have been, that it will be delayed unduly. From my contacts with RTE, I do not detect the same reluctance that might have existed previously.

**Mr. Broughan:** RTE states it will fund this by borrowing. Is the Minister happy with that?

**Mr. N. Dempsey:** Is the Deputy referring to DTT? RTE is a commercial company and is entitled to do that.

The Deputy asked how much the roll-out will cost. I am reluctant to give any kind of estimates until people who know the business well get down to the final stages of preparing estimates and so on. RTE calculated a broad figure a couple of years ago, when it felt it would cost in the region of €160 million.

**Mr. Durkan:** Then or now?

**Mr. N. Dempsey:** At that stage.

**Mr. Broughan:** It could be €500 million.

**Mr. N. Dempsey:** I do not know.

**Mr. Durkan:** It could be like the tribunals.

**Mr. N. Dempsey:** This explains my reluctance to mention these matters. People tend to take guesses as firm commitments by the Government and then wrap them around its neck later on.

**Mr. Durkan:** That is unfair. It is a low blow.

**Mr. N. Dempsey:** Deputy Broughan's raised the question of the elderly and those on social welfare, and referred to the United Kingdom—

**Mr. Broughan:** I referred to Italy also.

**Mr. N. Dempsey:** The United Kingdom made provision for groups such as the elderly with regard to analogue switch-off. We are considering the arrangements that were made in the UK and these will inform our view and policy in regard to analogue switch-off when we come to that point.

A Deputy opposite suggested we should be spending money on information campaigns at this stage. That would be very premature. What we need is to ensure we know when the system will become operational. When the pilot scheme is completed to our satisfaction, we can then start the information campaign.

The loss of UK spillover services is an issue. The UK intends to begin analogue switch-off in 2008. Many Irish householders have benefited in the past from free-to-air UK analogue television services. While they benefited from this, it should be remembered that this overspill was a positive but accidental benefit which occurred as a side effect of analogue transmission.

**Mr. Broughan:** Will the Minister talk to Gordon Brown in this regard?

**Mr. N. Dempsey:** Following the regional radio conference in 2006, spectrum usage will now be bound by international agreements and DTT spillover will be less likely, so we cannot rely on it as a method of providing television services to Irish households into the future. With the advent of the national DTT roll-out, it is likely that UK television services will be offered on the DTT platforms. In addition, households will continue to have a choice between satellite, cable or MMDS offerings.

Deputies Eamon Ryan and Crowe raised the possibility of agreements North and South and east and west in regard to stations on a platform. I understand this is a matter RTE will pursue and it is certainly a matter the Government would support into the future.

Deputy Crowe raised the question of whether this is an all-island Bill and whether it applied North and South. He did not see anything in the Bill that indicated we were talking in those terms. However, under the Good Friday Agreement, we are committed to providing RTE and TG4 services on an all-island basis, which is covered. We already have a transmitter outside Belfast for TG4.

I thank the Deputies for their contribution to the debate. I look forward to moving quickly to Committee Stage and to dealing with and finalising the Bill.

Question put and agreed to.

#### **Broadcasting (Amendment) Bill 2006 [Seanad]: Referral to Select Committee.**

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I move:

That the Bill be referred to the Select Committee on Communications, Marine and Natural Resources in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

#### **Ceisteanna — Questions.**

##### **Priority Questions.**

##### **Crime Levels.**

1. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on the fact that a recent crime survey concluded Ireland has the highest rate of crime of the 18 countries surveyed; and if he will make a statement on the matter. [6941/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The report referred to by the Deputy is The Burden of Crime in the EU — a Comparative Analysis of the European Crime and Safety Survey (EU ICS) 2005. The survey was carried in the 15 old member states of the European Union plus Poland, Hungary and Estonia.

The findings of that survey need to be approached with caution. The sample size in the survey of approximately 2,000 is extremely small for a victimisation survey. Some of the incident types covered have a low incidence, which means any estimates are potentially subject to relatively high sampling error. The response rate of just over 41.8% is low, much lower than the CSO quarterly national household survey — crime and victimisation module. Furthermore, there are major differences in coverage, sample sizes and methods between the two surveys. The CSO survey was based on face-to-face interviews with 37,000 respondents in 29,500 households and the response rate was approximately 90%. The EU-ICS survey was a telephone survey — landline only — of 2,000 individuals using random digit dialling, with a response rate of less than 42%.

While the impact of such a low response rate is not entirely known, it could be that those who declined to participate did so on the basis that they had nothing to report, that is, that they were not victims of crime. If this were the case, the victimisation rates would be over-estimated.

The findings in regard to Irish rates for some personal crimes shown in the survey are surprising. Assaults and threats are measured at 4.9%, whereas the CSO reported this at 1.2% in its 2003 survey. Similarly, personal theft is measured at 7.3%, compared to a CSO figure of 3.1%. Theft from a car is estimated at 5.2%, compared to a CSO figure of 3.5%.

The report is not based on actual crime figures and differs quite considerably from surveys conducted by the CSO. It may be instructive to examine trends in reported actual crime, which is a matter of objective fact, over the period since 2003. A Using CSO census data and inter-census estimates of population, the crime rate per 1,000 of the population dropped from 26 in 2003 to 24.5 in 2006, with the figures for 2004 and 2005 being 24.5 and 24.8 respectively. The crime rate per 1,000 of the population in 2006 was, therefore, the lowest in the period of office of this Government. By way of comparison, the crime rate per 1,000 of the population in 1996 was 27.8. The House will be aware that, at my initiative, recorded crime figures are now produced by the Central Statistics Office.

In July 2003, the Government approved my proposal that a regular national crime victimisation survey be carried out biennially as a valuable and useful complement to the information on crime already available. Such surveys would provide a more comprehensive perspective on



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crime victimisation than is currently available and, when undertaken on a regular basis, would provide useful information on emerging trends in crime and so provide input into developing strategies to combat crime.

*Additional information not given on the floor of the House*

It is expected that the CSO will publish the results of its crime and victimisation survey in April on the same basis as the 1998 and 2003 surveys. From 2008, the CSO will conduct a large scale crime and victimisation survey every two years.

None of what I have said should be seen as in anyway diminishing the concern which the Government has about crime levels. It is because of that concern that we are providing unprecedented resources to all the elements of the criminal justice system, including bringing the strength of the Garda Síochána up to 15,000. This, in turn, is being underpinned by a comprehensive programme of criminal law reform.

**Mr. J. O’Keeffe:** Does the Minister not accept this is a damning independent, objective assessment of the state of crime in this country? Does the Minister blush, or is he capable of doing so, when he sees a headline in a national newspaper, *The Sunday Times*, which states “Ireland has worst crime rates in EU”? Does he agree the survey confirms the very high risk of crime in Ireland — the highest in the EU? With regard to the rates of crime, does he not worry when he sees we have the highest level of assaults — fourth in the EU, with 2.5% as opposed to 1% average — the highest level of sexual assaults, the highest rate of robberies and so on?

The Minister raised the issue of methodology, but the methodology was the same for other countries as for us. Is he not worried about this outcome? It confirms only what people know already.

There is an even more disturbing aspect, namely, that the survey confirms that significant numbers of crimes are not reported thereby confirming a hidden wedge of crime exists. At this late stage in his career as Minister for Justice, Equality and Law Reform, will the Minister come out of denial and accept we have a horrendous level of crime? There is no hope of salvation for the Minister or no way of dealing with the problem unless he accepts its enormous extent. Will he acknowledge now the serious state of the problem?

The Minister has three months left of his 60 months in office. Will he even acknowledge the homicide rate last year was the highest in the history of the State? Will his legacy leave any measure that will leave an impact? Does he accept there is a problem and is there anything he can do now in his last few months that will

have an effect, rather than just leave wishful plans for the next Government?

**Mr. McDowell:** It is not reasonable for me to reject the CSO’s figures in this regard. Those figures were produced on the basis of 37,000 respondents in face-to-face interviews in 29,500 households.

**Mr. Howlin:** The comparators are the issue.

**Mr. McDowell:** I cannot see that I can reject the CSO’s method of approach as the House relies on its figures.

**Mr. Howlin:** The issue is the comparator with other countries.

**Mr. McDowell:** I do not believe I should reject them. The Deputy asked whether anything good was happening or was planned. For the past three quarters, the crime rate has reduced. I went to the Phoenix Park yesterday to discuss crime trends with the Commissioner and his two deputies and was told they are of the view that the trend is downward in this quarter also.

**Mr. J. O’Keeffe:** The Minister is grasping at straws. His legacy is one of complete failure. Unless he comes out of denial it will continue to be a failure until he leaves office.

### Child Protection.

2. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the investigation that has been held into the circumstances in which the Garda Síochána failed to act on information supplied through Interpol from the Austrian authorities regarding the alleged involvement of people based here in a global child pornography ring; the outcome of such an investigation; if the information supplied has been followed up; if he expects this will lead to prosecutions; and if he will make a statement on the matter. [6943/07]

**Mr. McDowell:** I am informed by the Garda authorities that on 22 August 2006 the Interpol office at Garda headquarters received information from the Austrian authorities that they were processing reports of child pornography on the Internet and that Ireland was one of 72 countries included in the notification by the Austrian authorities.

No action was taken at the time by the Garda authorities on foot of the notification and they have expressed regret for this. I share that regret. I understand the Garda authorities have been in contact with the Austrian authorities on the matter and have taken further action, but it would be inappropriate for me to disclose the nature of this further investigation and it would be counter productive to do so.

A Garda chief superintendent has been appointed to carry out a fact finding investigation into the full circumstances of the failure to react to the Interpol communication and the subsequent Garda statement to the effect that such a document had not been received. That investigation will look at measures to ensure the very high volume of information received from international sources is handled more effectively. I do not propose to make any further comment before completion of the ongoing Garda investigation, which will be completed as quickly as possible.

I have been assured by the Garda Síochána of its determination to avoid a recurrence of this incident and to pursue relentlessly evidence of involvement in child pornography. For my part, I will continue to pursue measures, particularly in terms of international co-operation, to combat this evil trade.

**Mr. Howlin:** Does the Minister accept that people are scandalised that such an issue and a crime of such magnitude could be notified to the Irish authorities and be ignored for months on end? Is he not scandalised by that? How many individuals work in the Garda international liaison unit? Is there a system in place to highlight the most serious offences, particularly those committed in our jurisdiction, from routine notifications coming in great volume to the office? What links exist between the Garda international liaison unit and the sexual assault and child protection unit? Is there automatic notification to that unit of international paedophile activity in this jurisdiction?

Is the Minister satisfied that as of now, not pending the report of some chief superintendent however long that may take, notification of this sort coming into the country from either Interpol or any foreign police force will be immediately notified to the appropriate division of the Garda and immediately acted upon?

**Mr. McDowell:** I share the Deputy's view that there is substantial public concern on the matter. The situation is that the document in question was misinterpreted by the recipient as a general circular, the implication of which was not understood. The document was treated as a general circular rather than a warning to the Irish system that certain activity was taking place here. That was a serious error and I accept that.

A considerable volume of Garda resources is devoted to the matter of paedophile activity and the like. The paedophile investigation unit has been in existence since November 2002 and operates under the umbrella of the Garda violence and sexual assault unit. Members of the Garda Síochána attached to the National Bureau of Investigation augment those units when the volume of work requires. Computer forensics in connection with these cases are carried out by members attached to the domestic and sexual

assaults unit and by members attached to the Garda bureau of fraud investigation using up-to-date forensic software.

I assure the Deputy that significant resources are available to the Garda Síochána to deal with these crimes. Such crimes do not occur at a constant volume and therefore it is necessary to bring in computer experts on occasion to carry out work as it would not be reasonable to have a computer expert sitting waiting for work.

**Mr. Howlin:** I have every confidence in the way the sexual assault unit deals with these issues. However, the unit cannot deal with an issue if it has not received the information. I want assurance from the Minister that any warning that may arrive from now on, from Interpol or any other police authority anywhere in the world, that identifies serious criminal activity such as potential paedophilia, will be immediately notified to the appropriate unit, in this case the sexual assault unit. What steps has the Minister taken since this serious error happened to ensure it could not happen again?

I know there is a review going on and, no doubt, we will hear the details of that when the chief superintendent finishes his inquiry. However, can we be assured as of now that if such an alert arrived, it would not be mishandled, mistreated or misread today. What steps has the Minister taken to ensure this is a reality?

**Mr. McDowell:** After this came into the public domain, I spoke to the Commissioner and deputy commissioner about operations. They assured me they had taken steps immediately to ensure that in future circular material of this kind would be more carefully examined, that any reference to Ireland would be immediately acted upon, that inquiries would be made with regard to the sending case to ensure gardaí were in possession of the maximum amount of information available and that incoming information would be shared among the garda units appropriate to deal with it.

I am quite satisfied the Commissioner is fully committed to ensuring this error is not repeated. For that reason, in addition to implementing a more rigorous examination of this kind of material and an immediate action plan on foot of this kind of intelligence, he has sought a more full and reflective inquiry as to what went wrong on the occasion.

**Mr. Howlin:** When does the Minister envisage the report will be available?

**Mr. McDowell:** He has not indicated, but I presume it cannot take long as it is not a complex matter.

**Mr. Howlin:** That is what I thought.

### Criminal Assets Bureau.

3. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the expansion and localisation of the activities of the Criminal Assets Bureau to target the assets of persons or gangs involved in drug crime in the communities hardest hit by drugs would be a significant measure to curtail the growth of drug gangs and drug crime; his plans to re-organise CAB to take on drug crime at local level; and if he will make a statement on the matter. [6993/07]

**Mr. McDowell:** The Criminal Assets Bureau has been at the forefront of the fight against organised crime including drug trafficking in this jurisdiction since its inception in 1996. In that 11 year period the manner in which the bureau operates has come to be viewed, both domestically and internationally, as a successful model for targeting persons seeking to derive profits from criminal activities.

In recent days I took the occasion to discuss the Deputy's proposal with the Garda Commissioner at some length. He strongly advised me that there would not be an advantage to a structural reorganisation of the work of the Criminal Assets Bureau along a regional model, and he set out his reasons to me at some length.

On the Deputy's proposal for an expansion and restructuring of the CAB on a more local level focused on persons involved in drug crime, let me first respond by acknowledging the positive results being achieved by the current *modus operandi* of the bureau. Since its inception in 1996 up to 31 December 2005, which is the end date covered by the most recently produced CAB report, the bureau has obtained interim and final restraint orders to the value of over €58 million and €25 million, respectively. In the same period, taxes and interest demanded was almost €87 million, with almost €89 million collected. Regarding social welfare payments, savings amount to almost €2 million and recovery of overpayments amounted to over €1 million.

The assignment of specialist staff to the Criminal Assets Bureau from An Garda Síochána, the Revenue Commissioners and the Department of Social and Family Affairs, enables a multi-disciplinary, co-ordinated and integrated approach to the identification, freezing and seizure of criminal proceeds, the assessment and collection of unpaid taxes, and the recovery of social welfare overpayments. In addition, due to the unique nature of its work, the safety, protection and anonymity of the CAB staff is provided for by legislation.

On the possibility of dividing the CAB up regionally or such like, the Commissioner's arguments are briefly as follows. First, to have the relevant degree of professionalism and expertise, it is better to keep people at a central level so that

they can interact with each other. Second, on the question of the anonymity of CAB personnel, if they were put in regional communities they would become much more easily identified, which is also a worry for the Commissioner. Third, he has recruited, at the suggestion of my Department, lay accountants who are centrally based and he has now received authority from my Department to recruit forensic analysts for the bureau. The idea, which he outlined and I accept, is that the CAB works better on a centralised basis where its quality is kept at a high level.

There is a danger that if there were a local scandal or if standards declined in one part of the country, the standards and integrity of whole of the Criminal Assets Bureau could be impugned. The director of the bureau is keen to ensure that no scandal attaches to the activity of the bureau and no accusation of impropriety or low standards ever applies, and therefore he wants to keep a firm grip on it to ensure adherence to high standards.

**Mr. Gregory:** The Minister will be aware that I raised this issue with him in the past here in the Dáil and my question was to him, not to the Garda Commissioner, with all due respect to the Commissioner. Will the Minister accept that when people like myself were in this House calling for the establishment of an agency such as the Criminal Assets Bureau, it was the Garda authorities, the Revenue Commissioners' investigation branch and the investigation branch of the then Department of Social Welfare who stated that it was not a good idea and that they wanted to stay in their own territories, keep structures as they were and tackle it? The death of Veronica Guerin was the lever the Government used to establish the bureau despite the resistance of the very people who are now resisting the practical measure I suggest.

I again ask the Minister, if targeting the assets of drug crime is the way forward, does he agree it would be a good idea to target those assets at local level. With the Leas-Ceann Comhairle's permission, I will give a brief example of what I mean. This is one of many. A young couple was raided in a private apartment where drugs were found and they were charged. One of them will take the rap. Currently, the partner, who is on social welfare, who has a rent allowance and who drives a blacked-out jeep, has just returned from a skiing holiday, and has had expensive cosmetic surgery — there are a range of other matters I do not have time to mention here. At the lower to middle level in the drugs trade nothing is being done about any of those matters, for instance, claiming social welfare while being clearly caught in possession of a large amount of drugs and having assets available to them which they clearly could not have on a social welfare income. That is the scenario that fuels the drug crime gangs



whose members are killing one another every couple of weeks in this city. That is the way the gangs build up.

The Criminal Assets Bureau, according to the debates in this House and elsewhere, was set up to target people like that, whether through their social welfare payments, their jeeps, their expensive holidays, etc. The bureau is not doing that at local level. I am not interested in whether the bureau is centralised or localised. I am interested in operatives targeting assets of people involved in drugs at local level. It is not happening.

I presume the €58 million the Minister mentioned in his response, which figure pales into insignificance in the context of the €1 billion industry of which we speak, is for the proceeds of all crime, not just drug crime, since the CAB was set up. Why, if the bureau is so good at dealing with organised drug crime, has it expanded throughout the country since its establishment? The Minister cannot have it both ways. It is as plain as day that since 1996 drug crime and drug gangs have expanded and flourished throughout Dublin's inner city, from the inner city to the suburbs, and to other cities around the country, and have led to the current scenario where it is so lucrative that human life itself is valueless and people are shot dead for the most trivial of reasons.

In the context of all of that, and particularly in the context of my first point on which I will conclude, when we all — including Veronica Guerin who was murdered for it — were calling for an agency to target the assets of the drug gangs, all the people who the Minister now quotes as a reason for him not to take this further step were the same ones who resisted that measure at the time. As the buck stops with the Minister, I ask him to give a little more consideration to the points I made. I would suggest some practical measure like the one I put forward would be far more productive than infringements on the right to silence and the endless other legislative innovations and initiatives the Minister is taking. Something practical on the ground, such as going after the assets of these people, is also essential if we are to get to grips with the problem.

**Mr. McDowell:** I have a good deal of sympathy with the point Deputy Gregory made. From recent accounts given to me of places to which the Garda has gone where crime have been committed or where people have fled following crimes, I have been surprised by the accumulation of physical possessions such as flat-screen televisions in various bedrooms where there does not seem to be a support base for it. I take Deputy Gregory's point that in such cases there should be a follow-up. Those involved should not simply note these matters and leave the house. Somebody should return to take what appear to be proceeds of crime, directly or indirectly, into pos-

session. That is a matter which I will raise with the Commissioner.

I am not suggesting to the Deputy that all is perfect, nor am I stating that the CAB is perfect. Perhaps I did not fully understand the Deputy's point. I believed he was suggesting the CAB be regionalised but he is proposing to have on-the-ground asset hounds whose job it would be to sweep up assets. That is a useful suggestion. In each Garda division there is now a criminal assets profiler whose job it is to examine assets in his or her division and bring information thereon to the attention of the CAB generally. The CAB has local eyes and ears on the ground and is not working entirely within a bubble in Dublin. I would like that to be understood.

The Deputy is making a different point which I understand; it concerns the prioritisation of criminals with the Jeeps, holidays and plasma televisions. Just because criminals are operating below a certain threshold does not mean action should not be taken against them. Depriving people of their assets will actually turn the tide in the war against drugs. I take the Deputy's point in this regard.

**Mr. Gregory:** The simple way to achieve that is to localise or regionalise the CAB. A centralised bureaucracy inevitably deals with high profile cases and tackles the criminal with the ten big houses. It never comes to grips with those at the middle level. I do not mind what approach is taken once the job is done but the most practical approach is to localise and regionalise the centralised bureaucracy that the bureau has become.

**Mr. McDowell:** I take the Deputy's point.

**Mr. J. O'Keeffe:** We will consider it when in government.

#### **Garda Training.**

4. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if it is possible for members of the Garda Síochána to use PSNI indoor firing ranges for training purposes; his proposals to provide current, dedicated, indoor firearms training facilities for members of the Garda Síochána who hold firearms certificates; and if he will make a statement on the matter. [6802/07]

**Mr. McDowell:** The Garda Síochána has a range of facilities available to it for firearms training and plans are well under way for the provision of dedicated and improved facilities for the force. Currently the Garda makes use of military ranges; the Garda specialist training units have access to 12 of these ranges countrywide. In addition, the Garda Síochána last year procured three virtual firearms automated training systems for marksmanship training. I spoke to a number



[Mr. McDowell.]

of detectives recently who rated these virtual ranges very highly. They regard them as being of superior quality. These facilities are now in use in Limerick, Mullingar and at the Garda indoor firing range in the Phoenix Park, Dublin. I understand from the Garda authorities that the facilities represent a major improvement and contribution to the training capacity of the force.

The Garda Síochána has detailed plans to provide an enhanced range of firearms and tactical training facilities, including dedicated indoor firearms training facilities, for the force. The existing indoor firearms range at Garda headquarters in Dublin is to be replaced by a new underground facility. It is planned that this will be undertaken as part of the provision of new forensic science laboratory facilities, which project is under way. Firearms training capabilities, in addition to a broad range of other tactical training facilities, are to be developed at recently purchased lands near the Garda Training College at Templemore. The new centre which extends over 250 acres will, in conjunction with offering indoor and outdoor firearms training, provide for a full range of outdoor tactical training initiatives. These will cover public order, detective school training, the mountain bike, equestrian, dog and water units, surveillance training, etc. The centre will also be used for driver training for various vehicle types, including off-road training, and a broad range of other requirements. The Office of Public Works is examining proposals to use facilities provided by the private sector to serve firearms training needs for the Dublin metropolitan region and eastern seaboard area.

On the Deputy's question on the use of PSNI indoor firing ranges, the Garda authorities inform me that, due to regulations relating to the carrying of firearms and ammunition to other jurisdictions and the logistics of having a high number of personnel travelling to Northern Ireland, it is not practical for the Garda Síochána to use PSNI facilities for training purposes. However, the current investment plans for enhanced firearms facilities will be fully sufficient to meet the operational requirements of the force within this jurisdiction.

**Mr. J. O'Keeffe:** The Minister will be aware of my continuing concern over the fact that we expect approximately 3,000 members of the Garda Síochána to bear arms on our behalf and perhaps use them occasionally without their having any dedicated indoor firing facilities in which to train. Is he really suggesting the issue can be dealt with by having virtual firearms automated training systems, FATS? Are these like computer games or Quasar, at which children play, or Wii software? Is this what the Minister is offering members of the force to receive training in the use of lethal weapons? Does he not accept that

training with actual firearms is required and that it is not being provided?

I have pressed this issue on many occasions and know there will be long delays in replacing the facilities in the Phoenix Park and commissioning new ones at the Garda Training College. Are there regulatory or logistical problems associated with the use of the PSNI ranges? Could we change the regulations and put in place a system, whereby members of the Garda could receive training in dedicated indoor firing ranges, as opposed to training with what seem to be advanced computer games? These may be helpful but certainly do not compensate in any way for the lack of training with real guns.

**Mr. McDowell:** A number of gardaí have given me a first-hand account of the simulated ranges and they all spoke very highly of them.

**Mr. Howlin:** Did the Minister see them?

**Mr. J. O'Keeffe:** I am sure they enjoy it.

**Mr. McDowell:** It is not child's play or a computer game. The gardaí say the training is far more effective than pointing one's rifle—

**Mr. J. O'Keeffe:** We are talking about hand guns.

**Mr. McDowell:** —or pistol at static targets. The Deputy should acquaint himself with these facilities.

**Mr. Howlin:** Has the Minister seen them?

**Mr. McDowell:** I have had first-hand accounts from a number of gardaí.

**Mr. Howlin:** He has not seen them.

**Mr. J. O'Keeffe:** He has not.

**Mr. McDowell:** I have not but I do not have to see every facility myself. The Deputy is obviously a doubting Thomas.

**Mr. J. O'Keeffe:** I am very much so where the Minister is concerned.

**Mr. McDowell:** When gardaí tell me they are very happy with this new facility and when those I know and trust tell me how good it is, I am inclined to believe them. I do not deride them, belittle them or accuse them of playing computer games. The facility is nothing of the kind.

**Mr. J. O'Keeffe:** I am not belittling them.

**Mr. McDowell:** Sending gardaí to the North for firearms training would not be practicable. It is not reasonable to send them on day trips to Belfast for this purpose. There are outdoor

ranges in this jurisdiction. The indoor range constructed at the Phoenix Park, with which the Deputy's party was involved when in government, turned out to be dangerous.

**Mr. Howlin:** The Minister should get over that, as he is ten years in office.

**Mr. J. O'Keeffe:** The Minister told me that years ago. It was bound to have ricocheted two years ago.

**Mr. McDowell:** Although it is a comparatively modern facility, I am now in a position to build a dedicated indoor range in the park.

**Mr. J. O'Keeffe:** More grand plans.

**Mr. McDowell:** They are not grand plans. I just have to do things, while the Deputy just makes a mess of them; that is the problem.

**Mr. J. O'Keeffe:** The Minister is drawing big plans.

**Mr. McDowell:** If I were the Deputy, I would stick to broadcasting.

### **Garda Operations.**

5. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cases he was referring to in regard to statements he made in which he referred to 24 associates of a deceased criminal having been arrested, of whom 23 were granted bail despite objections by the Garda; if he will confirm that the Garda objected to bail in all cases; if not, the number of cases in which it objected to bail; the offences with which people were charged in each case; the number of such cases where bail was initially refused but then granted by a higher court; and if he will make a statement on the matter. [6944/07]

**Mr. McDowell:** I refer to my answer to Questions Nos. 422, 464 and 465 of 31 January.

The House will appreciate that the granting of bail is a matter for the courts and that the Director of Public Prosecutions who is independent in the performance of his functions represents the State for the purpose of dealing with such applications.

**Mr. Howlin:** We can take that as read.

**Mr. McDowell:** Moreover, it would not be appropriate for me to comment on the circumstances in which bail may have been granted, or refused, in particular cases. I can confirm, however, that I was made aware by the Garda authorities of their concern that in a substantial number of cases involving operations they had launched against gun and drugs criminals, bail had been granted despite Garda objections. It

would be wrong of me to give a public account of the precise details of Operation Oak, the exact number arrested under the operation and the precise position or relationship of those persons in the web connected with Martin Hyland. To do so would seriously undermine the effectiveness of the operation and compromise Garda intelligence. Suffice it to say that well in excess of 23 persons were arrested in the course of this operation.

I have made it clear previously that in making this point I am in no way impugning the independence or decisions of the courts. I have accepted, however, that changes need to be made to the operation of our bail laws. I announced a series of proposals in this regard last week. I do not believe any Member of this House would seriously contend that difficulties are not being encountered in the operation of our bail laws.

The proposals which I will be bringing forward in the criminal justice Bill include measures designed to restrict access to bail by those accused of gangland type offences. A senior Garda will be able to give his or her opinion, which shall be admitted in evidence, that the applicant for bail is likely to commit a serious offence if given bail. The applicant may be required to provide a statement in which he or she outlines the assets held inside and outside the State, his or her income and the source of that income, his or her previous criminal record, his or her previous bail applications and, if bail had been granted, the conditions that attached thereto. He or she can be cross examined on the statement, which will be sworn on affidavit, and it will be an offence to give wrong or misleading information. Appeals on bail applications in the District Court will in future be heard in the Circuit Court, thereby allowing appeals by way of a full rehearing of the case. Provision will be made for electronic monitoring of persons granted bail.

The new provisions are likely to result in the prosecution being able to mount a strong challenge to bail applications, with the result that there will be fewer applications or, where applications are made, they can be opposed more effectively. I hope these measures will be supported by all sides of the House. I intend to discuss these measures in detail with the Director of Public Prosecutions so that any deficiencies that exist with regard to the preparation of cases against the granting of bail can be fully addressed.

**Mr. Howlin:** It is well and good that the Minister has rehearsed the reply he gave on Question No. 465 of 31 January, in which he stated, "It would not be appropriate for me to comment on the circumstances in which bail may have been granted or, indeed, refused in particular cases." However, on 14 December 2006, he stated:

Regarding Operation Oak, 24 associates of Mr. Martin Hyland have been arrested and 23

[Mr. Howlin.]

have been granted bail. I have stated on a number of occasions that I regard this as very deeply unsatisfactory and have been criticised for doing so because it has been seen as disparaging of the Judiciary ... It is not acceptable that 23 out of 24 serious drug criminals are at liberty after being granted bail ... gardaí testify in the cases and oppose bail, yet they constantly find people who have been charged with serious offences are granted bail. I strongly contend that the practice is wrong and must be addressed.

The Minister cannot have it both ways. He often opposes the leaking of information while leaking it himself. He cannot say it is wrong for him to comment on individual cases only to do so when it suits him. He told the House that the associates of Mr. Hyland, all of whom were identifiable, had been arrested, yet he cannot provide specific information when I asked him whether the Garda objected to bail in the cases to which he referred on 14 December 2006. Was he making it up?

The Minister repeatedly says he is not disparaging judges but that is not how the media and the public view the matter. In one example of many, *The Irish Times* of 16 December 2006 reported that the Minister “publicly rebuked judges over the high rates of bail being granted in the face of Garda opposition”. He went on a crusade by citing particular evidence but now says he cannot give the evidence to substantiate his claims.

I agree that bail laws must be updated and, if judges are not implementing the law, we have the responsibility in this House to bring changes. However, while I welcome the promise to bring such changes, if we are going to be consistent and fair to every branch of this country's public administration, the Minister must substantiate the charges he makes.

**Mr. McDowell:** It is interesting that Deputy Howlin is so selective in quoting the Dáil record because, if he turned back a few pages, he would note that he raised the matter for the first time in this House. He asked:

Does the Minister accept that his current policy has not worked and that the first step to a successful policy lies in recognising his failure to date? He stated yesterday and today that 24 members of Mr. Martin Hyland's gang are before the courts.

**Mr. Howlin:** I am not denying what I said.

**Mr. McDowell:** The Deputy should not get so excited. He continued: “Does [the Minister] accept that 23 are out on bail and walking the streets and what does he propose to do about this?”

**Mr. Howlin:** I am happy to acknowledge I said that because it is the truth. I am asking the Minister to substantiate whether the Garda objected to bail and to indicate whether we need to change the law or the practices of the Garda. We have a duty to ensure that people who face serious charges and are recognised members of ruthless drugs gangs do not walk the streets. This is not a matter of idle semantics between two sides of the House but a question of ensuring that we do our collective duty by protecting the public from drug pushers.

**Mr. Durkan:** Hear, hear.

### Other Questions.

#### Prison Literacy Rates.

6. **Mr. Gormley** asked the Tánaiste and Minister for Justice, Equality and Law Reform the information his Department holds on the rates of literacy amongst the prison population here; and if he will make a statement on the matter. [6862/07]

**Mr. McDowell:** The Irish Prison Service report, *The Prison Adult Literacy Survey: Results and Implications*, which was published in September 2003, is the most recent information available to my Department. The major results of the survey indicated that a significant number of prisoners have virtually no literacy skills and 52% were at level one or pre-level one literacy levels. In other words, more than twice as many prisoners are at the lowest level as compared with the population generally.

Literacy work continues to be a priority element of the prison education curriculum and every effort is made to publicise literacy classes and encourage as many prisoners as possible to avail of them. A number of significant initiatives commenced or were strengthened since 2003 in parallel to efforts to address adult literacy in the community. These include the fuller use of negotiated learning plans for all literacy students; the introduction of and support for the new FETAC level one and two courses; the introduction of the National Adult Literacy Agency's assessment framework, mapping the learning journey, in each education centre; devising and delivering the 30-hour initial tutor training course devised by the National Adult Literacy Agency and Waterford Institute of Technology for teachers new to prison education; and developing and implementing a national literacy plan for prison education.

An adult basic education development worker is employed by the prison education service with specific responsibility for implementing and supporting developments and initiatives in the area

of literacy, numeracy, English for speakers of other languages and basic education. The need for such developments was highlighted in the 2002 guidelines of quality literacy work in prisons produced by the prison education literacy working group and the findings and recommendations of the 2003 prison adult literacy survey.

**Mr. Cuffe:** The level of illiteracy in our prisons is unacceptable. If prisoners cannot read or write, what chance do they have of rehabilitation? The prison adult literacy survey recommended that we should give top priority to prisoners with the weakest literacy skills by introducing a standardised initial screening procedure for literacy as part of the assessment framework currently being developed with the National Adult Literacy Agency, alongside peer tutor training programmes and innovative information and communications technology programmes to attract those who are most disaffected. The report also recommended that the link between internal prison provision and the education services available to prisoners after release should be strengthened. Has the Minister delivered on these recommendations?

The connect programme to improve the future job prospects of prisoners in Mountjoy Prison and its training unit has suffered from a severe lack of funding and many other programmes have also been curtailed. The Inspector of Prisons has voiced grave concerns about St. Patrick's Institution, describing it as a warehouse for young people who learn the finer points of criminality, which almost certainly guarantees their progression into the university of Mountjoy.

What is the Minister doing to provide basic literacy skills and educational programmes? Last night, I noted that some of the classrooms in Castlereagh Prison were converted into accommodation for Garda programmes. I believe in reforming the Irish penal system by putting rehabilitation at its heart. What is the Minister's view?

**Mr. McDowell:** I fully agree with the Deputy that rehabilitation must be at the heart of the prison process. At present, 210 whole-time teacher equivalents work in the Prison Service, of whom 37 have been assigned specifically to literacy duties. Consequently, resources are being devoted to this area.

The Deputy referred to the curtailment of education services that obtained during the emergency arrangements that were necessary to confront the overtime issue before the initiation of the reform process in the prison system. Now that annualised hours have been agreed and the system is working on an even keel, the position has improved significantly from the period covered by the reports of the Inspector of Prisons. There is a far better emphasis on edu-

cation throughout the Prison Service that I have noticed in my visits to the prison system. Now that this dispute has been resolved, a major concentration on, and re-orientation towards, education is under way.

As I noted, 37 out of the 210 whole-time equivalents engaged in teaching in the Prison Service have been assigned specifically to literacy work.

### Private Notice Questions.

#### Waste Management.

**An Leas-Cheann Comhairle:** I will call on the Deputies who tabled questions to the Minister for the Environment, Heritage and Local Government regarding the proposed incinerator at Poolbeg in the order in which they submitted their questions to my office.

**Mr. Quinn** asked the asked the Minister for the Environment, Heritage and Local Government whether he has been informed by Dublin City Council that the company that has been awarded the contract to build a waste to energy incinerator plant at Poolbeg, Dublin, has informed Dublin City Council or his Department that it will not proceed unless new financial terms are agreed; and if he will make a statement on the matter.

**Mr. Gormley** asked the asked the Minister for the Environment, Heritage and Local Government the Government's position on incineration and, in particular, the proposed incinerator for the Poolbeg peninsula; the status of the procurement process; if, in his view, Dublin City Council can proceed with the incinerator, which up until now has been supported by the Government; and if he will make a statement on the matter.

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take both questions together.

I thank the Deputies for raising this issue. The waste to energy plant concerned is being procured as a public private partnership, PPP, by Dublin City Council acting on behalf of the four Dublin local authorities in the context of the regional waste management plan for which the relevant local authorities have statutory responsibility.

As Members are aware, this project is the subject of applications by Dublin City Council for planning permission and a waste licence. These are matters for An Bord Pleanála and the Environmental Protection Agency, respectively, which are statutorily independent in the exercise of their regulatory functions.

Given the intention to use a public private partnership to deliver the project, my Department was required, in line with public policy, to be



[Mr. Roche.]

satisfied that the procurement process was properly conducted in accordance with national and EU requirements and this was done. Signing off on the public private partnership constitutes the extent of the Department of the Environment, Heritage and Local Government's involvement in this regard.

On 19 February 2007, Dublin City Council informed my Department that, following a change in ownership, the selected service provider for the project has been seeking significant changes in the financial and commercial terms originally agreed. As these changes would not comply with the terms of the original procurement under the strict conditions required by the PPP process, it is not open to the council to accept the changes and the procurement should be terminated and a new procurement process commenced.

My Department understands that the council is informing the service provider of its position at a meeting tomorrow morning. Dublin City Council will continue to have responsibility for taking the project through the planning and waste licensing processes already under way.

It remains the Government's policy to support local authorities in implementing the internationally accepted approach to waste management. This embodies a waste hierarchy in which waste prevention, reuse and recycling are the primary objectives and thermal treatment with energy recovery is preferred to landfill for the management of residual waste. The siting of any individual installation is not a matter in which the Government plays a role. As Members are aware, that is a matter for the local authorities promoting a particular project. Site selection is very much a matter for the sponsoring authority and is not a matter which is either cleared with, or promoted by, the Government.

**Mr. Quinn:** I wish to ask the Minister a number of questions. May I take it that Dublin City Council, as the sponsoring local authority on behalf of the four local authorities, will be required to terminate the existing contract with Elsam and that, consequently, the comprehensive planning process in train will be aborted and we will be obliged to start all over again? Do any implications for financial confidentiality arise from the fact that the Minister informed the Tánaiste and Minister for Justice, Equality and Law Reform of this matter? He in turn announced the collapse of the project. Does the Minister consider that he acted responsibly in this regard and would courtesy not have required him to inform all the public representatives?

Can he explain why, as recently as approximately 4 p.m. yesterday, Mr. Matt Twomey, the assistant city manager with responsibility for the management of this project, informed the media

that the project was going ahead? Given the comments of the Minister and Mr. Twomey, may I take it that, notwithstanding the collapse of this particular contract, Dublin City Council, while acting at the behest of the Government, is committed to providing an incinerator on the Poolbeg site?

**Mr. Roche:** I will respond to the Deputy's questions which encapsulate the core issues in this regard. As Deputy Quinn is aware, the PPP process is highly specific, detailed and case-specific on an individual basis. Once a PPP process has been entered into, there is very little latitude, which is proper and appropriate. The Department's role is to ensure that PPP compliance is in place and after the submission, as the Deputy is again aware, the National Development Finance Agency provides the necessary financial certification. In the circumstances that present themselves to Dublin City Council, unless something dramatic was to happen overnight, the project and Elsam, or rather the Danish oil consortium which has effectively taken it over, will be out of the picture. Once a project is certified as being in compliance with the PPP, all the arrangements pertaining to that project must be continued. Otherwise it constitutes a different set of situations.

As for whether the planning process will be aborted, that does not necessarily follow. As the Deputy is aware, the planning process pertains to a project rather than to its financial elements. Similarly, the Environmental Protection Agency processes are quite separate from the PPP process.

As for informing a fellow Minister, I find it astonishing that I should withhold information from anyone. Had Deputies Quinn and Gormley or any other Member asked me what was the position, I would have provided them with the up-to-date information.

**Mr. Gormley:** How were Members to know?

**Mr. Roche:** I have always been forthcoming to Deputy Gormley and other Members. I believe in being open and that would have been a reasonable process.

**Mr. Quinn:** Does the Minister honestly expect Members to believe the Tánaiste had so much time on his hands in the past three days that he decided to give the Minister for the Environment, Heritage and Local Government, Deputy Roche, a call to ascertain what was happening in respect of the incinerator?

**Mr. Durkan:** That is what happened, more or less.

**Mr. Roche:** Coincidence or not, as it happens I was talking to the Tánaiste on an entirely unrelated project.

**Mr. Quinn:** While I believe the Minister, millions would not.

**Mr. Roche:** That is somewhat unfair. Deputy Quinn knows me sufficiently well to know that had we been engaged in conversation together, I would have shared any information I had with him. I do not believe that would be improper and that it would be bizarre not to do so.

As for Mr. Twomey's comments yesterday, the city council will hold its final meeting tomorrow morning with Elsam, or its successor company, DONG — a most inappropriately named company — which appears to have a different focus. The process will not be completed until that meeting is held. However, I would be less than frank with Members were I to suggest that I believed something will change between now and tomorrow morning. The reality is that Elsam, the financial partner, and its successor, Danish Oil and Natural Gas, DONG, have sought significant changes. As they are not in line, it would not be appropriate for those changes to be agreed. Therefore, I see the financial package put forward. Where does that leave us? It is open to Dublin City Council to seek another partner.

**Mr. Gormley:** Let us get this very clear; clarity is absolutely necessary because we are dealing with local people who have legitimate fears about this project. Is the Minister stating the oral hearing which is part of the planning process and the EPA licence process can go ahead? Is it the case that the council can seek other partners subsequently? Can planning permission and a licence be given and new contractual arrangements entered into subsequently? The impression given yesterday by the Minister for Justice, Equality and Law Reform was that the incinerator project was not going ahead. From what the Minister for the Environment, Heritage and Local Government stated today, that was a misleading impression. The statement by Mr. Matt Twomey that it was still on track was far more accurate. Will the Minister tell us whether the planning process and EPA licence process are going ahead?

**Mr. Roche:** I presume the Deputy knows the planning and EPA processes which are entirely stand-alone and independent are in no way related to the financial side of any arrangement.

**Mr. Quinn:** Yes, they are.

**Mr. Roche:** No, they are not. In this particular——

**Mr. Quinn:** Under the PPP, they are.

**Mr. Roche:** In this particular——

**Mr. Quinn:** The risk is with the applicant — Elsam, not Dublin City Council.

**Mr. Roche:** The Deputy and I know that An Bord Pleanála and the EPA will not look into that aspect of the project.

Regarding what Mr. Matt Twomey stated yesterday, as I stated, he was carefully reflecting the precise position because until such time as the meeting takes place tomorrow at which the company which succeeded Elsam is finally told the position, it is still theoretically in the deal. The company has stated it is not able to meet the terms of the PPP and the reality is that it will be out of the PPP tomorrow morning.

**Mr. Gormley:** The point I made is that I want clarity. If the company seeks arrangements which are not to the satisfaction of Dublin City Council, can the planning process and licensing process go ahead? That is the question.

**Mr. Quinn:** I wish to add a supplementary question in the interests of efficiency. Is it correct to state the application was made by Elsam, not Dublin City Council? Under the PPP process, Elsam takes the risk of the conditions which might be imposed by An Bord Pleanála and the EPA. Tomorrow, if it emerges the new owner of Elsam has decided not to proceed with the contract, what will be the point of proceeding with the planning process which will cost taxpayers and individuals a lot of time and money? Surely it is aborted and we must go back to the drawing board on whatever facility might be located somewhere in the Dublin region.

**Mr. Durkan:** Will the Minister confirm the workability of public private partnership schemes? Is it true they have become extremely intricate from the point of view of private participation? Has this intricacy impacted in any way on this enterprise and proposal? With the points raised by Deputies Quinn and Gormley, I wish to ask the Minister as a matter of curiosity in what context did he convey to his colleague in government the perceived outcome of the project at the time and what was his reaction? Was he disappointed? Was the Minister disappointed? Did they slap each other on the back and say it was wonderful?

I do not ask the Minister to divulge Cabinet secrets. Other colleagues would have been equally interested in the outcome. I ask for my own reasons. I detected a certain reluctance to answer questions on a different matter to which I drew the House's attention this morning.

**Mr. Eoin Ryan:** I wish to return to the point made by Deputy Gormley because it is important to have clarity. It is a major project which raised

[Mr. Eoin Ryan.]

serious concerns in the local area. A huge number of people object to it. Many of us questioned placing the incinerator in the locality because of all the traffic it would bring to the area. It is important there is absolute clarity within the next 24 hours and that the Minister, the local authority, public representatives, the general public and residents understand exactly what is happening and where they stand. If Elsam pulls out, considering the local authority spent so much time and effort on the project, does the Minister know whether it can be compensated for all the money spent on the project to date?

**Mr. Gormley:** To make it easy, what I want to know is this. Can the planning and EPA licence processes be continued if Elsam pulls out?

**Mr. Roche:** I will take the points in sequence. Regarding the planning process, Deputy Quinn asked an important question. I understand Dublin City Council is the planning applicant and promoter of the project. It chose the site. As Deputies know, the Department does not have a role in that issue. I was careful throughout the debate not to make a comment on the site. Neither did I make a comment germane to the planning process because, as the House understands, as Minister, I cannot become involved. It would be wrong for the Minister of the day to involve himself or herself in commentary on an ongoing planning process. I do not wish to mislead the House in any way. I understand that unless Dublin City Council withdraws the planning and EPA applications, they will proceed and can proceed. They are not in any way tied to the financial arrangements.

Regarding the question raised by Deputies Gormley and Eoin Ryan, to be absolutely clear, Dublin City Council reached its arrangements with Elsam after the PPP process. Once the project was certified to be in compliance with the PPP process and having received the necessary clearance, the city council went to An Bord Pleanála and the EPA for a license. The council still has the prerogative to pursue both matters. The questions were fairly put and I want to be fair and clear in my answers.

In parallel, Elsam and the council had discussions on the financial side. As we now know, Danish Oil and Natural Gas, DONG, took over Elsam. It is a completely new corporate entity and does not share the same core focus as Elsam. If it wanted to progress with the project, it would require significant changes. Those changes are not possible under the PPP process. That is what Dublin City Council will notify to the company. In the circumstances that will arise from tomorrow's meeting, the council will have little option but to judge that, acting on the advice of the client's representative for the PPP, it will have to

inform the successor to Elsam that it cannot make those changes.

To return to the question asked by Deputy Durkan, Members of Cabinet speak to each other all the time. It would be rather bizarre if, when members of the Cabinet are speaking to each other, they do not converse on matters of topicality. I find the question strange.

**Mr. Durkan:** I do not find it strange at all.

**Mr. Roche:** I do not know what the Deputy is referring to from this morning but it was not in this context, as far as I know.

**Mr. Durkan:** It might be.

**Mr. Roche:** It would be very strange if Cabinet members did not speak to each other on issues of mutual interest. As the conversation was on the telephone I was not slapping the Tánaiste's back, nor was he mine.

**Mr. Durkan:** It is just as well the Minister did not try it on the telephone.

**Mr. Quinn:** It is clearly a case of a single-party Government.

**Mr. Durkan:** Yes.

**Mr. Gormley:** I thank the Minister for his reply. I will be going back to constituents, as will Deputy Quinn and others. The Minister can correct if I am wrong but can we now state clearly to them that the planning process and the licence application can go ahead as is? Are there commercial arrangements that may be changed as a result of tomorrow's meeting? Can they now look for new commercial arrangements or even a new partner? Is that the case? The Minister can answer by indicating "Yes" or "No."

**Mr. Roche:** There are three separate questions and "Yes" is not the answer to all three. It is not possible to answer all of them either in the affirmative or the negative. The planning and EPA processes are independent processes which have started and can proceed.

**Mr. Gormley:** They can proceed.

**Mr. Roche:** I will not speculate on whether the agency which promoted them will withdraw.

With regard to the second question, I have made clear the point about the public private partnership process. Deputy Quinn would understand my point but Deputy Gormley does not have that experience. I do not state this in a patronising way. The PPP process is very exacting, and properly so. If any significant change is made in the process, the promoter body of the process — Dublin City Council in this case — has no option but to indicate to its partner that the

issue cannot be agreed. In those circumstances, Dublin City Council may seek another partner.

Deputy Durkan asked another question unrelated to my slapping the Tánaiste on the back.

**Mr. Durkan:** I asked about the intricacies of the public private partnership.

**Mr. Roche:** Yes, it was a fair question. Such a partnership is very intricate because the process, by its nature, requires that a decision be made under a specific set of circumstances. It is therefore appropriate to be pedantic in terms of the fulfilment of all the detailed requirements of the PPP.

The point being made by the Deputy was whether there is much flexibility in the PPP, as there is in other types of contracts. It would be fair to state there is not. The PPP process is a very exacting process which must go through various clearances. An agreement is made between the partner — the public body promoting the project — and the other institutions or developing bodies involved. It is a necessarily complex process that does not allow for any large degree of flexibility once the process has commenced. It is fair to say that is the case.

**Mr. Quinn:** The Minister can correct me if I am wrong but my understanding is that the original tender invitation was for a design, build and operate PPP process. I take the Minister's word that the formal applicant was Dublin City Council, but the specification and design of the plant was the responsibility of Elsam because Dublin City Council does not have that capability. I am trying to think this through.

**Mr. Roche:** I see the point being made by the Deputy.

**Mr. Quinn:** If the process goes ahead to a specific design and build specification, whatever about the commercial operation, is the Minister indicating that Dublin City Council will have a specifically designed plant parented by a company that has now basically abandoned it? Will Dublin City Council have the responsibility of offering this out for auction or tender to a yet to be determined operator which would be asked to come in to run a plant which it had no part in designing or specifying? Does the Minister seriously believe the market will respond to this?

One of the first of my points was that the planning process surely had to be aborted if the synergies implicit in a public private partnership were lost. This is where bodies are invited to tender for a design, build and operation process, with people having control over the design and the ability to see the economies of its operation. If I understand the Minister correctly, he is saying that Mr. Matt Twomey can get planning permission for a plant designed by a certain com-

pany, which has now gone off the pitch, and proceed to offer this for tender by anybody to operate the plant on that basis.

We may need time to reflect on this and I do not necessarily expect the Minister to have all the information. If that is the case we could end up with nobody tendering to run somebody else's child. We could end up with An Bord Pleanála and the EPA, among many others, wasting much time proof-reading something that will never fly because there will never be a new pilot to fly it.

Can the Minister find out what the case is? It will be clarified if tomorrow's outcome is as the Minister anticipates. I know he cannot comment on that.

If it comes to the point of Elsam walking away, then it is back to the drawing board. We should not waste more money. An Bord Pleanála personnel are up to their tonsils trying to deal with major infrastructure and it would be the height of irresponsibility to allow this project to proceed in the knowledge that it would never fly.

**Mr. Eoin Ryan:** Would the Minister agree that he would be better able to answer these questions in 24 hours than now? Clearly a meeting tomorrow will clarify many of the points we are trying to raise tonight.

**Mr. Durkan:** As a relative outsider having some passing interest in such matters, my immediate reaction, having listened to the Minister's replies to various questions, is that I would not be as conclusive on what is likely to happen. Did the Minister convey to his ministerial colleague some other information that we do not know about which would have led him to a conclusion? Did the Minister and the Tánaiste come to a conclusion between themselves? We have a facility in my constituency.

**Mr. Eoin Ryan:** This is political points scoring.

**Mr. Durkan:** It is a very good point.

**Mr. Eoin Ryan:** It is not.

**Mr. Durkan:** It is, and the Deputy might be interested in it as well. I remind the House that I have a passing interest in a similar case, as my constituency provides facilities of a similar nature for the greater Dublin area. Landfills are causing some problems currently.

**Mr. Quinn:** The Deputy's constituency will have to take much more.

**Mr. Durkan:** I assure the Minister we will not be taking very much more. We have had our quota.

**Mr. Gormley:** I have a specific question. The Minister stated today that the public private part-



[Mr. Gormley.]

nership process is very exacting and case specific. Is it also site specific?

**Mr. Roche:** I do not want to speculate on what will happen tomorrow. Deputy Quinn has put the points very fairly to me but it really would be no more than speculation, which would be unhelpful, and I wish to deal with facts.

I agree with Deputy Durkan that there is a problem, or even a crisis, with waste in this country. Although we have acted phenomenally through recycling and reduction etc.,  
6 o'clock we still have millions of tonnes in residual waste. If it is not to be dealt with by thermal treatment, it will go to landfill, the worst of all options. I agree with the Deputy on that.

Deputy Gormley asked whether the issue was site specific, but in this case the planning and EPA application was site specific.

**Mr. Gormley:** I was asking whether the PPP was site specific.

**Mr. Roche:** I am not being flippant, but whether the PPP is site specific is not the issue.

**Mr. Gormley:** It is. I am asking the question.

**Mr. Roche:** The PPP is site specific because this case is mentioned.

**Mr. Gormley:** Yes.

**Mr. Roche:** However, the issue is not whether the PPP is site specific, but whether the planning is site specific and who will comprise the financial elements.

**Mr. Gormley:** The Minister signed the PPP.

**Mr. Roche:** On that point, Deputy Gormley and his party are used to throwing out remarks that become the truth if they are not denied. The Deputy knows as well as every Deputy that the Minister of the Department responsible for the agency proposing the PPP merely ensures that the PPP falls within the criteria. If the Deputy wants to be truthful with his constituents, he will not mislead them on that fact.

**Mr. Gormley:** Site specific.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**Acting Chairman (Mr. Ardagh):** 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 Broughan — the status of the Minister's initiative for An Post and the

plan for the resolution of these issues; (2) Deputy Pat Breen — that the Minister would intervene in the current negotiations between the Dublin Airport Authority and Shannon Airport workers to effect a resolution following the latest failure to reach agreement and that, as part of that process, the Minister would commit to a date for implementing the economic and tourism development plan for the airport and region as part of that process; (3) Deputy Burton — the provision of more language resource teachers for schools in Dublin west and other areas for large numbers of international pupils with limited or no English and if the Minister is aware of the considerable difficulties this is causing for all pupils and teachers in such schools and for teachers contrary to repeated promises and undertakings made by the Minister and her officials to address this urgent problem; (4) Deputy Catherine Murphy — the size of apartments being offered under the affordable housing scheme in some parts of the country and the need for the Minister for the Environment, Heritage and Local Government to insist that local authorities get a better housing mix together with anticipating the issues that will arise with large numbers living long term in apartment complexes; (5) Deputy Ferris — the unemployment situation in Tralee; and (6) Deputy Gormley — the need for the Minister for the Environment, Heritage and Local Government to clarify the position of the Government in respect of the incinerator in Ringsend in light of statements issued yesterday by both the Minister and the Minister for Justice, Equality and Law Reform, which claimed that the project was not going ahead.

The matters raised by the Deputies Broughan, Burton and Catherine Murphy have been selected for discussion.

### Adjournment Debate.

### Post Office Network.

**Mr. Broughan:** Late last week, RTE reported the alarming news that up to 500 post offices could be closed by An Post after a review of the network to be completed this year. If so, we could be left with a network of fewer than 800 post offices throughout the country and whole communities may be forced to travel for miles to access essential postal services.

The postal network has been decimated in the lifetime of the Fianna Fáil-Progressive Democrats Government. In 2000, approximately 1,800 postal units were in the network, yet this figure has dropped to just 1,300. At one stage last year, one post office was being shut down every ten days. Is the Minister responsible in attendance?

**Mr. Roche:** I am dealing with this matter. As a former post office man, this is a matter in which I take considerable interest.

**Mr. Durkan:** The right man in the right place.

**Mr. Broughan:** I am delighted to hear that. One of the most appalling legacies of the Fianna Fáil-Progressive Democrats Government when it finally leaves office will be the closure of more than 1,000 post offices across Ireland.

Approximately two weeks ago, the *Irish Farmers' Journal* reported that while we have a relatively high ratio of post offices to people in the EU, we have the greatest relative magnitude of closures at an astonishingly high 21%. Last November, I met a delegation from the Irish Postmasters Union led by its general secretary, Mr. John Kane, and I receive frequent correspondence from a range of postmasters and postmistresses around the country who are deeply frustrated with their low wages, poor working conditions, the increased attacks on post offices — the so-called tiger raids — and the non-automation of almost 400 post offices. The stunning new report of the potential closure of 500 post offices will cause even greater concern for postmasters and postmistresses, whose representative body under Mr. Kane has recently described the network as being in crisis.

According to the IPU, 400 of its members are earning less than the minimum wage of €17,910 per annum. It also reports that another 135 postmasters are not even scraping a bare €10,000 per annum, €200 per week. Out of these meagre earnings, they are expected to run their post offices five and a half days per week or six days or seven days per week in the midlands and the west, supply a premises, employ staff and pay any expense that occurs, including soaring utility bills.

Last week, RTE news profiled a hard-working postmaster in my constituency, Mr. Gerry Keane of Edenmore post office in Raheny. His net take was only €500 per week. A postmistress in a rural area, Ms Catherine Healy-Byrne, has been to the forefront of the Save Lombardstown Post Office Campaign near Mallow in County Cork. She has repeatedly requested that Lombardstown post office be automated urgently, which is a refrain we hear week in, week out from postmasters and postmistresses. The non-automated sub-post offices should be automated if we are to take advantage of the Fortis deal and so on.

Postmasters and postmistresses have faced a drop in business because of the decrease in Government business through the Department of Social and Family Affairs and NTMA contracts and the increase in on-line transactions and direct debit payments. Electronic fund transfer and technology can contribute to the isolation of more vulnerable members of the community and force unnecessary bank charges on consumers.

Postmasters and postmistresses are facing a serious security crisis. We hear of the Minister for Justice, Equality and Law Reform, Deputy McDowell, every few hours, but his information may not be accurate.

**Mr. Durkan:** Sporadic.

**Mr. Broughan:** In 2006, he told me that there were three tiger robberies and six attempted tiger robberies, whereas Mr. Kane and the postmasters told me that there were 40 serious attacks on post offices last year, including the appalling murder of the young Kilkenny postmaster, Alan Cunniffe, last December.

**Mr. Durkan:** Hear, hear.

**Mr. Broughan:** Often, these tiger raids target post office keyholders.

As the Minister knows, a major campaign has been mounted by the postmasters and postmistresses. On Tuesday afternoon, they were to be outside the Dáil and we were hoping to discuss the issue with them at length, but we heard of a deal involving a €12 million package being put forward by An Post with the assistance of the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey. The end result of the package could be the closure of 500 postal units.

Too many communities, including Priorswood in my constituency or Killiney in south Dublin, have been devastated by the closures of their local post offices and the loss of the services and social interaction provided therein. In rural Ireland and the west Cork area in particular, a post office can be the focal point for Government activity for 15 miles or 20 miles. Why has the Minister for Communications, Marine and Natural Resources not published a Green Paper, White Paper or strategy on the long-term future of the postal network as we move towards deregulation in 2009, as Deputy Durkan and I heard last night, and electronic substitution? A strategy would provide some hope to the hard-working postal service workers.

**Mr. Durkan:** Hear, hear.

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I thank Deputy Broughan. As a former post office clerk, I take a great interest in this matter. I have met the IPU, the Minister and some colleagues from my days in the post office and I know that honest efforts are being made to address the issue.

While this is primarily a matter for the management of An Post, the programme for Government sets out the Government's commitment to the objective of securing the largest, most economically sustainable national post office network possible. The An Post post office network com-

[Mr. Roche.]

prises the single largest number of retail outlets in the country, consisting of almost 1,000 automated post offices, 371 non-automated post offices and 171 postal agencies. An Post has also established almost 3,000 post point outlets in retail premises throughout the country, of which 600 can be used for bill payments. Effectively, the 1,000 automated offices transact 97.4% of overall post office business.

In the European context, Ireland has one of the highest number of post offices per head of population at 4.2 outlets per 10,000 inhabitants compared to the European Union average of 2.7. Research commissioned by the IPU in 2006 confirmed these figures. In recent years, some network restructuring has been undertaken. This activity is in line with similar trends across Europe. On a national basis, 80% of the post office network, which is situated in rural areas, serves 40% of the population.

The Government's commitment to the post office network extends to the postmasters, whose financial security and strong relationship with customers are vital to the continued viability of the network. It was in recognition of the importance of postmasters and postmistresses in respect of the viability of the network and the social fabric of communities that the Minister appointed Mr. Eamonn Ryan in January of last year to act as a facilitator between the IPU and An Post. I can think of no one better qualified, as he came up through the post office ranks. His mandate included issues such as the examination of the postmasters' contract. He was also mandated to assist the union to engage with the company on these matters. Recently, he completed a report on these issues and made a number of recommendations.

While the Government will support the network in any way it can, the development and continuing viability of An Post and the network is, in the first instance, a matter for the board and management of the company. Consequently, the way forward is for An Post to enhance existing services, build on existing strengths and develop new product offerings. There is an urgent need for An Post to diversify its income streams and those of the postmasters and postmistresses.

It was with this in mind that in September, the Government gave its approval to a joint financial venture between An Post and Fortis, a Belgian bank. This will entail the provision of a range of financial services operated through the An Post branch network using the An Post brand and other An Post assets.

The security of post offices concerns us all because decent people are going about their business. I do not like the idea of "tiger raids", as that phrase makes armed thuggery against decent people sound attractive, which was not the Deputy's intention. I understand that An Post has

made a significant investment in the network as part of its security upgrade programme. The installation of new and upgraded security equipment as part of this programme continues.

Almost 1,000 post offices are automated, with these conducting the vast majority of the network's business. A pilot project has recently been carried out by An Post, as part of which ten offices were automated and the consequent effect on business monitored. The data gathered as part of this project is currently being analysed.

If An Post and its network are to prosper and grow, it must adapt to the demands of its customers and place delivery of quality services as its primary focus. This will be important in the context of future liberalisation of the mail market. Coming, as I do, from a post office background, I believe there is a massive asset here. I suggest, and hope, An Post will be vigorous in identifying new products because this is an extraordinary network and the Government is committed to maintaining it to the maximum possible extent.

### **Languages Programme.**

**Ms Burton:** I understand, following my receipt of notice to speak in this Adjournment Debate, that the Minister's office has phoned various principals in Dublin West to say that the cap on English language support teachers has been lifted, from next week, and extra teaching personnel are being supplied to several schools. I welcome the announcement, if it is true, and I would like to see the details even if the addition comes more than halfway through the school year.

Dublin West has seen an unprecedented population growth over the past five years. The recent census confirmed that it is the fastest growing area in the country. Consequently, the demand for new schools, school places and specialist resources for children with specific learning support needs is at an all time high.

Parents worry constantly in Dublin 15, whether it is Blanchardstown, Castleknock, Mulhuddart, Clonee or Tyrellstown about whether their child will get a place in primary school. Once the coveted primary school place is acquired, another set of worries arises — large class sizes, temporary school buildings, prefabs and wide scale under-resourcing for the specific needs of pupils, both Irish and newcomer children.

Three primary schools in Dublin West have more than 80% international children in class enrolments. Long-established primary establishments, some more than 100 years old such as village primary schools in Blanchardstown, Clonsilla and Castleknock have 40% plus international children, particularly at junior infants to first class level. There are schools in Dublin West with 42 nationalities attending. The level of English among pupils attending these schools is limited and in some cases non-existent. We have been



lucky in Dublin West to have outstanding principals and teachers who together with parents, boards of management and patrons have done their best to cope in an extremely challenging situation.

Although additional support was promised long before Christmas to me by the Secretary General of the Department of Education and Science at the Committee of Public Accounts, this week's announcement will, I hope, ease the pressure. Extra teachers will allow language support, provide for language enrichment and team teaching for mixed classes. It will allow classes to be split into smaller groups. The smaller groups will significantly help Irish children and those from an English language environment to proceed at their level of skill. Obviously, it will also allow non-national children without English specific language coaching. Reduced class numbers with increased language support are the key requirements for ensuring success in education. It takes more than two years to acquire fluency in English and I hope the Minister will clarify whether the two-year year cap on English language support is also being lifted.

I am particularly anxious that Irish born children who have special needs in respect of teaching support for factors such as dyslexia and speech therapy requirements are not overlooked. The Minister should publish the figures on the additional teachers being appointed to each school and what the class sizes and enrolments are. I have already asked for this but I have been told that the Department of Education and Science — the management — will not have the information available for some time. There is a crying need for early-start and pre-school education in schools in Dublin West which are experiencing such phenomenal growth and expansion. This is needed for Irish and international children.

The Minister has had her head in the sand about what has been happening in Dublin West and developing areas with the explosion in educational requirements. It is not good enough for this Government to have a policy of encouraging immigrant labour for low wage jobs and then to ignore the additional educational, health and other requirements that such newcomers and their children will require — and to shelve the requirements of Irish people in the locality, also. This is not fair to local people and their children. It is also deeply dishonest towards the newcomers, most of whom, as Ministers keep telling us, work for low wages and are making a great contribution, but without the resource support they need to be able to give their children educational attainment to integrate successfully.

English language is the key to integration for both children and parents. Unfortunately, the Government has had its head in the sand as regards this important area. To ignore the prob-

lem is to allow dissension, misunderstanding and mistrust to grow and fester, unlike the type of integration most of us hope to see.

**Mr. Roche:** I apologise for the fact that the Minister for Education and Science, Deputy Hanafin, is not in a position to be here this evening. I thank Deputy Burton for raising the question. One of the most extraordinary features of modern Ireland is that we are becoming a multicultural society. I was recently in a school in Galway and was stunned by the number of children from right across the world speaking not just in English, but also in Irish. It is amazingly enriching.

The approach of the Department of Education and Science to the increasingly diverse culture and ethnic nature of the pupil base in our schools is twofold — to promote and facilitate the delivery of an intercultural education for all children, and to provide the specific supports needed by children whose first language is not English to help them to succeed at school. Intercultural education revolves around respecting and celebrating diversity as well as promoting equality and human rights within and outside the whole school community. In May 2005, the Minister, Deputy Hanafin, launched intercultural education in the primary school guidelines for schools. This valuable resource was prepared by the National Council for Curriculum and Assessment, NCCA, to support teachers and schools in developing a more inclusive learning environment and in providing students with knowledge and skills they need to participate in a multicultural world.

The Department provided €167,000 to ensure that every primary teacher will receive a copy of this document in either English or in Irish. As regards the provision of resources to enable children with low levels of competence in the English language to succeed at school, language support takes the form of financial assistance, additional temporary teacher posts or portions of teacher posts. The level of support provided to any school is determined by the numbers of non-English speaking students enrolled. Each school management can decide on the structure of the support to be provided in its own school. An allocation of two years' language support for each pupil is provided by the Department. Schools with 14 or more qualifying pupils get an additional full-time temporary teacher. Those with 28 or more get two teachers. A third post may be allocated following consideration by the Department's inspectorate, in exceptional circumstances.

Primary schools with between three and 13, inclusive, non-English speaking pupils receive grant assistance of €6,349 while schools with between nine and 13 receive grant assistance of just over €9,500. In the current school year grant assistance will be provided to approximately 425 primary schools with 13 or less non-English



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speaking, non-national pupils. In the case of post-primary schools which have fewer than 14 non-national pupils with significant English language difficulties enrolled, additional teaching hours, ranging from three per week in respect of one such pupil to 19.5 in respect of 13 pupils, are sanctioned.

In the current school year, the Government has provided more than 800 language support teachers at primary level and 340 whole-time equivalent teachers at second level to support such pupils, representing an investment of €46.5 million. Schools granted full language support teacher posts receive additional financial support to enable the purchase of resource materials suitable for use within the language support class or mainstream classes. All teachers have a role in supporting students to acquire the necessary language skills in the context of each subject being taught. The purpose of language support is to acquire sufficient skills to enable students engage with the curriculum rather than to develop particular level of competence in the English language. Specific language support provision is intended to complement other supports provided by the Department to schools.

Teachers are provided with in-service training through Integrate Ireland Language and Training Limited, IILT. It provides training seminars for language support teachers, part-time or whole-time, together with classroom materials, including the European language portfolio, to assist them in meeting the English language needs of their pupils and students.

Between extra language support posts and grant aid, the level of support provided to schools to meet the needs of children whose first language is not English has increased dramatically in recent years. Nonetheless the Government is very conscious of the pressures on schools, such as those in Dublin West and across the country, that have large numbers of non-English speaking children enrolled.

In this regard, Towards 2016, the new social partnership agreement, provides for an additional 550 teaching posts in primary and post-primary schools by 2009. The recently launched national development plan commits more than €630 million to assist in meeting the educational needs of the increasing numbers of international children. Some 200 posts, provided for under Towards 2016, are being put in place in 2007 and the rest will be provided over the next two years.

As the Minister, Deputy Hanafin, announced recently, extra posts are currently being allocated to schools. Priority has been given to schools, including those in Dublin West, that have large numbers of non-English speaking pupils. A comprehensive strategy is currently being finalised which will ensure that the extra investment in this area is being used to the best effect and is under-

pinned by the right support and training for teachers.

I thank the Deputy once again for raising this issue but I believe what is happening in our schools is nothing short of miraculous.

### Social and Affordable Housing.

**Ms C. Murphy:** I can speak from experience of the social and affordable housing scheme only in County Kildare and I do not know how the mix of affordable housing units is panning out in other parts of the country. There is great interest in the affordable housing scheme. Of all the issues about which people contact me, housing is top of the list.

People who apply for affordable housing have an expectation that houses and apartments will be on offer, but in County Kildare it seems that almost exclusively apartments are offered. I do not know of any applicants who were offered houses recently. However, I acknowledge that affordable units are certainly being offered.

The size of some of these units is unacceptably small. One unit I saw today before I came to the House is a 620 sq. ft., two bed-roomed apartment. One could fit a double bed in one bedroom and sometimes developers squash an *en suite* into the main bedroom, which results in a reduction in the size of the other rooms in the apartment. In the second bedroom of this apartment one could just about fit a single bed. There is also a combined living and kitchen area. The apartment has very little storage space. That unit might be fine for a short period such as a holiday for a few weeks. However, people are buying these units with a 20-year clawback, with a 100% clawback for the first ten years and a graduated clawback for the following ten years. The provision of such units will create difficulties and it would be best to address them, if that can be done at this stage.

People who purchase an apartment in addition to paying a mortgage also must pay management fees as invariably a management company is set up to manage the property. Such fees amount to almost another month's mortgage repayment in a 12-month period, which often pushes people over the limit in terms of meeting their repayments.

Many people who are offered a unit under the scheme view it as a once off chance; if they sell the property, they will not be eligible for further consideration under the scheme. While an apartment may well meet the immediate needs of young people seeking housing, it is unlikely to meet their medium or long-term needs if they end up in a relationship and have children.

According to the recent home price index survey of the PTS, Kildare has the third highest number of apartments constructed nationally, after Dublin and Cork. A disproportionate number of apartments are being offered for social and affordable housing. I have seen housing

estates constructed where the only social and affordable units available are in the apartment element of those developments.

Recently it was announced that Affordable Homes Partnership bought some two and three bedroom apartments and duplexes. We must question the affordability of these housing units when one considers the prices at which they are offered. These apartments are being offered at prices ranging from €263,000 to €287,000. With a 97% mortgage on the higher figure, the monthly repayment is nearly €1,400. In addition the home buyer must pay management fees, and mortgage protection and life insurance premia, as such policies are mandatory on taking out a mortgage. One would require a take home pay of €47,000 to qualify for a mortgage on the larger unit. We must compare like with like; the average price paid for a home by first-time buyers in December 2006 was €279,000. The price offered by the Affordable Homes Partnership for units is more than the average price paid by first-time home owners in December of last year. I question whether it will left with some of these units, since a clawback provision applies.

We may well be swapping one set of problems for another. The social housing sector in Kildare may be different from other areas, but a disproportionate number of small apartments is on offer. Can the local authority intervene and insist on a better housing mix? We need to anticipate the problems which will arise. Some people who obtained apartments under the Part V provision have transferred from them.

At the very least the clawback provision needs to reviewed in the context of apartments, particularly very small apartments, to ensure that people have the ability to move on. Many people will be discontented; they expect their housing needs will be sorted but in two or three years they may present with a range of different problems.

**Mr. Roche:** I compliment the Deputy on using her time well and straying over a variety of topics, all of which are important and could be separate topics for debate.

While set in an affordable housing context, the issues raised by the Deputy have a broader context concerning the creation of sustainable communities, which I know is as much a passion of the Deputy's as it is of mine — places where people want to live and work now and in the future to grow and develop their full potential. This is at the very heart of the new housing policy statement, *Delivering Homes, Sustaining Communities*, which my colleague the Minister of State, Deputy Noel Ahern, and I published last week. A broad programme of actions is being implemented to support the realisation of that sustainable communities vision. In the time available, I will outline a number of the key elements involved.

A central requirement of the sustainable communities agenda is the achievement of a better housing mix, both in terms of social mix and the mix of different types of homes to meet the broad range of housing requirements. Taking the social mix issue first, Part V of the Planning and Development Act introduced a significant mechanism through which up to 20% of housing provided in most residential developments can be set aside for social and affordable housing purposes. I was interested in the Deputy's comment that in Kildare the housing provided seems to be disproportionately apartments. That is not the experience elsewhere and I will certainly follow that up. The implementation of this mechanism is based on the housing strategy adopted by each local authority, which must include measures to address the housing needs of all sectors of the population and encourage mixed and balanced communities in order to counteract undue social segregation.

Delivery of affordable and social housing under Part V of the legislation is now coming on stream at an increasing pace. To the end of September 2006, more than 3,500 homes were provided through this mechanism, with important benefits in terms of social integration.

Achieving a better social mix in apartment developments is also dependent on achieving an appropriate mix of different types of apartments, so that the full range of housing requirements, including those of families, can be met in the medium to long term. The Deputy will be aware that last month I published guidelines on apartment design and standards for public consultation. This is an area highlighted in a number of cases that went before An Bord Pleanála. The consultation period closes on 5 March and it is expected that the guidelines will be finalised in April. I would very much welcome contributions to that debate from the Deputy and other Members. However, pending finalisation of the guidelines, planning authorities are being requested to have regard to the recommended standards for new apartment schemes.

The focus of these draft guidelines is on the apartment building itself and on individual units within it. While there has been a general trend towards larger average apartment sizes over the past decade, these draft guidelines address the mix of unit types and sizes. They provide recommended minimum standards for floor areas in different types of apartments, for storage spaces, for apartment balconies and patios, and for dimensions in certain rooms.

The draft guidelines are relevant to private housing, but they also impact on affordable housing, given the increasing extent to which the Part V mechanism is beginning to deliver. Moreover, these new guidelines will form part of a suite of guidelines being prepared within a wider housing and planning context. These also include new

[Mr. Roche.]

guidelines on sustainable residential development, incorporating a revision of the 1999 residential density guidelines; a new best practice handbook on urban design and housing layouts which will illustrate, with examples drawn from current practice, how the policies set out in the planning guidelines might be implemented; and a revision of the 1999 social housing design guidelines.

I acknowledge the importance of the matter raised by the Deputy. The issues involved are being addressed comprehensively through the policy frameworks and the supporting initiatives developed by the Government. The affordable

homes partnership has delivered some extraordinary quality housing. I encourage Members to have a look at the housing we brought on stream very rapidly through the swap of the site on Harcourt Terrace. These are beautiful houses, wonderful houses, happy families in very good quality duplexes and apartments such as the Belfry. They are a tribute to the builders who built them and to the Affordable Homes Partnership. My ambition is to see the quality of social and affordable housing improved. There is no excuse for second-rate accommodation in a rich country. I am determined that the quality will be improved.

The Dáil adjourned at 6.35 p.m. until 10.30 a.m. on Friday, 23 February 2007.

## Written Answers.

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

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*Questions Nos. 1 to 6, inclusive, answered orally.*

### **Garda Operations.**

7. **Mr. O'Connor** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress made by Gardaí in Dublin under Operation Anvil; and if he will make a statement on the matter. [6792/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Operation Anvil commenced in the Garda Dublin Metropolitan Region (DMR) on 17 May, 2005. It is an intelligence led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static check points by uniform, mobile and foot patrols, supported by armed plain clothes patrols. The Operation remains in place and is ongoing in the DMR.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and in particular murder. The Operation has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in the recorded number of incidents of crime being targeted by the Operation. In particular, crime statistics for the fourth quarter of 2006 showed an increase of 34% in detections of possession of firearms which contributed to the reduction of 3.4% in discharges of firearms. Operation Anvil has also contributed to the increase in that quarter of detections of offences of possession of drugs for sale or supply which is closely associated with many murders using firearms.

The most recent figures available to me, up to 11 February, show the massive effect which Operation Anvil has been having since its inception in May 2005. In the Dublin Metropolitan Region there have been 7,488 arrests for serious crimes, comprising of 69 arrests for murder, 1,916 arrests for burglary, 880 arrests for robbery and 879 arrests for serious assaults. There have also been 1,793 arrests for theft offences. In addition 27,804 searches have been carried out, comprising 24,177 for drugs, 2,168 for thefts and 1,459 for firearms. Also 631 firearms have been seized and there have been 9,533 seizures under Section 41 of the Road Traffic Act. Over 49,900 checkpoints have been carried out and property to the value of €16.2m has been recovered.

I am sure that all members of the House will join me in commending An Garda Síochána for their success in this regard.

While the Deputy's question refers to Dublin, I should mention that Operation Anvil was extended nationwide during 2006 and consists of a series of special operations, proposed by each Regional Assistant Commissioner, which are designed to focus on areas where there is a high incidence of crime.

The Operation outside the DMR is significantly different from that in the DMR, in that initiatives have a short time-focus and are designed to address the particular needs of specific areas. A number of operations have been completed, while further operations are ongoing. The methodologies utilised in doing this vary from area to area and from time to time, commensurate with the assessed need. For these reasons there is no comparable system in place for the systematic collation of statistical data in these Garda Regions.

Operation Anvil is, of course, only one element of the unprecedented resources being made available in the fight against crime.



[Mr. McDowell.]

I have made it clear to the Garda Commissioner that Operation Anvil will continue to be funded to the extent and as long as the Commissioner considers that it is necessary to do so and it is fulfilling its objectives.

### **Prison Drug Treatment Service.**

8. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform the proposals he has to have a methadone maintenance programme introduced in Cork Prison; if, in regard to prisoners with addiction who are on a prescribed sedative before being sent to Cork Prison, he will outline the proposals he has to ensure that this treatment continues in prison; and if he will make a statement on the matter. [6844/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The new Irish Prison Service Drugs Policy & Strategy — 'Keeping Drugs Out of Prisons' — will see existing drug treatment programmes, including the provision of methadone maintenance programmes where clinically indicated, being expanded and enhanced. This policy envisages a multifaceted approach towards tackling the problems associated with substance misuse in the prison environment. There is particular focus on the need to assist prisoners who indicate a serious desire to tackle their drug problem and the policy states that appropriate treatment for substance misuse related problems should be available regardless of where a prisoner is located. I have obtained significant extra resources to facilitate this and the policy is in the process of being rolled out on a phased basis.

While it is intended that any treatment which is clinically indicated as being appropriate and necessary should be available to prisoners this provision will require the coordinated input and co-operation of various agencies, both internal and external. In particular it will require the co-operation of relevant community agencies to ensure the continuity of such treatment on release.

I have not been made aware to date, of any significant demand for the provision of methadone maintenance to prisoners entering Cork Prison. This matter is, however, being kept under ongoing review.

The prescription of any medication, including sedative medication, requires careful assessment. This is particularly the case given the potential for abuse associated with many sedative drugs. The Department of Health & Children recommends caution and limited prescription of such drugs and the IPS would seek to reflect such caution in the health standards promoted within prison.

### **Garda Reserve.**

9. **Mr. Penrose** asked the Tánaiste and Minister

for Justice, Equality and Law Reform the number of members of the Garda Reserve at the latest date for which figures are available; the numbers he expects will be in place by 1 June 2007; when the promised full complement of 1,500 will be in place; and if he will make a statement on the matter. [6828/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda Commissioner is proceeding with the recruitment and training of 1,500 members of the Garda Reserve. The first group of 36 Garda Reserves completed their training and were formally attested as members of An Garda Síochána on 15th December 2006. They have been deployed in Dublin (Store Street and Pearse Street), Cork (Anglesea Street), Galway City and Sligo.

The second group commenced training in the Garda College at Templemore on 20th January 2007. This group consists of 52 Garda Reserve trainees who will be deployed in Blanchardstown, Santry, Dún Laoghaire, Tallaght, Limerick, Clare, Sligo, Galway and Kerry. It is expected that they will be attested in May.

Further interviews were held in recent weeks for applicants from counties Waterford, Cork, Kilkenny, Wexford, Tipperary, Carlow, Kildare, Cavan, Monaghan, Louth, Meath and Wicklow. Applicants from other areas will be interviewed on a rolling basis over the coming weeks and months.

Training for the next group of Reserve trainees is scheduled to commence in early March and it is expected that they would be attested in June. It is also expected that further groups of Reserve trainees will commence training on a monthly basis.

By June of this year there will be three groups of trainees who will have been attested. It is difficult to specify exactly how many Garda Reserve members will be included in this group as the selection of the third group of trainees is still ongoing. As the nature of the scheme is purely voluntary, I cannot definitively say what any particular monthly intake of volunteers will be. Garda Reserve trainees will have work, family and other commitments which they will have to balance with their service with An Garda Síochána. An Garda Síochána is offering maximum flexibility in this regard to accommodate those who wish to put themselves forward for service.

While I am satisfied generally with the progress being made in the recruitment and training of Reserve members, I consider that the process of a initial recruitment can be made more efficient if it is given a local dimension in that context, I have asked the Garda Commissioner and he has agreed to involve local Garda Superintendents directly in local recruitment arrangements to attract suitable candidates from the local community. This will assist in ensuring that the 1,500 target is reached as soon as possible.

The Commissioner has also recently appointed a Chief Superintendent to oversee the Garda Reserve on a full-time basis. I will of course, in conjunction with the Commissioner, keep all procedures relating to the Garda Reserve under review to ensure that target figure of 1,500 is reached.

### **Garda Reports.**

10. **Ms McManus** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has completed his consideration of the recent report of An Garda Síochána Advisory Groups published on 7 November 2007; if he will implement the recommendations of the report; if a timetable has been set for this; and if he will make a statement on the matter. [6831/07]

16. **Ms Lynch** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has completed his consideration of the recent report of the Garda Inspectorate published on 7 November 2007; if he will implement the recommendations of the report; if a timetable has been set for this; and if he will make a statement on the matter. [6830/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 10 and 16 together.

I published last November the two important reports recommending radical reform of the top management structure of An Garda Síochána. The reports are by the Garda Síochána Inspectorate and the Garda Síochána Advisory Group chaired by Senator Maurice Hayes.

By way of background, the Garda Síochána Inspectorate was established in July 2006. Its objective under the Garda Síochána Act 2005 is to ensure that the resources available to An Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services. This is the Inspectorate's first report. The Advisory Group was appointed by me in August 2006 to advise the Garda Commissioner on addressing the leadership and management challenges currently facing the Garda Síochána. This is the Advisory Group's first, and interim, report to the Garda Commissioner.

The reports recommend enhanced civilian support for senior Garda management and urge accelerated recruitment of civilian support staff so as to release Gardaí for operational duties. Some key recommendations include

- a new civilian post at Deputy Garda Commissioner level to deal with administration and resource management, including areas such as finance and information technology,

- six civilian Director level posts, namely Legal Affairs, Human Resource Management, Information and Communications Technology, Strategy, Forensic Support and Communications. More generally, the Advisory Group urges,
- a new post of Assistant Commissioner for professional standards, reporting direct to the Garda Commissioner.
- maximum delegation of operational responsibility to the Assistant Commissioners in charge of the Regions, with appropriate support by civilian staff in areas such as finance, HR and analysis,
- a realignment of the Garda Síochána's organisational chart to recognise the central role of these Regional Commissioners and the core policing functions they exercise.

I very much welcome these timely reports as a very significant contribution to the current reform and renewal of An Garda Síochána. I have brought the reports to the attention of the Government and at its meeting on 19 December, 2006 the Government, as part of a number of measures it took to strengthen the capacity of An Garda Síochána to combat crime, approved the creation of 7 new senior civilian management posts, including a new Deputy Commissioner equivalent, in the senior management structure of An Garda Síochána, as recommended by the Hayes Group and by the Garda Inspectorate. The Garda Commissioner is now finalising arrangements for the recruitment of these senior managers.

The Garda Síochána Inspectorate is currently undertaking an operational and administrative assessment of the Garda Síochána, including resource allocation and the deployment of Garda and civilian personnel. I have asked for an interim report from the Inspectorate on its assessment and I have been informed that its report in this regard is at an advanced stage of preparation and will be submitted to me in the coming weeks. Following receipt of that report, I intend to bring specific proposals to Government at that stage in relation to the implementation of its recommendations.

Finally, I should emphasise that the reports on the reform of the Garda management structure are the beginning and not the end of a process of reform and modernisation. I want to thank the members of the Advisory Group and the Inspectorate for the work they have put into these reports, and I also want to acknowledge the co-operation they have received from An Garda Síochána.

### **Garda Equipment.**

11. **Ms Lynch** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his atten-

[Ms Lynch.]

tion has been drawn to the recent claim made by the president of the Garda Representative Association, that outmoded equipment, broken radios and delayed delivery of promised new supplies were hampering the Gardaí in the battle against crime; his views on the criticism; the steps he is taking to address these issues; and if he will make a statement on the matter. [6829/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am aware of the views expressed by the President of the Garda Representative Association which I believe were reported late last year in the media.

I reject the reported remarks out of hand. The record will clearly show that under this Government An Garda Síochána has never been better resourced. Deputies can judge for themselves the level of investment in An Garda Síochána under this Government. Over the past 10 years unprecedented resources have been provided by Government to An Garda Síochána in their fight against crime. This year alone, the Garda budget is over €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms. Capital and related expenditure over the period 1997 to 2006 amounts to over €500m. This year the capital provision including Garda building programme provisions under the Office of Public Works will amount to approximately €69m.

These resources have enabled An Garda Síochána to significantly upgrade the range of equipment and services available to support them in their daily fight against crime.

Major development is the current rapid expansion and upgrading of the Garda fleet. The total spend for 2006 on the purchase of new vehicles to upgrade the Fleet was €27.45 million and this sum was used to purchase 1,378 vehicles. Over half the entire fleet was replaced in one year, and further investment will be made this year.

On the question of radio equipment the Deputy will be aware that a state of the art digital radio service is in the process of being procured for An Garda Síochána and other emergency services. Tetra Ireland Limited has been selected by the Department of Finance as the preferred supplier of the service. Work has already commenced on a Service Performance Evaluation which involves the provision of a live working system covering a significant part of Dublin and surrounding areas. An Garda Síochána, as one of the principal users of the service, will play a major role in the evaluation and testing of the network and equipment. The Service Performance Evaluation will enable the preferred supplier, Tetra Ireland, to demonstrate that it can deliver all the aspects of the system and provide a fully working solution that meets all of the requirements of an emergency services network.

Subject to a successful outcome of this evaluation phase and completion of parallel contract negotiations, a contract for the provision of the

nationwide services will be signed. Completion of the system nationwide is expected within two years after the Service Performance Evaluation.

In the interim, Garda authorities inform me that where existing radio equipment is found to be faulty it is repaired. When it is not possible to effect repairs, the equipment is replaced thereby maintaining existing levels of radio infrastructure.

Another issue regularly raised in relation to Garda equipment is the provision of anti-stab vests. A contract for the supply and delivery of 11,000 Anti-Stab vests, with an option to purchase an additional 4,000, has been put in place by An Garda Síochána. These Anti-Stab Vests will be provided to all uniform members. A fitting and delivery programme commenced on 8th February and it is anticipated that in excess of 1,000 vests will be issued to uniform members by the end of this month and distribution will be completed within the next number of months.

In addition, a separate contract for the supply and delivery of up to 2,100 Ballistic Vests, which have anti-stab properties, is in place. These Ballistic Vests are being provided to Detective Gardaí and those employed on a long term basis as aides to Detective Units. A total of 1,300 vests have been issued and a further order has been placed for delivery of an additional 300 Ballistic Vests. This is a major development in the provision of safety equipment for members of An Garda Síochána.

Other major projects that are currently underway include a range of Information Technology projects such as a Major Incidents System, a new automated fingerprint system, a new Computer Aided Dispatch System and a new Ballistics System. In addition, I recently announced that An Garda Síochána will very shortly issue tenders to the market for a major expansion of the town centre CCTV system with a total of 17 towns around the country set to benefit from the scheme. This is in addition to the grant aid provided by my Department under the Community based CCTV scheme.

This huge programme of investment in An Garda Síochána, together with the current major expansion of Garda numbers, will significantly enhance the capacity of the Force to combat crime and bring criminals to justice.

### **Garda Deployment.**

12. **Mr. M. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí currently assigned to community policing; if he will confirm that this represents less than 4% of the overall strength of the force; his plans to increase the number of community Gardaí; and if he will make a statement on the matter. [6827/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda Commissioner that the



number of designated full-time Community Gardaí assigned at 31 December, 2005 and 2006 was 453 and 497 respectively. The 2006 figure is almost 4% of the current personnel strength of An Garda Síochána and represents an increase of 44, or 10% in the number of Gardaí assigned to community policing duties over the previous year's figure. Of course all uniformed Gardaí carry out community policing functions.

The term Community Garda describes a member of An Garda Síochána working full-time in a specified area and assuming responsibilities and performing duties which relate to that area.

It is designed to give local neighbourhoods/communities a more personalised and comprehensive Garda service. By its nature, it is the cities and larger towns which benefit most from the adoption of Neighbourhood/Community Policing. Areas which have not had regular contact with An Garda Síochána get the opportunity to know and build up a relationship with a member of the force.

A review of Community Policing in Ireland is currently being carried out and it is anticipated that the review will be completed in 2007. This review will take into account of international best practice in this area.

When completed, the finished review will inform a National Model of Community Policing, which is a Strategic Goal in An Garda Síochána's Corporate Strategy.

I know that the Garda Commissioner will take full account of the needs of Community Policing in his allocation of the very considerable increase currently under way in the strength of the Force. The attested strength has increased by well over 2,000 since June 1997 — which is more than 20% of an increase. There are now more than 14,000 attested members and recruits in training and this means that Community Policing and other operational areas in the force will continue to grow in strength.

### **Garda Training.**

13. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the time devoted to each of the five phases of Garda training, both in the Garda College and at Garda stations; if there has been reduction in the time for any of the five phases; and if he will make a statement on the matter. [6851/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The current Garda recruit training programme is of two years duration and is made up of 5 separate but integrated phases. The time devoted to each phase of training and the location of each phase of training is as set out as follows:- Phase 1 involves 22 weeks in the Garda College. Phase 2 involves 24 weeks in a Training Garda Station. Phase 3 involves 12 weeks at the Garda College and 4 weeks at a Training Garda Station. Phase 4 involves 38

weeks at a Training Garda Station and Phase 5 involves 4 weeks at the Garda College.

There has been no reduction in the Garda training programme. The only change in recent times has been an adjustment in Phase 3 so that 4 of the 16 weeks in that Phase are spent in a Garda Station rather than at the Garda College. This training programme is being managed in such a way as to ensure that the accelerated intake of 275 recruits per quarter into the Garda College will result in the Government's target of a total Garda strength of 15,000 being met.

### **Departmental Evaluations.**

14. **Mr. Cuffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the National Domestic Violence Intervention Agency can expect to receive the conclusions of his Department's internal evaluation of the pilot project; if the project will receive multi-annual funding, if the conclusions are positive; and if he will make a statement on the matter. [6855/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that the final report of the completed pilot project by the National Domestic Violence Intervention Agency (NDVIA) was received by my Department on Thursday 25th January 2007. Following the delivery of the report, further funding for the project on an interim basis was agreed by my Department and representatives of the NDVIA.

Officials of my Department are now reviewing this final report, together with the 2006 external evaluation of the pilot project. The aim of the understandably localised pilot project was to develop an integrated response to domestic violence. We need now to consider fully how we are to progress this objective on a nationwide basis.

The analysis of the findings of the pilot project is taking place in the context of a major policy review in my Department and the development of a new Strategic Action Plan for the National Steering Committee on Violence Against Women. I expect that Minister of State Frank Fahey and I will bring proposals to Government shortly in relation to the establishment of a domestic violence agency which will ensure the development of a well co-ordinated "whole of Government" response to violence against women.

### **Equality Issues.**

15. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the activities and policy moves that will be taken under his portfolio as part of the European Year of Equal Opportunities for All; and if he will make a statement on the matter. [2522/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Equality



[Mr. McDowell.]

Authority has been designated as the National Implementing Body for Ireland to organise its participation in the European Year of Equal Opportunities for all.

The Equality Authority in its role of National Implementing Body is responsible for defining the national strategy and priorities of the Year, while ensuring a balanced treatment of all nine grounds under Irish equality legislation.

The Equality Authority launched its national strategy, “2007 European Year of Equal Opportunities for All — A National Strategy for Ireland” on 5 February this year. A copy of this publication has been placed in the Oireachtas Library for the information of Members and it is also available on the Equality Authority’s website, [www.equality.ie](http://www.equality.ie).

The Authority has developed its strategy having due regard to the objectives of the year agreed by the European Parliament and Council. These are:

- to raise awareness of rights under the equality legislation,
- to promote the participation of under-represented groups in all sectors,
- to encourage a celebration of diversity in society, and
- to support social cohesion and good relations between groups.

The National Strategy is an ambitious programme of over 30 distinct initiatives across six priority areas of activity, namely information and advocacy, equality mainstreaming, equality competence, equality debate, burning issues and multiple discrimination.

The strategy has been developed having regard to commitments made in Towards 2016 the national agreement between the Government and the social partners. The issues selected contribute to the implementation of the broad range of national action plans developed in relation to groups experiencing inequality.

This strategy will be implemented in parallel with a strategy for the European Year of Equal Opportunities for All in Northern Ireland, with appropriate links between the two strategies. It will also build on existing links with the “For Diversity against Discrimination” campaign of the European Union. It will also make links with the final year of the EQUAL Community Initiative in Ireland.

The National Strategy engages the resources of organisations such as IMPACT, the IVEA, the CSO, Pobal, Chambers of Commerce and the Universities.

Priorities addressed in the Strategy include initiatives which:

- enhance the provision of information on rights to those groups experiencing inequality,

- build an institutional infrastructure to ensure equality is a consideration in planning and policy making,
- bring about institutional change to ensure organisations are effective in combating discrimination, making adjustments for diversity and promoting full equality in practice,
- engage key stakeholders in a national debate on issues of equality, diversity and discrimination, and
- focus on the identity, experience and situation of those groups at the intersections of the grounds covered by equality legislation.

The range of activities to be undertaken during the year includes several awareness campaigns, covering issues such as work life balance, ageism, anti-racism in the workplace and disability. Conferences celebrating 30 years of Gender Equality Legislation, an NGO conference and a conference celebrating 70 years of the Constitution and Equality in the Constitution are planned for the Year. The Equality Authority has also established a funding programme to support non-governmental organisations at national level seeking to organise activities to mark the European Year and to achieve a longer-term legacy for the Year.

*Question No. 16 answered with Question No. 10.*

#### **Prisoner Costs.**

17. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on the high cost per prisoner of keeping a person in prison here; and if he will make a statement on the matter. [6803/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The average cost of keeping an offender in custody in this jurisdiction is calculated by averaging out the current running costs of the prisons and places of detention against the average number of offenders in those institutions. These costs include certain items which are fixed no matter what the number of offenders in custody, e.g. utilities, staff salaries, etc. It also reallocates the cost of central services e.g. Headquarters, Prison Service Training Centre, I.T., etc. to each prison institution.

I would caution that there is no information readily available to me on the precise methodology and procedures used by our international counterparts in the preparation of their figures for costs per prisoner and this should be borne in mind in any comparison of these figures to the current Irish figures.

Significant factors in determining prison costs include the size and age of institutions and the regime applied to prisoners. For example average

annual costs per prisoner for prison institutions in the USA are generally lower than in this jurisdiction but the regimes applied would not necessarily be of a type that would apply in this jurisdiction.

The comprehensive change Agreement reached with the Prisons Officers Association in 2005, which has been successfully rolled out throughout the Service, has brought to an end the chronic problem of escalating overtime costs and introduced a range of other efficiencies. The savings arising from these efficiencies are contributing significantly to the control of costs, including the overall cost of keeping an offender in custody.

In addition the development of new prison facilities, particularly at Thornton, and for the Munster region will provide an opportunity to further reduce operating costs while providing an improved regime for prisoners and staff.

### Drug Seizures.

18. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the amount of heroin seized during 2006; the way this compares with 2005; his views on the huge increase in seizures of heroin, especially in view of the fact that the UN suggest that such seizures account for only around 25% of the total on the market; the steps the Gardaí are taking to reduce the flow of illegal drugs; and if he will make a statement on the matter. [6834/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the volume and street value of heroin seized for 2005 and 2006 is as set out in the following table:

Heroin seizures made by An Garda Síochána 2005-2006

Year	Quantity	Estimated Street Value
	kgs	€m
2005	32	6.4
2006*	136	27.2

\* The figure for 2006 is provisional and may be subject to change pending the publication of An Garda Síochána's Annual Report for 2006.

I am also informed that the increase in the amount of heroin seized during 2006 is directly attributable to increased law enforcement through intelligence driven operations at national, regional, divisional and district level which is co-ordinated by the Garda National Drugs Unit in conjunction with other specialist Garda units and local Garda management.

An Garda Síochána invokes a number of broad strategic responses in addressing the issue. These include the following:

- Identifying, targeting and dismantling national and international drug trafficking networks which supply and distribute illegal drugs within this state
- Conducting intelligence driven operations focusing on all aspects of the illicit drugs trade including commodity, logistics, distribution and financing.
- Working with other national and international law enforcement agencies on joint actions designed to reduce the availability of drugs and the proceeds derived from the drugs trade
- Working in partnership with statutory, community and voluntary groups to reduce both the supply and demand for drugs within society.

Significant drug seizures including the considerable increase in the amount of heroin continuing to be seized in recent times have been made as a result of these operations. The operations, which are ongoing, continue to dismantle drug trafficking networks and have led to the arrest in recent times of major criminals both based here and abroad who are involved in the drugs trade.

The record level of resources, both in financial and personnel terms, being made available to An Garda Síochána this year is proof of the Government's commitment and determination to ensure that the Garda authorities will continue to implement targeted, intelligence and high intensity operations against organised crime with a special focus on drugs crime. This commitment is further evidenced by the fact that the allocation for the Garda Vote for 2007 is up by €135.3m to €1.445 billion — an increase of 10% on the allocation for 2006.

Furthermore we are ensuring that our law enforcement agencies have a strong legislative platform from which to operate in their work in tackling those involved in such criminal activity.

While we already have a strong legislative package in place for tackling drug trafficking, the Criminal Justice Act 2006 provides for further measures which will enhance the powers of the Gardaí in the investigation and prosecution of drug offences.

In addition, I recently secured Government approval to bring forward a further package of legislative proposals as a matter of priority to further counter the threat posed by gangland activity, especially in relation to drug trafficking and firearms.

Of course the Government would view with concern any apparent rise in the level of any illegal drugs being trafficked into this country. However, as I have pointed out the seizures also reflect the increasing success of the Garda's law enforcement measures targeting drug trafficking.

The drugs situation is dictated by global developments, it is dynamic and ever changing and our

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policies need to be flexible to meet those changes. For example, recent international data from the United Nations Office for Drugs and Crime suggests that the level of heroin production, particularly in Afghanistan, has significantly increased in recent times and this undoubtedly has a direct effect on the amount of heroin in circulation globally.

In terms of estimating the proportion of drug seizures made in this jurisdiction by our law enforcement authorities in relation to the overall volumes of drugs being trafficked, obviously given the clandestine nature of this illegal activity this is extremely difficult to quantify with any degree of certainty and is speculative.

However, what can be said in this regard though is that the global illicit drug trade is, according to the United Nations Office for Drugs and Crime (UNODC), reputed to exceed billions of US\$ annually. That UN office estimated in 2005 that global seizures for that year accounted for 44% of cocaine production, 28% of cannabis resin, 25% of opium production, 7% of amphetamines and 4.7% of ecstasy.

Undoubtedly, drug misuse remains one of the most complex social ills faced globally. Our drug law enforcement response is of course a vital feature of our overall response in addressing the issue but we cannot just look at the issue from a supply reduction perspective only.

Rather, we must examine the drugs problem in the wider context in which it takes place and take cognisance of the fact that the demand for and the use of illegal drugs is what fuels the drugs trade. The measures that we have in place to address the problem must take account of this.

The Government remains resolutely committed to tackling the problem through our National Drugs Strategy 2001-2008.

The National Strategy addresses the problem under pillar headings of education and prevention, supply reduction, treatment and rehabilitation and research and is firmly founded on the principle that drug misuse needs to be addressed in an integrated manner across these headings through a co-operative approach involving the statutory, community and voluntary treatment sectors.

The Department of Community, Rural and Gaeltacht Affairs, under the stewardship of my colleague and Minister of State Mr. Noel Ahern, T.D., is the lead Government Department in co-ordinating the implementation of the National Drugs Strategy.

My Department's remit in this area, while not exclusively, is primarily in the area of drug supply reduction, and drug law enforcement remains a key feature of the Government's drug policy framework.

Finally, I can assure the House that the policy of targeting those involved in organised crime including drug trafficking and the gun culture

with which it is associated remains the Government's top policing priority.

### **Prisons Inspectorate Reports.**

19. **Mr. Gogarty** asked the Tánaiste and Minister for Justice, Equality and Law Reform the action he will take to address the Irish Prisons Inspectorate Report on Castlerea Prison (details supplied); and if he will make a statement on the matter. [6865/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Inspector of Prisons and Places of Detention recently submitted a report to me on a visit he carried out in Castlerea Prison. In his report the Inspector concluded that the prison is well managed. However, as well as pointing out a number of areas where there have been significant positive developments, he did raise some issues where further improvements could be made. I am happy to say that some of the issues raised by the Inspector have already been progressed and the Irish Prison Service is endeavouring to deal with the others as quickly as practicable.

The Irish Prison Service has made significant efforts in recent years to recruit a psychologist for Castlerea Prison. A recruitment competition in 2006 identified a suitable candidate for the post; regrettably however, that candidate withdrew from the competition prior to appointment. Efforts to source psychological services on an inreach basis from the local health services have also been unsuccessful to date. Efforts are continuing to be made to source an appropriate service for this prison and consideration is still being given to all options, including contracting services on a sessional basis. The employment of full-time psychologists for the prison still remains the optimal approach.

The experience of Castlerea Prison is indicative of the tight labour market in which the Service continues to operate. In the market for psychologists the Irish Prison Service is in competition with other public bodies when trying to attract recruits. Prison presents a very challenging environment to work in and understandably some psychologists prefer to work in the community.

In order to broaden the base from which the Service can draw, the Irish Prison Service in recent years has recruited both Forensic and Counselling Psychologists, where previously only Clinical Psychologists had been recruited. While this has broadened the base somewhat, the pool of suitable candidates remains small and recent recruitment competitions have involved many applicants who work outside of Ireland.

I have been informed that the computer workshop was only closed for a period of two to three weeks due to staff changes on promotion, and this coincided with the Inspector's visit. The Irish Prison Service have confirmed that the short clos-



ure period was unavoidable and that it is currently fully operational.

Certain issues arose which prevented Roscommon County Council from proceeding with the recruitment of a full-time librarian for Castlerea Prison. I understand these issues are now resolved and the recruitment is now proceeding.

One Probation Officer is currently allocated to work full-time in Castlerea Prison. The Probation Officer assigned to Castlerea Prison is carrying out valuable work in the prison, including addressing issues impacting on offending behaviour, prisoner assessments and preparing offenders for release and reintegration in their communities. I can advise the Deputy that a strategic action of the Probation Service in its Strategy Statement 2006-2007 is to, inter alia, “re-focus services to prisons and prisoners”. The Probation Service is currently reviewing all operational Probation Service resources, including that provided in Castlerea.

#### **Garda Investigations.**

20. **Mr. Morgan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the source of the leak to a newspaper (details supplied) has been investigated; the persons by whom it was investigated; and if disciplinary action has been taken. [6809/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the allegation that Gardaí leaked information to the media in this case was fully investigated by Superintendent E.P. MacEoin. The High Court’s determination was critical of the Garda Síochána but was not definitive in relation to any specified individual member of the Garda Síochána. Notwithstanding the High Court’s decision there was insufficient evidence to ground disciplinary proceedings against any individual member.

#### **Proposed Legislation.**

21. **Mr. Sargent** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will respond to concerns voiced by a person (details supplied) who claims that his proposed legislative package to tackle organised crime is unwarranted and not justified by crime statistics; and if he will make a statement on the matter. [6856/07]

72. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the promised Bill, in regard to the package of anti-crime measures he announced on 13 February 2007, will be published; his proposed legislative timetable for the Bill; and if he will make a statement on the matter. [6823/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 21 and 72 together.

On 13 February 2007 I published the General Scheme of the Criminal Justice Bill 2007. This legislation is being brought forward to counter the threat posed by crime gangs which, as I have repeatedly stated, represents one of the most significant threats to our society since the advent of the paramilitaries in the 1970s. It is against that background that the Government has decided that it must introduce legislation which, although severe, is proportionate to the threat we face.

The proposed legislation — ensuring bail operates as the people intended when they voted to change the Constitution in 1996, ensuring the right to silence is properly construed, increasing detention periods, lengthening the sentences to be served and providing a focus to undermine the support systems gang bosses build around themselves — is one of the most comprehensive anti-crime legislative packages ever brought forward.

I intend that the Criminal Justice Bill 2007 will be published within the next few weeks and I with the co-operation of all this House look forward to bringing the Bill through all stages in the Dáil and Seanad before the Easter recess.

The Bill will amend several areas of law directly relevant to the Garda fight against gangland crime:

#### *Detention Periods*

Detention of suspects for up to 7 days already applies in the case of drug trafficking offences. This new legislation will make it possible to detain for up to 7 days those suspected of murder involving use of a firearm, use of a firearm with intent to endanger life and so-called ‘tiger’ kidnappings and similar activities.

#### *Right to Silence*

The law in this area is being extended through allowing inferences from silences to be drawn in the case of all arrestable offences in line with the recommendations in the Balance in the Criminal Law Review Group’s interim report. New cautions will be included which will make it perfectly clear that withholding information in certain circumstances may be taken into account in determining guilt or innocence.

#### *Bail*

The proposals on bail are designed to ensure that it will be more difficult for those charged with gangland offences to get bail:

- A senior Garda will be able to give his or her opinion that the applicant for bail, if given bail, is likely to commit a serious offence. That opinion shall be admitted in evidence.
- The applicant may be required to provide a statement in which he or she



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will be required to outline his or her assets (both inside and outside the State), his or her income, the source of that income, his or her previous criminal record, his or her previous bail applications and, if bail had been granted on those occasions, the conditions that attached thereto. He or she can be cross examined on the statement. It will be an offence to give wrong or misleading information.

- Appeals in bail applications from the District Court will in future be heard in the Circuit Court, thereby allowing appeals by way of full rehearing of the case.
- Provision will be made for electronic monitoring of persons granted bail.

The new proposals are likely to result in the prosecution being able to mount a strong challenge in bail applications, with the result that there will be fewer applications or, where applications are made, they can be opposed more effectively.

#### *Sentencing*

There are new proposals to deal with re-offending:

- Where a person who has been convicted of a firearms, drug trafficking or other offence associated with 'gangland' activity re-offends within 7 years of release from prison, that person will get an enhanced sentence for the second offence and the proceeds of that offence, including assets acquired with the proceeds, will be confiscated.
- New 'crime prevention' orders will be introduced. These will cover some or all of the period from release up to the date when the maximum sentence for the offence, had it been imposed, would have expired. Under these orders, the person may be ordered to report on his place of residence, travel or employment and may be ordered not to associate with certain persons or stay away from certain places.
- In addition, those who have been imprisoned for firearms, drug trafficking or other offences related to gangland activity may have conditions attached to any remission of sentence granted to them. A breach will result in re-triggering of the sentence.
- Further clarification will be provided on the limited circumstances in which the minimum mandatory sentences currently available for drug trafficking and firearms offences may be reduced.

#### *New Offences*

The legislation will provide for new offences where a person is found in possession of equipment for use in connection with murder or drug trafficking (for example, weighing scales or money counting machines) or cash that is the proceeds of a crime or for use in the commission of a crime and where the equipment or the cash cannot be accounted for. The cash or equipment will, of course, be confiscated. This will ensure that those who assist and facilitate the gangland bosses will find themselves exposed to severe penalties of up to 5 years imprisonment.

I completely reject any assertion that this package of measures is unwarranted or unjustified. We need only recall the horrific gangland murders of the past six months and the drug and firearms seizures by An Garda Síochána to recognize that a rigorous response is required to combat the scourge of organised crime. It is no use setting an objective of ending gangland activities unless we provide the means to the relevant agents of the State to achieve that goal. This legislation, together with other measures which have been taken, such as the recent decision to increase the number of judges and the unprecedented level of resources being made available to the criminal justice system, provide those means.

A criticism has been levelled that the 7 day detention period provided for under Section 2 of the Criminal Justice (Drug Trafficking Act) 1996 has never been used, and therefore that invalidates the detention provisions being proposed for inclusion in this present Bill.

The Criminal Justice (Drug Trafficking) Act, 1996 came into operation on 9 September, 1996. Section 11(1) of the Act provides that certain sections will cease to be in operation at the expiry of twelve months from the date of commencement, unless a resolution has been passed by each House of the Oireachtas resolving that all or any of the sections shall continue in operation.

The sections in question are sections 2 (powers of detention), 3 (amendment of Forensic Evidence Act, 1990), 4 (re-arrest), 5 (application of sections of Criminal Justice Act, 1984) and 6 (regulations regarding officers of customs and excise).

Since the inception of this Act, resolutions have been passed by both Houses of the Oireachtas on six occasions to continue the operation of each of the above mentioned sections. In this regard, resolutions were passed by the Dáil and the Seanad in December 2006 to continue each of the sections in operation until 31 December 2008.

The following table sets out the statistical data provided by An Garda Síochána in relation to the utilisation of the longer periods of detention — the dates shown are related to report dates provided by An Garda Síochána during the completion of Ministerial Reports (as required under the 1996 Act) at each occasion of renewal.

Date period	Use of 48-120 hours detention period	Use of 120-169 hours detention period
9 September 1996–27 June 1997 (inclusive)	10	11
28 June 1997–30 November 1998 (inclusive)	13	10
1 December 1998–17 November 2000 (inclusive)	26	3
18 November 2000–22 November 2002 (inclusive)	20	0
23 November 2002–11 November 2004 (inclusive)	12	0
12 November 2004–24 November 2006 (inclusive)	9	0
Total 9 September 1996–24 November 2006	90	24

To say that the full 7 days may be used rarely is no argument for saying that the Gardaí should not have this provision in their armoury where it proves necessary.

We must remember that there is also an onus on the Gardaí to release people or to charge them when the detention is no longer necessary for the investigation of the offence. The fact that the Gardaí are careful in calling into use the more stringent provisions of this legislation must not be misinterpreted as implying they are easy on criminals, but rather that they are measured in their approach and are not making an excessive use of the longer detention periods.

I would also like to address the charge that bringing forward this legislation toward the end of this Dáil represents political opportunism on my part. As Minister for Justice, Equality and Law Reform, I have a responsibility to the people of Ireland to do all in my power to counter any significant threat to the safety and security of our society. Indeed, this duty extends also to all members of the Oireachtas. It would be a gross dereliction of duty for any Minister to refuse to act promptly in the face of such threats because of any extraneous timing issues.

### Youth Diversion Projects.

22. **Mr. O'Connor** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Garda youth diversion projects here; the resources allocated to same; if he has plans to extend them; and if he will make a statement on the matter. [6793/07]

33. **Mr. M. Brady** asked the Tánaiste and Minister for Justice, Equality and Law Reform the resources allocated to Garda youth diversion projects here; the number of such projects; the impact they have had; his plans to extend them; and if he will make a statement on the matter. [6794/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 22 and 33 together.

Garda Youth Diversion Projects are a community-based, multi-agency crime prevention initiative which seek to divert young persons from becoming involved or further involved in anti-

social and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda/community relations.

I am committed to the continuing development and, as resources permit, the expansion of Garda Youth Diversion Projects. It is my intention to expand the scheme to 100 projects nationwide before the end of 2007. The first phase of this expansion programme is currently being implemented with the announcement of 10 new projects in January 2007, bringing the total number of projects currently established to 84. Further proposals have been received by the Garda Commissioner and will be considered shortly in the context of the further expansion of the programme in 2007.

The total amount of funding for the Garda Youth Diversion Projects is €9.8 million for 2007. This represents an increase of 48% over funding allocated to the projects in 2006. This funding is part of an overall funding of €120m which has been secured under the National Development Plan 2007-2013 for the development and expansion of the Diversion Programme. This funding will allow for the expansion of the number of projects to 130 during the lifetime of the Plan. Alongside the expansion process, a system of evaluation will be developed and implemented to measure the effectiveness of the programme. I am confident that the expanded programme will prove to be an effective intervention for children at risk of offending.

### Garda Ombudsman Commission.

23. **Mr. Morgan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will make a statement on the progress made in terms of getting An Garda Síochána Ombudsman Commission up and running; and the date from which it will commence receiving complaints. [6813/07]

43. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress made with regard to the establishment of the Garda Ombudsman Commission; the number

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of staff recruited to date; when the Commission will be in a position to begin dealing with complaints from the public; and if he will make a statement on the matter. [6824/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 23 and 43 together.

The Garda Síochána Ombudsman Commissioners were appointed by the President on the 10th February 2006, following nomination by the Government and recommendations by both Houses of the Oireachtas.

The Garda Ombudsman Commission is planning to commence operations in May 2007. In order to meet this deadline, the Commission is now engaged in completing an extensive programme of work. This programme includes, among other things, the recruitment and training of staff, the refurbishment of a new premises and the delivery of an I.T. infrastructure.

The Commission has appointed 25 staff at this stage. Initial staff training will commence on 5th March 2007. At that stage the Commission will have appointed 37 staff and are in the process of recruiting the remaining members of its staffing complement.

#### **Tribunals of Inquiry.**

24. **Mr. S. Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received a response from the Chief Inspector of the Garda Inspectorate to the copy of the Barr report that he sent to them and which he told the House he expected to receive in January 2007; and if he will make a statement on the matter. [6839/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Yesterday I received the report from the Chief Inspector of the Garda Inspectorate into the review of practices and procedures for certain types of incidents. The Report sets out a number of recommendations for dealing with such incidents. The report is being considered by my Department and I have forwarded a copy to the Garda Commissioner.

#### **Drug Seizures.**

25. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a Garda file was sent to the DPP arising from the reported arrest of a person (details supplied) in connection with the seizure of a major consignment of drugs at Ardee, County Louth in October 2005; if the Gardaí have received a response to the file; if his attention has been drawn to newspaper reports in which the person in question is reported to have boasted that they were untouchable; his response to such claims; if

the case has been the subject of an internal Garda inquiry; if so, the basis of the inquiry and the outcome of same; and if he will make a statement on the matter. [6853/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** As papers relating to the seizure of drugs referred to in the Deputy's question are before the Director of Public Prosecutions at present, it would be inappropriate for me to make any further comment.

#### **Crime Levels.**

26. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the findings of the recent survey, the Burden of Crime in Europe, in which Ireland is ranked as one of Europe's hot-spots for crime; his response to the findings; the steps he will take to reduce the levels of crime reflected in the report; and if he will make a statement on the matter. [6819/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Priority Question No. 1 of today's date.

27. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on the increase in many crimes, particularly violent crime and offences involving drugs, reflected in the annual crime figures for 2006 published by the CSO in January 2007; his views on the findings; the steps he will take to reduce the levels of crime reflected in the report; and if he will make a statement on the matter. [6820/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Any interpretation of the crime figures has to factor in the increase in population. In 1995, with a population of 3.6 million, there were 28.5 crimes per 1,000 of the population. In 2006, with a population of over 4.2 million, there were 24.5 crimes per 1,000 of the population, a significant reduction by any standard.

During the two full years of the Rainbow Coalition Government (1995 and 1996), the corresponding figures were 28.5 and 27.8.

Since 2003, the first full year of this Government, the figures dropped from 26 crimes per 1,000 of the population in 2003 to 24.5 in 2006, with the figures for 2004 and 2005 being 24.5 and 24.8 respectively. The crime rate per 1,000 of the population in 2006 was therefore the lowest in the period of office of this Government.

The most recent crime statistics are the provisional headline crime statistics published by the Central Statistics Office for the fourth quarter of 2006 and the full year of 2006. The figures for the fourth quarter of 2006 continue the improvement in the headline crime statistics evident since the

second quarter of the year. Following a worrying increase of 10.1% in the first quarter, there was a slight increase of 0.8% in the second quarter, followed by accelerating decreases of 1.5% and 3.2% in the third and fourth quarters. As a result, the outturn for the year was an increase in headline crime of 1.4%, compared with an increase of 3% in 2005.

The Garda Commissioner has reported that there was also an increase in the detection rate in 2006 with the overall detection rate at 40%, compared with rates of 36% in 2003 and 35% in 2004 and 2005.

The continuing high level of drug seizures being made by the Gardaí, their continued success in bringing serious drug traffickers to book and their increasing detection of drug related offences as identified in the report is to be warmly applauded.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and in particular murder. The Operation, which commenced in the Dublin Metropolitan Region in May, 2005 and was subsequently extended nationwide at my request, has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in the recorded number of incidents of crime being targeted by the Operation. In particular, I am pleased to note the increase of 34% in detections of possession of firearms in the fourth quarter of 2006 which I believe has contributed to the reduction of 3.4% in discharges of firearms. I believe that Operation Anvil has also contributed to the increase in that quarter of detections of offences of possession of drugs for sale or supply which is closely associated with many murders using firearms.

In addition to the introduction of Operation Anvil, the Garda Commissioner in November 2005 augmented the Organised Crime Unit at the National Bureau of Criminal Investigation with additional Garda members to address the problem of criminal gang activity. Enforcement by the Unit has resulted in further firearms being seized and a number of persons arrested, thereby disrupting their criminal activities. There has also been an increase in Garda monitoring and targeting of individuals and groups involved in armed crime in particular.

A wide range of provisions to combat gun crime were introduced in the Criminal Justice Act, 2006. With effect from 1 November, mandatory minimum sentences, of between five and ten years, came into effect for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking

a vehicle, and use or production of a firearm to resist arrest.

On 19 December last, the Government agreed my proposals for an unprecedented package of measures which includes:

- A further increase of 1,000 in the strength of An Garda Síochána to bring the total to 15,000 over the next three years;
- Sanction for 300 additional civilian administrative support posts for An Garda Síochána;
- The recruitment of the 7 senior civilian posts recommended in the recent reports from the Garda Inspectorate and Senator Maurice Hayes;
- An increase in the retirement age for Gardaí, Sergeants and Inspectors from 57 to 60;
- A proportionate increase in the targeted strength of the Garda Reserve from 900 to 1500;
- Increased staffing for the Forensic Science Laboratory, the office of the Director of Public Prosecutions and the Courts Service;
- No limit on funds available for the Witness Protection Programme.

I have recently announced that the Government agreed a package of legislative proposals to counter the threat posed by gangland activity, especially in relation to drug trafficking and firearms.

These legislative proposals are in addition to the substantial package of additional resources for the Gardaí which the Government agreed in December last. Targeted Garda measures such as Operation Anvil will also continue to focus on gangland crime.

I have made it clear to the Garda Commissioner that Operation Anvil will continue to be funded to the extent and as long as the Commissioner considers that it is necessary to do so and it is fulfilling its objectives.

28. **Mr. Ferris** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the findings of the Garda Public Attitudes Survey 2006 which found that public satisfaction has fallen in 80% of divisions, only 42% of those who reported crime to the Gardaí were satisfied with the response and in 10% of 999 calls no Garda car responded; and the steps he is taking to reverse these trends and findings. [6811/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Public satisfaction with An Garda Síochána in Ireland is significantly higher than in other countries, higher than the PSNI, higher than any UK police service and higher than in any EU country.



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National surveys of public attitudes to the Garda Síochána, satisfaction with service and policing priorities have been carried out every year since 1999. The Garda Annual Policing Plan 2006 provided for a survey of public attitudes to be carried out in 2006, on a Divisional basis. The Garda Public Attitudes Survey 2006 employed a national sample of about 10,000 respondents. The survey allowed analysis of results in respect of each of the 25 Garda Divisions.

The Garda Public Attitudes Survey 2006 shows that the average satisfaction in each Garda Division was 80%, ranging from 86% in Roscommon/Galway East to 68% in Waterford/Kilkenny. Through the National Policing Plans each Divisional Officer develops an action plan, identifies performance indicators and a targeted timeframe to address issues of concern identified in the Public Attitudes Survey.

The 42% of persons who reported that they were not satisfied with the response of the Gardaí, refers to satisfaction with being kept informed of progress after reporting a crime. Measures have been taken to address this and now include call backs and letters updating them of developments.

The survey shows that one in twenty respondents sought an emergency Garda response in 2005 by dialling 999 or 112, a rate similar to previous surveys. Of those who did seek an emergency response, 80% had their call answered within 10 seconds. Where an emergency response was provided, it came mostly within 15 minutes. For a number of reasons it is not always necessary that a Garda car respond to a 999 call, for example the call may have been misdirected and another emergency service was needed, not the Gardaí. The survey also shows that a majority of respondents (70%) were satisfied with the emergency response received, 1% more than in the 2005 report.

I am further informed that generally delays to responding to 999/112 occur at peak demand periods and are caused by more serious cases intervening.

Among the policing priorities for 2007 which I have determined under section 20 of the Garda Síochána Act 2005 are ones to increase public confidence in law enforcement through significantly increased high visibility policing in the community and to monitor and improve response times to emergency calls while ensuring that persons reporting any crime are dealt with sympathetically and efficiently.

This policing priority is being assisted by the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The Government is satisfied that a further additional 1,000 Gardaí is necessary to ensure that the Force is properly resourced to deal with the challenges it will face.

### Commissions of Investigation.

29. **Mr. Rabbitte** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received a response from the Garda Commissioner to the copy sent to him of the Report of the Commission of Investigation into the Dean Lyons case; if disciplinary proceedings have been initiated against any of the Gardaí involved in the case; and if he will make a statement on the matter. [6837/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Assistant Commissioner has been appointed to assess the impact of the recommendations of the report of the Commission of Investigation into the Dean Lyons case for An Garda Síochána with a view to recommending remedial action where necessary. This assessment is ongoing at present and is nearing completion. I am informed that the Commissioner is expecting to receive a report on the matter in the near future.

### Garda Investigations.

30. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the latest position in regard to the Garda investigation into murders (details supplied); if a file on the murders has been sent to the DPP; and if he will make a statement on the matter. [6822/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the Garda investigation into the murders of the persons referred to are ongoing. I am further informed that an investigation file has not been forwarded to the Law Officers at this time. The Deputy will appreciate that it would be inappropriate for me to comment further as there is an ongoing Garda investigation.

### Proposed Legislation.

31. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects to publish the Property Services Regulatory Authority Bill; if he will include powers to control charges imposed by estate agents having regard to recent reports that this sector was planning to increase its fees by up to 33%; and if he will make a statement on the matter. [6849/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Government Legislation Programme published on 30 January provides for publication of the Property Services Regulatory Authority Bill in 2007. Pending enactment of the legislation, I have established an Implementation Group to assist and advise on practical matters relating to the new body and to prepare for the new licensing system. A Chief Executive designate has also been appointed and

is engaged in preparatory work for establishment of the Authority.

One of the key functions of the Authority will be to increase public awareness of property services and the cost to consumers of such services, as well as the risks and benefits associated with the provision of those services. The Authority will also require all providers of property services to issue an appropriate letter of engagement to clients. Regulations prescribing the form and content of the letter of engagement will provide that it shall include an outline of the basis on which the service provider's fee will be calculated.

I believe that these provisions will ensure greater transparency in the calculation of fees and charges for property services and lead to improved consumer awareness and consumer protection.

### **Pension Provisions.**

32. **Mr. Deenihan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is prepared to address the two GSRMA proposals towards bringing closure to their pensionability issue in view of the fact that the number of members and widows involved pre-1982 are aged and fast dwindling and in respect of pre-1993 retirees who have been precluded from the pensionability of unsocial hours allowances where the proposal for closure would cost a mere fraction of the full cost of pensionability; and if he will make a statement on the matter. [6441/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The subject matter of this question is before the courts and it would be inappropriate for me to comment on the matter.

*Question No. 33 answered with Question No. 22.*

### **Anti-Racism Measures.**

34. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that his Department's National Action Plan Against Racism is a success; and if he will make a statement on the matter. [6797/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I would refer the Deputy to my reply to Dáil Question No. 79 of 7 December, 2006 where I outline in detail the progress made under the National Action Plan Against Racism (NPAR) since its launch in January 2005.

I am sure that the Deputy will agree that considerable progress has been made under all of the key objectives of the intercultural framework underpinning the NPAR: Protection, Inclusion, Provision, Recognition and Participation. I am

satisfied that the implementation of the NPAR is progressing effectively through its key stakeholders in Government, social partners and civil society. Great credit is due to the Strategic Monitoring Group chaired by Ms. Lucy Gaffney for their work to date in its implementation.

The Deputy will be glad to learn that in its Concluding Observations on Ireland's first and second national report, the United Nations Convention on the Elimination of All Forms of Racial Discrimination (UNCERD) Committee commended the State, on the adoption of the first National Action Plan against Racism. The extensive consultations with civil society organisations during the drafting of this plan were also welcomed as a positive reflection of the State's commitment to developing an ongoing and constructive relationship with civil society. Furthermore, in his follow up report on progress on the implementation of the recommendations in the UNCERD Concluding Observations, Mr. Morten Kjaerum UNCERD Follow-up Co-ordinator, again commended the State on its implementation of the NPAR. The Council of Europe body, The European Commission on Racism and Intolerance (ECRI), has also praised the work of the NPAR.

The NPAR is the cornerstone of Government policy to create a society which accommodates cultural diversity and combats racism. I am satisfied that through the reasonable and common sense measures in the NPAR, and working coherently with other government policy priorities, in particular on equality and integration, we are creating the conditions for a positive acceptance and understanding of our culturally diverse society

### **Prisoner Releases.**

35. **Mr. Crowe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will implement the recommendations of the Human Rights Commission to introduce legislation that transfers the function of release of prisoners serving life sentences from his office to an independent body. [6816/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The recommendation in question of the Irish Human Rights Commission is based on the premise that our existing law on the temporary release of prisoners sentenced to life imprisonment is incompatible with the European Convention on Human Rights. There has been no specific finding of a court to this effect and my advice is that premise is questionable. The question of the compatibility of our law in this area with the European Convention on Human Rights is the subject of current litigation and the State is vigorously contesting the matter.

Previous judgements in the Irish Courts have found that the management of prison sentences

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is a matter for the Executive and under current legislation I, as Minister for Justice, Equality and Law Reform, am entrusted with the power to grant temporary release to a sentenced prisoner. New legislation in the form of the Criminal Justice (Temporary Release of Prisoners) Act, 2003, was commenced in late 2004. The Act provides a clearer legislative basis for the power to grant temporary release by setting down the principles which apply to the exercise of this power and provides a clear and transparent basis, as well as the necessary safeguards required, for the operation of the system of temporary release. The power of release has been retained by the Minister for Justice, Equality and Law Reform under the Act.

The Interim Parole Board, which replaced the Sentence Review Group, was established on an administrative basis in April, 2001. The Board's principal function is to advise me in relation to the administration of long term prison sentences. The Board, by way of recommendation to me, advises of the prisoner's progress to date, the degree to which the prisoner has engaged with the various therapeutic services and how best to proceed with the future administration of the sentence. I consider in full all recommendations put before me by the Interim Parole Board before making the final decision regarding sentence management.

The question of the establishment of the Parole Board on a statutory basis is being kept under review, taking into account the experience gained over a number of years by the operation of the Board on an administrative basis. There are, however, no plans to introduce legislation that transfers the function of release of prisoners serving life sentences to the Board or any other body.

#### **Garda Investigations.**

36. **Mr. McGinley** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will report on the investigation into the killing of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [6761/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the Garda investigation into the murder of the person in question remains ongoing. I am further informed that this investigation involves local Garda resources supplemented and assisted by resources from national Garda units, as well as close liaison with the Police Service of Northern Ireland.

#### **Garda Operations.**

37. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of checkpoints, arrests, seizures and

searches made by Gardaí in the Dublin metropolitan area under Operation Anvil; and if he will make a statement on the matter. [6796/07]

55. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will report on Operation Anvil; and if he will make a statement on the matter. [6790/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 37 and 55 together.

Operation Anvil commenced in the Garda Dublin Metropolitan Region (DMR) on 17 May, 2005. It is an intelligence led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static check points by uniform, mobile and foot patrols, supported by armed plain clothes patrols. The Operation remains in place and is on-going in the DMR.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and in particular murder. The Operation has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in the recorded number of incidents of crime being targeted by the Operation. In particular, crime statistics for the fourth quarter of 2006 showed an increase of 34% in detections of possession of firearms which contributed to the reduction of 3.4% in discharges of firearms. Operation Anvil has also contributed to the increase in that quarter of detections of offences of possession of drugs for sale or supply which is closely associated with many murders using firearms.

The most recent figures available to me, up to 11 February, show the massive effect which Operation Anvil has been having since its inception in May 2005. In the Dublin Metropolitan Region there have been 7,488 arrests for serious crimes, comprising of 69 arrests for murder, 1,916 arrests for burglary, 880 arrests for robbery and 879 arrests for serious assaults. There have also been 1,793 arrests for theft offences. In addition 27,804 searches have been carried out, comprising 24,177 for drugs, 2,168 for thefts and 1,459 for firearms. Also 631 firearms have been seized and there have been 9,533 seizures under Section 41 of the Road Traffic Act. Over 49,900 checkpoints have been carried out and property to the value of €16.2m has been recovered.

I am sure that all members of the House will join me in commending An Garda Síochána for their success in this regard.

While the Deputy's question refers to Dublin, I should mention that Operation Anvil was extended nationwide during 2006 and consists of a series of special operations, proposed by each



Regional Assistant Commissioner, which are designed to focus on areas where there is a high incidence of crime.

The Operation outside the DMR is significantly different from that in the DMR, in that initiatives have a short time-focus and are designed to address the particular needs of specific areas. A number of operations have been completed, while further operations are on-going. The methodologies utilised in doing this vary from area to area and from time to time, commensurate with the assessed need. For these reasons there is no comparable system in place for the systematic collation of statistical data in these Garda Regions.

Operation Anvil is, of course, only one element of the unprecedented resources being made available in the fight against crime.

I have made it clear to the Garda Commissioner that Operation Anvil will continue to be funded to the extent and as long as the Commissioner considers that it is necessary to do so and it is fulfilling its objectives.

The following tables show the successes of Operation Anvil.

Operation Anvil in the Dublin Metropolitan Region up to 11 February 2007

<i>Arrests</i>	
Murder	69
Burglary	1,916
Robbery offences	880
Serious assaults	879
Theft from shops*	1,379
Theft from MPV*	110
Theft other*	304
Total Arrests	5,537
<i>Searches</i>	
Drugs	24,177
Thefts	2,168
Firearms	1,459
Total Searches	27,804
<i>Seizures</i>	
Firearms	631
Section 41 (Road Traffic Act)	9,533
Total Seizures	10,164
Number of Checkpoints Performed	49,900
Value of property recovered	€16,189,194

\* These statistics commenced from 25 September 2006.

Outside the Dublin Metropolitan Region

Persons Arrested	4,954
Firearms Seized	315

(Figures up to 28 January, 2007).

### Recidivism Rate.

38. **Mr. Stagg** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the findings of recent research undertaken by the UCD Institute of Criminology which found that more than a quarter of the State's prisoners were back in jail within a year of their release; his views on this rate of recidivism; the steps he will take to deal with same; and if he will make a statement on the matter. [6847/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I welcome the findings of the recent research by the Institute of Criminology in University College Dublin to which the Deputy refers. I can inform the Deputy that the Researchers received the full co-operation of the Irish Prison Services in carrying out the research.

The findings are in line with international experience, and I understand that they may in fact be considered to fall in the mid to lower range internationally. I can assure the Deputy that every effort is being made by my Department to continue to address and reduce the rate of recidivism. The Prisons and Probation Services provide a range of rehabilitative programmes which have the dual purpose of providing prisoners with purposeful activity while serving their sentences and encouraging and equipping them to lead non-offending lives on release.

The Irish Prison Service is committed to helping prisoners to develop their sense of responsibility and encouraging those attitudes and skills which will assist them to return to society with the best chance of leading law abiding and self-supporting lives after release. The Irish Prison Service employs a number of means to encourage prisoners to bring about positive development within themselves, including:

- individual and group counselling on offending issues;
- programmes in the areas of education, vocational training and life-skills;
- drug treatment;
- specific programmes to address criminogenic factors (Thinking Skills, Anger Management and Sex Offenders Treatment Programmes);
- one-to-one counselling and support; and
- facilitating the involvement of voluntary organisations in providing appropriate prisoner support services.

These interventions are delivered by a wide range of specialist services that operate in the prison system, which include, psychologists, teachers, Probation Service and Prisons staff.

I wish to further advise the Deputy that a group to examine the elaboration of Positive Sen-



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tence Management has reported to the Director General of the Irish Prison Service. Their Report details a proposed model of sentence management based on multidisciplinary working. The National Development Plan also provides significant new funding for the implementation of this Report throughout the prison estate. This will involve a new orientation in the delivery of services to prisoners and a new emphasis on prisoners taking greater personal responsibility for their own development through active engagement with both specialist and non-specialist services in the prisons. The end result should be a prisoner-centred, multidisciplinary approach to working with prisoners with provision for initial assessment, goal setting and periodic review to measure progress. Central to this process will be a focus on reducing the risk of reoffending. Piloting of this project is ongoing in two prisons.

In addition to prison based programme for offenders, my Department through the Probation Service fund 65 voluntary bodies which provide a range of services to offenders in local communities, e.g. pre-industrial training and education, offender management programmes, residential accommodation, drug and alcohol abuse treatment/intervention/awareness programmes, work with offenders in custody and post release, as well as providing a vital ingredient of a focussed day time programme for those found guilty of criminal offences by the courts and placed on supervision to the Probation Service. In 2007, the budget allocation for 'Assistance to Voluntary Bodies' to support Probation Service in the management of offenders in the community amounts to just over €24 m.

It may also be of interest to the Deputy to know that in preparing pre-sanction reports for the Courts, Probation Officers undertake an assessment of the risk posed to the public by an offender. As part of a policy of improving their service to the Courts and in line with other Probation and Correctional Services in other jurisdictions, the Probation Service has introduced a risk assessment tool known as the Level Of Service Inventory revised (LSI-R). This tool measures the risk of reoffending in each case and identifies the criminogenic factors that contribute to the offending, such as drug and alcohol misuse and can inform the appropriate intervention needed. I should also add that Risk Assessment tools are also in use in the prison system.

#### **National Women's Strategy.**

39. **Mr. Boyle** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of the National Women's Strategy; when the strategy will be published; and if he will make a statement on the matter. [6859/07]

47. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the

National Women's Strategy has been finalised; if not, when he expects it to be finalised; when he will publish the strategy; and if he will make a statement on the matter. [6867/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 39 and 47 together.

The National Women's Strategy is currently being finalised with a view to bringing it to Government shortly, and, in this regard, the target date for publication of the Strategy is by end of March 2007. While the preparation of the Strategy has been time-consuming, it has involved a significant amount of research and consultation with a view to preparing a comprehensive strategy that will resonate with all the women of Ireland. I believe that the Strategy, when published, will provide a solid road map for the achievement of true gender equality in Ireland.

#### **Prison Redevelopment.**

40. **Mr. Gormley** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will make a statement on the future of Shanganagh Prison and lands in the council of Dún Laoghaire Rathdown; the details of the prospective purchaser; the amount paid to the lands; if this sum has been paid; if the lands were offered for sale to the County Council; if so, when; and if he will make a statement on the matter. [6863/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Approximately 21 acres of land was sold to Dún Laoghaire Rathdown County Council in 2005. Prison Service Officials were at the time informed by the Council that it had no interest in the remaining 6.3 acres including the buildings, which were subsequently sold by public tender competition in October, 2006 to Castlethorn Construction for €20.6m. Following the disposal of the 6.3 acres the Prison Service no longer has any interest in the lands at Shanganagh Castle.

The proceeds from the sale of the lands at Shanganagh Castle covers the cost of acquiring the 150 acre site in North County Dublin to facilitate the new prison development at Thornton Hall which will replace the Mountjoy Prison Complex.

#### **Garda Recruitment.**

41. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform when, in regard to his announcement of 19 December 2006, the promised additional garda will be recruited; when the extra Garda Reserve members will be in place; when the proposed civilianisation of Garda posts will take place; the number involved in respect of each; and if he will make a statement on the matter. [6852/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The combined strength of both attested Gardaí and recruits in training as at the 31 December 2006 was 14,068. Furthermore, 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. Additional resources are coming on stream all the time, with an accelerated intake of approximately 1100 new recruits per annum into the Garda College which will continue until the target of 15,000 is met.

I also announced a proportionate increase in the targeted strength of the Garda Reserve from 900 to 1500. The Garda Commissioner is proceeding with the recruitment and training of the 1,500 members of the Garda Reserve. The first group of 36 Garda Reserves completed their training and were formally attested as members of An Garda Síochána in December 2006. The second group of 52 commenced training in the Garda College at Templemore in January 2007. It is expected that they will be attested in May.

Training for the next group of Reserve trainees is scheduled to commence in early March and it is expected that they would be attested in June. It is also expected that further groups of Reserve trainees will commence training on a monthly basis. As the nature of the scheme is purely voluntary, I cannot definitively say what any particular monthly intake of volunteers will be, as Garda Reserve trainees will have work, family and other commitments to take account of. An Garda Síochána is offering maximum flexibility in this regard to accommodate those who wish to put themselves forward for service. While, I am satisfied generally with the progress being made in the recruitment and training of Reserve members, I consider that the process of initial recruitment can be made more efficient if it is given a local dimension. In that context, I have asked the Garda Commissioner, and he has agreed, to involve local Garda Superintendents directly in local recruitment arrangements to attract suitable candidates from the local community. This will assist in ensuring that the 1,500 target is reached as soon as possible.

The programme to expand the civilian complement of An Garda Síochána, in order to bring civilian support in the Force up to best international standards, is proceeding apace. In December 2006, I announced Government approval for 300 additional civilian support staff for An Garda Síochána to release an equal number of Gardaí from administrative duties and free them up for operational policing duties. The Garda Commissioner has signed a Service Level Agreement with the Public Appointments Service for the provision of up to 50 new candidates each week to be offered positions in An Garda Síochána until the 300 Clerical Officer posts are filled.

Preparations are at an advanced stage to commence the recruitment of a civilian Chief Administration Officer in An Garda Síochána, at a grade equivalent to Deputy Commissioner. An Garda Síochána is also in the process of recruiting senior civilian managers as Directors of Communications, Strategy, Human Resources, Finance and Information Technology. A dedicated Human Resource Directorate has been established within An Garda Síochána to serve the needs of the 2,000 clerical, administrative, professional, technical and industrial civilian staff already working in An Garda Síochána and to promote an extensive programme of civilianisation. The result will be a visible increase in the number of Gardaí on the streets and the concentration of Garda resources in the fight against crime.

### **Prison Committals.**

42. **Mr. Neville** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on and proposals for action in relation to the outcome of the study by a team led by the director of the Central Mental Hospital which revealed that 60% of female prisoners and 35% of male prisoners have experienced a mental illness at some stage in their lives and criticised the use of prisons as psychiatric waiting rooms. [6765/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The study referred to by the Deputy was undertaken in 2003 by a team from the Central Mental Hospital. The Irish Prison Service was pleased to facilitate and part-fund this study. I welcome the findings which clarify for the first time the actual level of various mental health problems among the Irish prison population. The findings of the study confirm that the rates of diagnosed mental illness among prisoners are significantly higher than in comparable community populations. This finding is common to prison populations in many jurisdictions.

The study found that drugs and alcohol dependence and harmful use were by far the most common problems, present in between 61% and 79% of prisoners. The rate of mental illness ranged from 16% of male committals to 27% of sentenced men, while in women committed to prison the rate was 41%, with 60% of sentenced women having a mental illness.

The Irish Prison Service must accept all persons committed into their custody on foot of legal orders of the Court. A person committed to prison may have or develop a mental illness. The Irish Prison Service is committed to healthcare standards comparable with those pertaining in the wider community outside prison. Prisoners have access to medical, nursing, psychiatric and psychological services within the prison system. The psychiatric needs of prisoners are serviced by visiting psychiatrists.

The Criminal Law (Insanity) Act, 2006 provides that where on the basis of medical assess-

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ment, a prisoner is considered to require specialist treatment that cannot be provided in prison that prisoner may be transferred to a designated centre for treatment. The Central Mental Hospital is currently the only such designated centre. Due to increased demand on this facility from various sources in recent years it has frequently been the situation that a waiting list occurs for admission and priority is on clinical need. This situation arises in spite of general agreement regarding the necessity for admission and, while awaiting a bed to become available, the prison authorities may be left with no alternative but to seek to manage a disturbed individual in conditions which provide the greatest degree of protection for the individual, for other prisoners, and for staff.

As the Deputy will be aware the question of resources for the Central Mental Hospital is a matter for the Health Service Executive. My Department is working closely with the Department of Health and Children and the Health Service Executive with a view to ensuring that the necessary mental health facilities are available to prisoners and that any prisoner deemed to require in-patient mental health treatment does not encounter unreasonable waiting times in prison awaiting any such transfer. Furthermore the Irish Prison Service has promoted the integration of prison based mental health structures and provision with community structures in surrounding areas and are engaged in an on-going process with the Health Service Executive aimed at promoting such integration at a practical level. This will require the active involvement of local services. If it is considered that specific or dedicated community structures are required to facilitate such integration this issue would come within the remit of the Department of Health and Children / Health Service Executive.

I should also advise the Deputy that specialist in-reach services to address mental health problems are being expanded in cooperation with the relevant health agencies. In addition, the Irish Prison Service is in the process of implementing the Drugs Policy & Strategy — ‘Keeping Drugs Out of Prisons’ and this is intended to significantly improve the coordination and resources available to support prisoners seeking to address their substance misuse problems while in prison. In this context a range of expanded services in the area of Drug Treatment are in the process of being implemented.

*Question No. 43 answered with Question No. 23.*

### **Crime Levels.**

44. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of gun murders recorded in 2006; the way this compares with the figures for 2005; the number

of gun murders recorded to date in 2007; the steps being taken to deal with these crimes; and if he will make a statement on the matter. [6821/07]

73. **Mr. Gilmore** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2007; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he has satisfied himself with the level of detection and conviction in such cases; and if he will make a statement on the matter. [6825/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 44 and 73 together.

I am informed by the Garda authorities that the table shows the numbers of murder offences recorded where a firearm was used and the numbers of detections, proceedings commenced and convictions in respect of those murders between the years 1998 and 2006 and in 2007 up to 19 February. It is anticipated that the number of convictions obtained will increase as the number of proceedings commenced are finalised by the courts.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and in particular murder. The Operation, which commenced in the Dublin Metropolitan Region in May, 2005 and was subsequently extended nationwide at my request, has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in the recorded number of incidents of crime being targeted by the Operation. In particular, I am pleased to note the increase of 34% in detections of possession of firearms in the fourth quarter of 2006 which I believe has contributed to the reduction of 3.4% in discharges of firearms. I believe that Operation Anvil has also contributed to the increase in that quarter of detections of offences of possession of drugs for sale or supply which is closely associated with many murders using firearms.

In addition to the introduction of Operation Anvil, the Garda Commissioner in November 2005 augmented the Organised Crime Unit at the National Bureau of Criminal Investigation with additional Garda members to address the problem of criminal gang activity. Enforcement by the Unit has resulted in further firearms being seized and a number of persons arrested, thereby disrupting their criminal activities. There has also been an increase in Garda monitoring and targeting of individuals and groups involved in armed crime in particular.



A wide range of provisions to combat gun crime were introduced in the Criminal Justice Act, 2006. With effect from 1 November, mandatory minimum sentences, of between five and ten years, came into effect for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle, and use or production of a firearm to resist arrest.

On 19 December last, the Government agreed my proposals for an unprecedented package of measures which includes:

- A further increase of 1,000 in the strength of An Garda Síochána to bring the total to 15,000 over the next three years;
- Sanction for 300 additional civilian administrative support posts for An Garda Síochána;
- The recruitment of the 7 senior civilian posts recommended in the recent reports from the Garda Inspectorate and Senator Maurice Hayes;
- An increase in the retirement age for Gardaí, Sergeants and Inspectors from 57 to 60;

- A proportionate increase in the targeted strength of the Garda Reserve from 900 to 1500;
- Increased staffing for the Forensic Science Laboratory, the office of the Director of Public Prosecutions and the Courts Service;
- No limit on funds available for the Witness Protection Programme.

I have recently announced that the Government agreed a package of legislative proposals to counter the threat posed by gangland activity, especially in relation to drug trafficking and firearms. These legislative proposals are in addition to the substantial package of additional resources for the Gardaí which the Government agreed in December last. Targeted Garda measures such as Operation Anvil will also continue to focus on gangland crime. The package amends several areas of law directly relevant to the Garda fight against gangland crime.

I am informed by the Garda authorities that in common with the experience in other jurisdictions murders involving the use of firearms tend to have lower conviction rates than other murders. This is not unique to Ireland. I am assured by the Garda Commissioner that the highest priority is given by An Garda Síochána to the investigation of murders and the detection of those responsible.

Murder offences Recorded, Detected, Proceedings Commenced and Convictions where a Firearm was used for Years 1998 to 2007\*

Year	Recorded	Detected	Proceedings Commenced	Convictions
2007* (up to 19 February)	2	0	0	0
2006*	27	10	5	0
2005	21	4	2	1
2004	9	8	5	4
2003	20	11	4	2
2002	10	5	4	3
2001	9	6	2	2
2000	12	7	6	2
1999	12	7	7	5
1998	4	3	2	1

\*Figures provided are provisional/operational and liable to change.

### **Garda Investigations.**

45. **Mr. Rabbitte** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received a report from the expert group established in view of concerns arising from the Dean Lyons case; if a deadline has been set for the work of the group; and if he will make a statement on the matter. [6838/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The work of the Expert Group to which the Deputy refers is ongoing and there was never a specific formal

time limit placed by me on its important deliberations. However I can say that there is regular and ongoing contact between the Group and officials from my Department. In that context the Group has, with my agreement, taken the time to allow it to comprehend the detention module of the Morris Tribunal in its work. As the Deputy may be aware those hearings, which deal extensively with the question of detention of suspects, have not yet fully concluded.

### **Property Management Companies.**

46. **Mr. Stagg** asked the Tánaiste and Minister



[Mr. Stagg.]

for Justice, Equality and Law Reform if, in regard to his comments to a Law Reform Commission conference on 25 January 2007, he will outline his proposals for a high level group to consider how best to regulate the operation of property management companies; if the membership of the group has been finalised; if the terms of reference for the group have been agreed; when the group is expected to report; and if he will make a statement on the matter. [6848/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Issues relating to multi-unit developments and the operation of property management companies were discussed at a Conference organised by my Department and the Law Reform Commission on 25 January. The Conference provided an opportunity for a preliminary discussion of the wide range of policy issues identified in the Law Reform Commission's Consultation Paper on Multi-Unit Developments. A consultation process is currently under way in relation to the draft recommendations contained in the Paper and the Commission intends to publish a Report containing its definitive recommendations for reform later this year.

The Consultation Paper makes it clear that solutions to the difficulties arising in this area will require action across a broad range of policy areas, including the planning and development code, company law, consumer protection law and the development of regulatory structures. In recognition of this, and the cross-cutting nature of many of the issues, the Government has approved the establishment of a high-level inter-departmental committee to assist in the development of a coherent and comprehensive legislative response to the difficulties arising in relation to property management companies.

The committee, which will hold its first meeting early next month, comprises representatives of the following Departments and Offices:

- Department of Enterprise, Trade and Employment;
- Department of the Environment, Heritage and Local Government;
- Department of Finance;
- Department of Justice, Equality and Law Reform;
- National Consumer Agency;
- Office of the Attorney General;
- Office of the Director for Corporate Enforcement, and
- Office of Public Works.

A key task of the committee will be to identify the key legislative and administrative actions to be taken and to determine a timescale for imple-

mentation as soon as possible. In particular, the committee will have regard to the recommendations for legislative reforms contained in the Law Reform Commission's forthcoming Report on Multi-Unit Developments.

*Question No. 47 answered with Question No. 39.*

### **Proposed Legislation.**

48. **Mr. Penrose** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, in regard to his recent speech to a conference hosted by the Law Society, he will outline his proposals for the introduction of detention centres for what he described as high risk asylum seekers; the nature of the proposed detention centres; the reason he is bringing forward this proposal at a time when the number of asylum seekers has fallen to a ten year low; and if he will make a statement on the matter. [6846/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I outlined in my address of 27 January 2007 at a public interest seminar in the Law Society on the soon to be published Immigration, Residence and Protection Bill 2007, I am considering including in this Bill provisions for detaining certain protection claimants, with a view to processing their claims quickly and efficiently to finality.

Processing certain categories of protection applicants in a closed centre with all the necessary services on site — first instance decision, appeal, legal services and interpretation as well as accommodation and other supports — will mean speedier decision making and, of course, the faster integration of genuine refugees into our society. For those claims which, after a fair and speedy consideration, turn out to be without foundation, as in the region of some 90% do, the removal from the State of the claimants will happen as soon as possible thereafter.

This is unlike the present situation whereby large numbers of applicants who are admitted to the State solely for the purpose of having their asylum applications processed, and who are found after a fair and efficient determination process to have no protection needs, simply fail to turn up for deportation or to avail of a voluntary return alternative. The taxpayer is investing large amounts of resources in processing these claims as well as in the provision of accommodation and other support services.

The same high standards of procedural fairness will apply as to normal investigations and no-one will be sent away from the State who has a genuine entitlement to protection here. As I indicated, all the established appeals procedures and services such as access to interpretation facilities and legal assistance will remain in place.

I am mindful of the fact that UNHCR figures illustrate that an enormous proportion of the

world's actual refugees are hosted by poverty-stricken countries next door to countries where persecution and civil strife have caused them to flee. Many of those who come to Ireland to claim protection do not come from such trouble-spots and are found not to be subject to persecution, but have paid people-smugglers to come here and make claims that turn out to be spurious. This does a disservice to Ireland as host; but more importantly, it does a disservice to those who are in genuine need of Ireland's protection because such groundless claims only seem to slow down the system for genuine applicants. I believe that detention in limited circumstances will both increase the efficiency of our system and help protect the integrity of that system.

There are similar detention mechanisms currently operating with success in the Netherlands and the United Kingdom. A more detailed outline of my legislative proposals will follow in due course and in the normal way.

### Prison Accommodation.

49. **Mr. Sargent** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding conditions in Mountjoy Prison; if and the way the problem of overcrowding at the prison has been alleviated since the summer since months of 2006; and if he will make a statement on the matter. [6857/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy may be aware that on 1 September, 2006 I directed that Wheatfield Prison and the Midlands Prison operate as committal prisons for certain male adult prisoners sentenced by courts in designated counties. The effect is that Mountjoy's committal responsibility was reduced to Dublin City and County. Following this designation the number of new committals to Mountjoy has reduced significantly. In the period 1 September, 2006 to 20 February, 2007, thirty percent of the 927 new committals to these prisons were to Wheatfield and Midlands prisons as outlined in the following table.

Institution	Number of Committals
Mountjoy Prison	642
Wheatfield Prison	120
Midlands Prison	165
Total	927

The daily average number of prisoners in custody in Mountjoy Prison from 1 September, 2006 to date is 464 compared to a bed capacity of 480. This represents on average a 96% occupancy level. The refurbishment of the A2 and A3 landings of Mountjoy Prison is nearing completion which will provide an additional 50 single occupancy cells.

Nevertheless, I do accept that a number of our prisons are in a fairly poor state, particularly Mountjoy and Cork Prisons. This is being remedied by constructing new facilities in Dublin and Munster. The new facilities will, in addition, offer significant improvements in the areas of work training, education and medical services as well as providing predominantly single cell accommodation with in-cell sanitation facilities. These are major undertakings involving replacement of close to 40% of the entire prison estate.

### Closed Circuit Television Systems.

50. **Mr. English** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of closed circuit television systems being monitored by An Garda Síochána on a 24 hour basis; the number of CCTV systems being monitored by on An Garda Síochána on a part-time basis; the number of CCTV systems not being monitored by An Garda Síochána; and if he will make a statement on the matter. [6866/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that Garda Town Centre CCTV Systems have been installed in the following locations:

- Dublin North Central — 44 cameras — monitored at the Garda Office, O'Connell Street;
- Dublin South Central — 25 cameras — monitored at Pearse Street Garda Station;
- Cork City — 29 cameras — monitored at Anglesea Street Garda Station;
- Tralee — 24 cameras — monitored at Tralee Garda Station;
- Galway — 18 cameras — monitored at Mill Street Garda Station;
- Limerick — 24 cameras — monitored at Henry Street Garda Station;
- Bray — 13 cameras — monitored at Bray Garda Station;
- Dundalk — 10 cameras — monitored at Dundalk Garda Station; and
- Dún Laoghaire — 8 cameras — monitored at Bray Garda Station.

I am further informed that the Garda Traffic Management Centre, located at the Garda DMR Headquarters, Harcourt Square, also has the ability to access and monitor cameras as required from the Pearse Street/Temple Bar and O'Connell Street CCTV systems, as well as cameras attached to Dublin City Council's Traffic Management system.

Each of these CCTV systems is operated by the Garda Síochána and is equipped with technology to monitor, read and print images recorded by the system. For Garda operational reasons it would

[Mr. McDowell.]

not be appropriate to indicate the precise monitoring arrangements at each location. However, in addition to monitoring of images in real time, all images are recorded and can be reviewed at short notice when required.

While An Garda Síochána do not have responsibility for monitoring Community or other non-Garda CCTV Systems, there is a provision within the Garda CCTV Policy for local Garda management to view images on slave monitors from these non-Garda systems.

I am committed to expansion of the Garda CCTV programme and contracts have recently been signed for CCTV systems in Ballyfermot, Clondalkin and Tullamore. In addition, I recently announced that It planned that tenders will issue very shortly for further systems in Athlone, Carlow, Castlebar, Clonmel, Drogheda, Dungarvan, Ennis, Kilkenny, Kinsale, Mullingar, Portlaoise, Sligo, Tallaght, and Waterford.

### Proposed Legislation.

51. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the Judicial Council Bill is expected to be published; the consultation he has had with members of the judiciary regarding the contents of the Bill; if he is concerned, in view of a recent case, that there is still no procedure for dealing with breaches of conduct by judges apart from the impeachment process provided for under the Constitution; and if he will make a statement on the matter. [6833/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I indicated in my reply to a similar Question (No. 16) on 7 December last, work on the Scheme of the Judicial Council Bill is at an advanced stage of development in my Department. I expect to be in a position to bring it to Government for approval in the reasonably near future. The Bill will build on the Report of the Committee on Judicial Conduct and Ethics chaired by the former Chief Justice Ronan Keane. That Report recognised the need for a procedure for dealing with complaints of judicial misconduct which, while serious in itself, might not warrant the ultimate sanction of impeachment by the Oireachtas.

Consultations on the proposed Bill have, as is usual in the development of any legislative proposals, taken place with the Office of the Attorney General. I have also considered it prudent, given the nature of the subject, to seek the observations of the Chief Justice. I await those observations.

It is my intention that when the Scheme of the Bill has been approved by Government, I will make it available to the Joint Committee on Justice, Equality, Defence and Women's Rights. Any views that may emerge from the Joint Committee can be taken into account during the draft-

ing of the Bill which will be proceeding at the same time.

### Garda Strength.

52. **Mr. Sherlock** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of recruits who have graduated from the Garda Training College as full Garda members since 6 June 2002; the number of gardaí who have retired, resigned or otherwise left the force since 6 June 2002; the number of fully qualified Gardaí at the latest date for which figures are available; and if he will make a statement on the matter. [6842/07]

**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 Thursday, 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 personnel strength of the Force during that period. The personnel strength of the Force as at 31 January 2007 was 12,932. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

In October 2004, I announced that I was proceeding with the Government's promise to recruit 2,000 additional Gardaí over the life of the Government and an implementation plan to achieve that expansion was drawn up in consultation with the Commissioner.

That plan envisaged a recruiting strategy that would see the combined strength of the Force reaching some 14,044 Gardaí (including trainees) by the end of 2006 and the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. A total of 1,125 recruits were inducted to the Garda Training College in 2005, and a further 1,114 were inducted in 2006. The overall strength of the Force, including recruits in training, on 31 December, 2006 was in fact some 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 approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources.

Garda training involves 5 phases over a two year period. Phases I and V take place in the Garda College, Templemore and phases II and IV take place at Garda Stations to which trainees



are assigned. Phase III of training takes place at both the Garda College and at a Garda station. Garda trainees are attested to the Force, and become serving members of the Force, on successful completion of phase III of their training. Therefore the serving strength of An Garda Síochána at any given time includes those who have been attested following completion of phase III of their training but have not yet formally graduated. Graduation takes place following the fifth and final phase of training.

I have been informed by the Garda authorities that the number of Gardaí (all ranks) who have retired, resigned or otherwise left the force from 6 June, 2002, to 20 February, 2007 was 2,010. In addition, I have been further informed that a total of 3,174 new members have been attested to An Garda Síochána since 6 June, 2002 and 2,672 have graduated.

### Commissions of Investigation.

53. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on referring of the Report of the Commission of Investigation into the Dean Lyons case to the Joint Committee on Justice, Equality, Defence and Women's Rights; and if he will make a statement on the matter. [6850/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Order establishing the Commission of Investigation which specified the matter to be investigated was approved by resolution of both Houses of the Oireachtas on 30 November 2005 and 1 December 2005 respectively. When I published the Commission's Report on 1 September 2006, I sent a copy to the Expert Group which I established in the light of concerns arising from the Dean Lyons case. The Group will be reporting to me on the adequacy of Garda training, protocols, regulations and procedures, in assessing the fitness of persons to be interviewed and on the recording of any bona fide reservations of an individual member of a Garda investigation team as to the truthfulness or accuracy of self-incriminating statements. I have already stated publicly that I will publish the Expert Group's Report when it is available to me. Furthermore, the Report of the Commission of Investigation has already been the subject of comprehensive debate in Dáil Éireann on 28 and 29 November 2006 and in Seanad Éireann on the 13 December 2006. In these circumstances, I see no practical purpose in seeking to have the matter referred to the Joint Committee at this time.

### Anti-Racism Measures.

54. **Mr. M. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the funding being made available by his Department to assist voluntary groups and non govern-

mental organisations in combating racism. [4318/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department is responsible for co-ordinating the implementation of the National Action Plan Against Racism (NPAR). The plan, which provides strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland, was launched in 2005 and will run until the end of 2008. It is based on five pillars: protection, inclusion, provision, recognition and participation. The Strategic Monitoring Group, which includes representatives from Government bodies, the social partners and broader civil society, including representatives of minority communities, oversees its implementation. The NPAR core budget, of €1 million per annum, is used primarily to make strategic interventions in the implementation of the NPAR, to pursue specific research or consultancy projects in particular sectors and to undertake public awareness/ information initiatives and grant schemes.

In January 2005, a total of €250,000 was allocated to 44 projects nationally as part of a grant scheme which was organized to coincide with the launch of the NPAR. The scheme helped organisations to raise awareness about racism and to highlight cultural diversity in Ireland.

In September 2005, the Strategic Monitoring Group allocated €275,000 to fund 45 projects from NGOs and community groups in the sports, recreation and arts areas.

In 2006, out of a total budget of €2 million (which included an allocation of €1million from the integration fund), funding in the order of €110,000 was allocated to voluntary groups and non-governmental organisations (NGOs) to combat racism.

I would add that my Department in 2006 provided €5 million towards co-ordination of integration measures, which significantly contribute to combating racism. From that allocation, integration projects to the value of €3 million for both local partnerships and NGOs were approved late last year and are currently in the process of implementation.

In addition to funding voluntary groups and NGOs, my Department works with a broad range of organisations in the development of policies to ensure long-term implementation of the NPAR's goals.

*Question No. 55 answered with Question No. 37.*

### Asylum Applications.

56. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of applications for refugee status from asylum seekers in 2006; the number of these applications which were initially decided in favour of the applicant; the number of same decided



[Mr. Stanton.]

in favour following an appeal; the number of people currently awaiting decision on their asylum or refugee status; the average length of time it takes to process an application; and if he will make a statement on the matter. [6868/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is as follows:

- In 2006 there were 4,314 applications for refugee status in the State which was a slight decrease on the 2005 figure and the lowest annual total since 1997. The 2006 figure represents a 63% reduction on the 2002 high of 11,634 asylum applications.
- In 2006 there were 397 recommendations to grant refugee status at first instance by the Office of the Refugee Applications Commissioner.
- 251 appeals in 2006 in the Refugee Appeals Tribunal resulted in refugee status being granted to applicants.
- As at 31 December 2006, there were a total of 924 applications waiting decision in the Office of the Refugee Applications Commissioner only some 47 of which are over six months old.
- There were a total of 2500 appeals outstanding in the Refugee Appeals Tribunal at the end of December 2006. The high number of appeals outstanding in RAT is the result of the need to develop a new system for accessing decisions by appellants as a result of a Supreme Court judgment. Arrangements are now in place in the Tribunal to process cases on hands as expeditiously as possible.

In relation to processing times, I can inform the Deputy that average processing times for prioritised applications to the end of January 2007 have been 18 working days at ORAC and 15 working days at RAT. Some 40% of all applications are currently covered by the prioritised caseload provisions.

In respect of non-prioritised applications, during 2006 the interview date in ORAC was normally within 25 working days of the application date. Consideration of the application by ORAC was normally completed within a further 20 to 25 working days.

The average length of time taken by the Refugee Appeals Tribunal (RAT) to process and complete substantive appeals received in 2006 was approximately 15 weeks.

#### State Airports.

57. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his Department has a role in conducting random searches of US war planes or CIA operated

planes travelling through Shannon Airport; and if he will make a statement on the matter.

[2801/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department has no role in conducting searches, random or otherwise, in the circumstances outlined in the Deputy's question. As the Deputy is aware, the Garda Síochána is responsible for the investigation of the commission, alleged or otherwise, of offences. Where the Garda Síochána reasonably suspects that an offence is being committed, statutory powers of entry and arrest are available, subject to national and international law.

The Garda Síochána has investigated a range of complaints of alleged unlawful activity at Shannon Airport and, where appropriate, files have been submitted to the Director of Public Prosecutions. In all these cases, no further action was found to be warranted, owing to a lack of any evidence of unlawful activity.

#### Courts Service.

58. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has satisfied himself that the Gardai are in a position to enforce orders by the Family Law Courts; and if he will make a statement on the matter. [6759/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that Section 8 of the Enforcement of Courts Orders Act 1940 as amended by the Family Law (Maintenance of Spouses and Children) Act 1976 provides that where the maintenance debtor is in arrears on payments, a District Judge may, if he thinks proper, direct that the sums payable be levied by distress, i.e. seizure and sale of his goods. Also a maintenance debtor can be imprisoned for up to three months for default in making maintenance payments.

I am further informed that with regard to breaches of Safety Orders, Barring Orders, Interim Barring Orders and Protection Orders, section 18 of the Domestic Violence Acts 1996 and 2002 provide that, where a member of the Garda Síochána suspects that there has been a contravention of the terms of an Order under the Act by the respondent, on a complaint being made to him / her in that regard by, or on behalf of the applicant, the member may arrest the respondent without warrant. For that purpose, the member may enter, if need be by force, and search any place where he suspects the respondent to be.

Section 23 of the Enforcement of Court Orders Act, 1926 provides that all orders of any Court for the arrest, attachment or committal of any person shall be executed by members of the Garda Síochána, and no such order shall henceforth be executed by an under-sheriff and no person shall

be arrested or taken into custody under any such order otherwise than by a member of the Garda Síochána.

Where orders are made by the Courts directing a course of action by An Garda Síochána they are complied with, where it is possible to do so. In the event that the order cannot be executed the matter is returned to the Court for direction.

### **Tribunals of Inquiry.**

59. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if barristers and solicitors working on tribunals established before 2007 will have their rates reduced to those set in 2004 which were to apply to tribunals from 1 January 2007. [6810/07]

130. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the daily standard rate of remuneration for senior or junior counsel, barristers or solicitors involved in tribunals which fall under the remit of his Department; and if he will make a statement on the matter. [7085/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 59 and 130 together.

There are currently two sitting Tribunals which come under the aegis of my Department; the Morris Tribunal and the Smithwick Tribunal. Insofar as the Morris Tribunal if Inquiry is concerned, I can inform the Deputies that the revised fees were to be introduced from October 2006. However, following consideration of a request from the Tribunal, the Government decided in June 2006 to extend the Tribunal at the prior existing rates of remuneration until the end of October 2007. The question of reviewing these rates, therefore, does not arise at this time.

I can further inform the Deputies that the Smithwick Tribunal of Inquiry was established in May 2005. As this Tribunal was established subsequent to the Government Decision in 2004, the legal fees payable to the Smithwick Tribunal's legal team have been in accordance with the revised rates. Accordingly, the question of a reduction in rates from 1 January, 2007, does not arise. The specific daily rates of remuneration that apply in respect of both Tribunals are set out in the following tabular statement:

Tribunal	Daily Rate of Remuneration Paid (excl. VAT)
Smithwick	Senior Counsel — €1,008 Junior Counsel — €672 Research Counsel — €252 Solicitor — €800
Morris	Senior Counsel — €2,250 Junior Counsel — €1,500 Research Counsel — €550

### **Departmental Correspondence.**

60. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received correspondence from the Chief Justice in regard to statements he made in which he referred to 24 associates of a deceased criminal having been arrested and 23 of them being granted bail despite objections from the Garda; if he has replied to such correspondence; and if he will make a statement on the matter. [6843/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to PQ Nos. 422, 464 and 465 of 31 January 2007.

### **Garda Code.**

61. **Mr. Gogarty** asked the Tánaiste and Minister for Justice, Equality and Law Reform the dates for the most recent updates to the Garda code; the summary of those changes; and if he will make a statement on the matter. [6864/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the Garda Code is published in two volumes. Volume I relates to managing a modern police service. The most recent edition of Volume I was issued in August, 2005. Volume II relates to financial matters. The most recent edition of Volume II was issued in December, 1994. Updates of the Garda Code are circulated by way of H.Q. Directives, as the need arises.

Each member of An Garda Síochána has been issued with a personal copy of the Garda Code to be retained by the member during service. The Garda Síochána Code, which covers all areas of Garda duties including operational, security and administrative duties, is a confidential publication which must be carefully preserved and its contents, in whole, or in part, are not disclosed by the Garda Commissioner to any unauthorised person. Accordingly, it is not possible to publish details of recent changes to the code. As the Deputies will be aware, the Government Decision in 2004 relating to the introduction of revised payment structures for legal fees at Tribunals of Inquiry envisaged the introduction of the revised fees on different dates, depending on when the Tribunal in question was established.

### **International Treaties.**

62. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason for his failure to oppose the integration of the Prüm Treaty Less Article 18 into EU law in view of the set-back this entails for data protection; the reason he failed to attend the important Council of the European Union meeting at which this was agreed by all including an Irish representative; and if he will offer a com-

[Caoimhghín Ó Caoláin.]

mitment that he will reject the planned future effort to integrate Article 18 of that Treaty which provides for sovereign powers for armed foreign police forces including air marshals on flights into law. [6818/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Due to other urgent official commitments, I was not in a position to attend the EU Justice and Home Affairs Council in Brussels on 15 February 2007. One of the items considered at the recent Council meeting was a proposed Council Decision for the integration of some of the elements of the Prüm Treaty into the EU legislative framework. In the course of the discussion on this item, the Irish delegation indicated that, while it could agree generally with the approach set out in the draft Decision, certain changes and clarifications would be necessary to meet Irish requirements. In addition, it was stated by our delegation that Ireland is in the process of carrying out a detailed analysis of the legal and constitutional implications that would arise in the context of the adoption of the proposed instrument. This analysis will also take account of the relevant data protection issues.

I am not aware of any proposal to extend the application of Article 18 of the Prüm Treaty to EU Member States generally. In the circumstances, I do not believe it would be appropriate for me to offer any comment in relation to that provision. The establishment of the Irish Youth Justice Service followed the Report on the Youth Justice Review. One of the findings of that Review was that there were gaps in data on youth justice and historical weaknesses in information gathering. It is a priority of the Service to address this issue and a researcher has been engaged on contract to establish baseline data from which a process of gathering longitudinal information on children who offend, including recidivism rates, can be set up. The transfer of the responsibility for the management of the children detention schools will facilitate my Department in tracking through the youth justice system those children who offend and, thereby, help establish recidivism rates in the future. The commissioning of a specific study into historical rates of recidivism amongst children who offend is being considered by my Department at present.

#### **Competition Authority Report.**

63. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on the final report of the Competition Authority; if he will implement the recommendations contained in the report; and if he will make a statement on the matter. [6845/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that

the Deputy is referring to the Competition Authority report on Competition in Legal Services — Solicitors and Barristers, which was published on 11 December 2006. The Report makes twenty-nine recommendations, the key ones being that:

- the Department of Justice, Equality and Law Reform should bring forward legislation to establish a Legal Services Commission, which would regulate both solicitors and barristers and the market for legal services. The Head of the Commission and majority of members should be non-lawyers
- the Legal Services Commission would have responsibility for the regulation of the legal services but would delegate many regulatory functions to other/existing bodies. The Commission would have statutory powers to make new regulations and to veto the rules of self-regulatory bodies
- the Legal Services Commission should be given the role by the Minister for Justice, Equality and Law Reform to set standards for the provision of professional education for solicitors and barristers. The Law Society and the King's Inns, in common with other providers, should be required to apply and meet these requirements. The Law Society and the Bar Council should set out detailed criteria pursuant to which they would licence institutions to provide courses
- both the Law Society and Bar Council should provide accessible information for consumers on their rights and main features of legal services
- unlimited direct access to barristers for legal advice should be allowed by the Bar Council
- legislation should be brought forward to permit licensed conveyancers other than solicitors to provide conveyancing services. Such conveyancers should be required to register by a Conveyancers' Council of Ireland with responsibility for the training, qualification and operation of conveyancers.

I have in the past acknowledged that the legal professions are open to claims that there are restrictive practices within each profession and between them. Indeed such claims are also regularly made against professional services, such as medicine, accountancy and others. While I believe in self regulation, I am also of the belief that self regulation must deliver the highest standards of professional integrity for the protection of clients. A critical factor to be considered in response to calls for deregulation is whether the resultant system is likely to deliver a fairer, more accessible, more economic and higher quality



service to the citizen and to Irish society as a whole. Given their crucial roles in society, this factor is particularly relevant to the legal professions and the recommendations of the Competition Authority require careful and detailed consideration by the Government in consultation with both branches of the legal profession, other interested organisations and the public.

I should point out that both the Law Society and Bar Council have on several recent occasions indicated their willingness to take measures to improve the services which they offer to the public. The Law Society established a Regulatory Review Task Force to examine the procedures and systems by which the Society regulates its members and interacts with the public. The Task Force, chaired by Joe Brosnan, a former Secretary General, carried out a thorough review and made fifty-six recommendations, all of which were accepted by the Council of the Law Society. Examples of other measures are the setting up in September 2006 of a second training school in Cork for solicitors by the Law Society and the introduction in March 2006 of reforms by the Bar Council to update its code of conduct. The Bar Council have also improved their work practices, allowed for advertising, allowed for free transfer between the two professions and provided for cost-sharing amongst barristers. I welcome these measures which I consider to be very positive steps in embracing change rather than opposing it.

The Government considered it appropriate to proceed in advance of the Competition Authority Report by taking advantage of the Civil Law (Miscellaneous Provisions) Bill 2006 to provide for establishment of a Legal Services Ombudsman to

- provide a form of review for customers of legal services who are dissatisfied with the outcome of a complaint made to the Law Society or Bar Council.
- oversee the complaints procedures of the Law Society and Bar Council by examining a selection of complaints files each year taken on a random basis.
- oversee admission to the legal professions, particularly with regard to the adequacy of numbers admitted.

The Bill also gives effect to certain recommendations of the Brosnan Report that required statutory backing (including increasing the lay membership of Regulatory Committees). The Bill is awaiting Committee Stage in the House.

The wider issue of legal costs is being addressed through implementation of the Report of the Haran Working Group on Legal Costs. The Haran Report, published in November 2005, made recommendations for far reaching changes in the area of legal costs spanning operational, policy and legislative areas. As a great deal of

preliminary work would be required prior to implementation an Implementation Advisory Group (IAG) was established to

- advise on the timely implementation of the recommendations of the Legal Costs Working Group, with particular reference to the establishment on an interim basis of the proposed legal costs regulatory and assessment structure, and
- consult with interested bodies in relation to the recommendations contained in the Report.

I have recently received the recommendations of the IAG and I will be making a further announcement in this regard in the near future.

The new measures that I am taking in the form of an Ombudsman and on legal costs will transform the provision of legal services. Taken with important initiatives already put in place to tackle the so-called compensation culture in the Civil Liability and Courts Act 2004 and the establishment of the Personal Injuries Assessment Board, the legal system is changing rapidly. Our society is becoming more complex in tandem with our increasing prosperity. The legal system has a key function in oiling the wheels of progress and the legal professions must continue to adapt. I am sure that the package of measures taken already and those on the way will equip the legal system and the two legal professions to react to the changing needs of a mature and progressing modern economy.

Government policy in this area will continue to be determined on the basis of the need for improvement in the cost, efficiency and quality of the services of the legal profession.

#### **Court Staff.**

64. **Ms McManus** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a decision has been made on the request of Circuit Court Judge, Mr. Brian Curtin, for early retirement on health grounds under Section 6 of the Courts (Establishment and Constitution) Act 1961; and if he will make a statement on the matter. [6832/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The former Judge Brian Curtin resigned as a Judge of the Circuit Court on 13 November, 2006. The matter of his pension entitlements is being finalised.

#### **Prison Drug Treatment Services.**

65. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform the level of funding that has been allocated for methadone maintenance programmes and other such treatments and programmes for drug addicts in the Prison Services; and if he will make a statement on the matter. [6760/07]



**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Irish Prison Service expended almost €3 million excluding staff costs on the provision of medical services to the prisoner population in 2005 but it is not possible to disaggregate, with any degree of accuracy, from this total, the element that related solely to the treatment of prisoners with drug problems.

The new Irish Prison Service Drugs Policy & Strategy — Keeping Drugs Out of Prisons— will see existing drug treatment programmes, including the provision of methadone maintenance programmes where this is clinically indicated, being expanded and enhanced. This expansion will involve the allocation of a range of dedicated staff, including addiction counsellors, to support these various programmes. In 2007 it is envisaged that an extra €2,000,000 will be allocated to support these developments.

My Department funds sixty five Community based Projects that support the work of the Probation Service in the management of offenders both in the Community and in Prisons. These Projects which are made up of community groups and voluntary bodies provide a range of services to offenders in local communities and in prisons, e.g. offender management programmes, drug and alcohol abuse treatment / intervention / awareness programmes, training and education. While the emphasis of each Project varies, the overall objective of the funded programmes and facilities is to assist the reintegration of the offender into their community by addressing specific issues such as subsistence awareness / misuse and to thereby reduce his/her risk of re-offending. In 2007, I have provided a total €2.216m in the Probation Service budget allocation specifically for projects which cater for substance misuse, treatment and/or aftercare for offenders.

#### **Crime Levels.**

66. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of serious criminal gang members or known principals in the crime world that have been arrested on foot of various forms of criminal activity in the past five years; if it is known the extent of the value of their assets; and if he will make a statement on the matter. [6946/07]

133. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the level of organised criminal activity represents the sting of a dying wasp; the length of time he expects the demise to continue; and if he will make a statement on the matter. [7090/07]

136. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of known criminal gangs now operating here; the extent to which the principles or members have been arrested, detained or ques-

tioned in each of the past five years; and if he will make a statement on the matter. [7093/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 66, 133 and 136 together.

I am informed by the Garda authorities that, for operational reasons, it is inappropriate to categorise proceedings as being linked to any particular, identifiable criminal groupings. I am further informed by Garda management that, as part of its contribution to the Europol Organised Crime Report which was recently refined to become the Organised Crime Threat Assessment (OCTA), an annual assessment of organised crime in the Republic of Ireland was carried out. This recent assessment was completed in November 2006. This analysis concluded that the nature of organised crime gangs in this State continues to be the same as in previous years. In this respect, there are two categories of groups in organised crime operating in this jurisdiction.

The first category consists of individuals operating in groups that are well established and tightly structured and involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and are involved in criminal activities which are mainly confined to Ireland. An Garda Síochána will continue to utilise intelligence-led operations against selected targets to combat the criminal activities of these groups. However, because of the relatively fluid nature of those involved in serious crime in Ireland, it is not possible to easily place them in a particular group. Therefore it is not possible to provide an accurate and definitive number for the various groups operating here.

The Criminal Assets Bureau in conjunction with other Garda Specialist Units will continue to target those suspected of criminal activity and will utilise the provisions of the Proceeds of Crime Acts 1996 to 2005 in this regard. The specific information requested by the Deputy is not readily available and would require considerable research by An Garda Síochána and the Court Services and would necessitate the expenditure for a disproportionate amount of Garda resources and time at the expense of operational policing. In addition to the transfer of operational budgets from the Department of Education and Science, significant capital investment of over €140 million in the detention schools has been secured as part of the National Development Plan 2007-2013. I am confident that this investment and the Government's other reforms to children detention services will significantly improve the accommodation in the schools and end the practice of using adult prison places for the detention of children.

#### **Mental Health Policy.**

67. **Mr. Neville** asked the Tánaiste and Mini-

ster for Justice, Equality and Law Reform his views on whether legislation should be introduced to facilitate the process of diverting people with mental health problems from the criminal justice system and providing the Courts with a range of non-custodial options; and if he will make a statement on the matter. [6764/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am aware that under the auspices of the Department of Health and Children, the Report of the Expert Group on Mental Health Policy entitled “A Vision for Change” contains certain recommendations in this area. In March, 2006, the Minister of State at that Department, Mr. Tim O’Malley, T.D., with special responsibility for mental health, established an Independent Monitoring Group to monitor and assess progress on the various recommendations made in that Report. The matter which is the subject of this question is one of two areas which have been identified by the Group as being of concern to my Department. It is currently being examined in that context.

I should mention that I took the opportunity to include a provision in section 4 of the Criminal Law (Insanity) Act, 2006 (fitness to be tried) which is relevant to this matter. It provides for the diversion of persons, in certain circumstances, appearing before the courts on criminal charges who are suffering from a mental disorder as defined, away from prison to either a designated centre (i.e. a psychiatric centre) where they may receive any necessary in-patient care or treatment or, where appropriate, out-patient care or treatment. This applies in circumstances where the court determines that an accused person is unfit to be tried having heard evidence from an approved medical officer that the person is suffering from a mental disorder.

In addition, section 5 of the Act provides that, following a verdict of not guilty by reason of insanity, if the court is satisfied, having considered a report from an approved medical officer, that the person concerned is suffering from a mental disorder as defined and is in need of in-patient care or treatment, the court must commit the person to a specified designated centre.

#### **Proposed Legislation.**

68. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when Ireland will sign and ratify the Council of Europe Convention against Trafficking in Human Beings; the steps he has taken to bring Irish criminal law into line with the requirements of the convention; and if he will make a statement on the matter. [6860/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I recently announced my intention to ask the Government

to sign the Council of Europe Convention on action against trafficking in human beings. I also stated that it is intended, as part of the new immigration policy framework, to provide a clear policy statement setting out how these cases will be managed once it is established that trafficking has taken place. I would reiterate, however, that the lack of a specific legislative provision on the victims of trafficking has in no way reduced Ireland’s commitment to dealing with cases sympathetically as they arise. The Criminal Law (Trafficking in Persons and Sexual Offences) Bill has been approved for drafting by the Government and is currently being drafted in the Office of the Parliamentary Counsel. The Bill introduces new specific criminal offences of trafficking in persons (adults and children) into, through or out of Ireland for the purposes of sexual exploitation, labour exploitation and the removal of organs. It fully complies with the criminal law requirements of the relevant international instruments, namely, the Council of Europe Convention on action against trafficking in human beings, the EU Framework Decision on combating trafficking in human beings and the UN Protocol to prevent and punish trafficking in persons. The General Scheme of the Bill is on my Department’s website.

#### **Residency Permits.**

69. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform the arrangements in place for renewing permission to remain in the State for persons who were originally granted temporary leave under IBC/05 scheme; and if he will make a statement on the matter. [6791/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to inform the Deputy that advertisements inviting applications for renewal of permission to remain in the State, granted under the IBC/05 scheme, were placed in National Newspapers on 31 January, 2007. Applications from non-national parents of Irish born children, born before 1 January 2005, for renewal of their permission to remain in the State under the IBC/05 Scheme, must be made on the official IBC renewal form. This form sets out the requirements for renewal and is available on my Department’s website ([www.justice.ie](http://www.justice.ie)). Hard copies of the form are also available at the Irish Naturalisation and Immigration Service (INIS), 13-14 Burgh Quay, Dublin 2 and Garda District Headquarters stations outside Dublin. Forms have been distributed to various non-governmental organisations working with immigrants and asylum seekers.

Applications for renewal for permission to remain granted in January, February or March 2005 must be submitted by post to the IBC Unit by 2 April 2007 at the latest. All other applications must be submitted one month in advance

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of the date on which the current permission to remain in the State expires. Original identity documents will be returned by registered post with a letter acknowledging receipt of each application. Applications will be processed in order of the date permissions to remain expire. Guidelines to assist applicants in making their application are available with the application form.

It is my intention that a thorough approach will be taken to the implementation of the renewal process of the IBC/05. Applications for renewal will therefore be assessed in accordance with the following conditions:

- the applicant must have resided continuously in the State since granted permission to remain, allowing for reasonable periods of absence from the State for holidays, exceptional family circumstances or commitments outside the State arising from business or employment carried on within the State;
- the applicant must have been living with his/her Irish Born Child as part of a family unit or alternatively, must have taken an active role in the upbringing of the Irish Born Child since granted permission to remain;
- the applicant since he/she completed the initial application form under the IBC/05 Scheme must have obeyed the laws of the State and not been convicted of any offence and not been involved in criminal activity;
- the applicant must have made every effort to become economically viable in the State since granted permission to remain;
- the applicant must have taken all steps necessary, such as appropriate participation in training or language courses, to enable him/her to engage in employment, business or profession since granted permission to remain;
- if the applicant has not been engaged in employment he/she must provide evidence of how they have been financially maintaining themselves and their family since granted permission to remain.

#### **Garda Disciplinary Proceedings.**

70. **Mr. S. Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding their consideration by the Garda Conciliation Council in relation to the new draft Garda Discipline Regulations, which he originally said would be introduced prior to the Dáil Éireann summer recess in 2006; when the new regulations will be in operation; and if he will make a statement on the matter. [6840/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda Síochána Act, in 2005, made detailed provisions for the making of Disciplinary Regulations for the Garda Síochána. In its report earlier this year, the Garda Síochána Act Implementation Group, chaired by Senator Maurice Hayes, acknowledged the requirement for changes to the Garda disciplinary regulations to coincide with the coming into operation of the Garda Ombudsman Commission. The Group was strongly of the view that the opportunity should be taken for a comprehensive revision of the Garda disciplinary framework so as to bring it into line with modern practice in human resource management.

Subsequently, on 19 May 2006, the Government statement regarding Reports of the Morris Tribunal acknowledged and accepted the views of the Tribunal that the current disciplinary regulations need to be replaced by a new, less complex, approach which will be swift and fair with a simple appeal process.

On 17 August last, on publication of the 3rd, 4th and 5th reports of the Morris Tribunal, I published new draft Garda Discipline Regulations which were drawn up in consultation with the Garda Commissioner. These draft regulations take account of the recommendations of the Morris Tribunal, follow well-established principles in the public sector and beyond, and are significantly more streamlined than existing Garda Discipline Regulations. The new draft regulations have been put into the Garda Conciliation Council for discussion with the Garda Representative Associations and, in recognition of the fundamental changes now proposed, I have made available additional time beyond the original target date of the Summer recess. I am informed that the Garda Representative Associations have engaged positively in those discussions. I expect that the discussions can be concluded quickly and effectively, and I look forward to bringing final proposals to Government for approval in the coming weeks.

#### **Departmental Reports.**

71. **Ms O'Sullivan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received the report (details supplied); the main findings of the report; if he has not received the report, when he expects to do so; and if he will make a statement on the matter. [6836/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have not yet received the report from Mr Michael Mellet in relation to this matter. The Deputy will be aware that in my reply on this matter to Deputy Kenny on the 7th December 2006, I indicated that Mr Mellet was still in the process of obtaining certain material of particular relevance to this inquiry. I now understand that this material has been



obtained and that the report is in the process of being finalised. I expect to receive it shortly.

*Question No. 72 answered with Question No. 21.*

*Question No. 73 answered with Question No. 44.*

### **Crime Levels.**

74. **Mr. Gilmore** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of tiger robberies, where people were taken hostage in an attempt to force others to hand over cash or goods, recorded in 2005, 2006 and to date in 2007; if he is planning new measures to counter this threat; if he has had discussions with the financial institutions or the security industry with a view to stopping these robberies and ensuring the safety of staff; and if he will make a statement on the matter. [6826/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities inform me that there were two so-called 'tiger' robberies in 2005 and three such robberies in 2006. To date in 2007 there have been two such robberies. An Garda Síochána continue to investigate these robberies. Naturally I cannot go into any details about these as to do so might risk prejudicing these investigations or subsequent prosecutions.

The Deputy will be aware that I recently published the General Scheme of the Criminal Justice Bill 2007. This is a comprehensive measure that will counter the threat posed by criminal gangs, including those involved in kidnapping and robbery. The Bill will contain provision for detention for up to 7 days of persons suspected of certain offences, including these so-called 'tiger' kidnappings.

There are, as the Deputy would expect, regular contacts between the banks and other financial institutions and the Gardaí to discuss methods of forestalling attempts by criminal gangs to enrich themselves by preying on the vulnerability of individuals.

I can inform the Deputy that the Garda authorities have agreed response procedures with the banks and financial institutions to deal with hostage situations where members of staff or their families are taken hostage in order to facilitate robberies. These response procedures are detailed and all encompassing. The Deputy will appreciate that for obvious reasons An Garda Síochána cannot disclose information on the detail of these procedures.

In my own discussions with representatives of the banking and security industries I have always made it clear that I expect the highest security standards to be adhered to by their members.

### **International Agreements.**

75. **Mr. Ferris** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that Privacy International and the American Civil Liberties Union have advocated the repeal of the agreement between the EU and US on passenger data transfers on the grounds that the recent disclosure of the automated targeting system being used by the US Department of Homeland Security demonstrates that the US have violated the agreement with the EU by using European passenger data for creating a risk assessment score, and retaining this data for 40 years; and if he will make a statement on the matter. [6812/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am aware of the expressed views of Privacy International and the American Civil Liberties Union on the Passenger Name Records Agreement between the European Union and the United States. However, as this Agreement falls outside the remit of my Department, but rather, within the remit of the Department of Transport. I am not in a position to assist the Deputy.

### **Crime Prevention.**

76. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is appraised of the ongoing activities of the various drug and criminal gangs; if he has familiarised himself with the number, scale and location of their operation; if they have become involved in intimidating or compromising the security industry; if they continue to operate here and simultaneously at various locations throughout Europe and further afield; if adequate resources are available to the Garda to track, monitor and charge the principals of such operations; the number of convictions of such persons in the past five years; if they remain in prison; the extent if known, to which they have carried on their criminal activities while in prison; and if he will make a statement on the matter. [6945/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can assure the Deputy that I am in regular contact with the Garda Commissioner on a range of important issues, including the problems caused by organised crime and criminal gangs. In order to disrupt such criminality, Garda operations are regularly put in place to target individuals and gangs suspected of involvement in criminal activity and such operations, for example initiatives under Operation Anvil, have proved successful with many persons arrested and brought before the courts in connection with serious crimes. I am also informed by the Garda Authorities that, as part of its contribution to the Europol Organised Crime Report which was recently refined to become the Organised Crime Threat Assessment



[Mr. McDowell.]

(OCTA), an annual assessment of organised crime in Ireland was carried out. This assessment was completed in November 2006.

This analysis concluded that the nature of organised crime gangs in this State continues to be the same as in previous years. In this respect, there are two categories of groups in organised crime operating in this jurisdiction.

The first category consists of individuals operating in groups that are well established and tightly structured and involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and are involved in criminal activities which are mainly confined to Ireland.

An Garda Síochána will continue to utilise intelligence-led operations against selected targets to combat the criminal activities of these groups. However, because of the relatively fluid nature of those involved in serious crime in Ireland, it is not possible to easily place them in a particular group. Therefore it is not possible to provide an accurate and definitive number for the various groups operating here.

In relation to the private security industry, in 2004 I established the Private Security Authority. The Authority, which is independent in the exercise of its functions, has responsibility for regulating the industry and has already introduced licensing in a number of areas, most recently the cash in transit sector. I am confident that the regulatory framework the Authority is putting in place will prevent any compromising of the security industry.

I am informed by the Garda Authorities that, particularly as a result of the proactive role of the Criminal Assets Bureau and other specialist units in targeting the proceeds of crime in this jurisdiction, a number of Irish criminals have relocated to the continent.

Some of these individuals continue to engage in criminal activity and this may impact on criminality in this jurisdiction. There is some evidence to support the fact that criminal groupings in this State have links to similar groups in other jurisdictions. However, it is not possible to quantify the extent to which Irish nationals based abroad are involved in criminal activity.

Where evidence exists to support a prosecution in this State against any particular individual residing outside the jurisdiction, an extradition application is pursued with the competent authority where extradition agreements are in place.

The Deputy will appreciate that Garda resources are at unprecedented levels and are increasing. These are deployed by the Garda Commissioner to address effectively the types of issues that the Deputy refers to.

In relation to the specific information requested by the Deputy about convictions and prison sentences imposed, this is not readily avail-

able as it would require considerable research by An Garda Síochána and the Courts Service. It would therefore not be prudent to allocate resources to carrying out such research at the expense of operational policing. I am also aware of reports suggesting that prisoners may be engaged in criminal activities, including drug dealing, from inside prison cells and I would like to assure the Deputy that I am committed to continuing to implement all appropriate measures to deal with such activity and to ensure that the prisoner's contact with the outside world is tightly controlled and monitored in an appropriate way. For example, prisoner visits in all closed prisons are carefully controlled and held in sight of prison officers and monitored on CCTV. The implementation of a passive drug dog detection programme is currently underway and initial reports are very positive. There is regular contact between the Prison Service and An Garda Síochána to discuss security issues and Gardaí will be contacted whenever any suspected criminal offence has taken place.

One of the major challenges in prisons worldwide lies in preventing access to contraband items, primarily mobile phones and drugs, which for obvious reasons, are viewed as highly valuable commodities which could assist in illegal activity. Efforts are made on a continuous basis to prevent the flow of such contraband into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and prisoner and cell searches. In addition, plans to avail of technological options for dealing with the use of mobile phones within prisons are at an advanced stage.

The Deputy may also be aware of a recent directive to the effect that a number of serious drug and criminal gang members are now to be segregated in a special area of Cloverhill Prison. It is anticipated that this initiative, in conjunction with the other measures referred to earlier, will prevent them from exerting inappropriate influence over other persons.

#### **Juvenile Offenders.**

77. **Mr. M. Brady** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the Youth Justice Service of his Department will take over responsibility for the juvenile detention centres currently managed by the Department of Education and Science; and if he will make a statement on the matter. [6795/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Responsibility for the management of four children detention schools — Finglas Child and Adolescent Centre, Oberstown Boys School, Oberstown Girls School and Trinity House School — will transfer to the Irish Youth Justice Service of my Department on 1 March 2007. This will follow the commence-

ment of the relevant provisions of the Children Act 2001, as amended by the Criminal Justice Act 2006.

In addition to the transfer of operational budgets from the Department of Education and Science, significant capital investment of over €140 million in the detention schools has been secured as part of the National Development Plan 2007-2013. I am confident that this investment and the Government's other reforms to children detention services will significantly improve the accommodation in the schools and end the practice of using adult prison places for the detention of children.

78. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the information he holds on the rates of recidivism amongst young offenders here; and if he will make a statement on the matter. [6861/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** While there have been some studies on this issue they have been sample based rather than longitudinal in nature. As the Deputy may be aware, the Government decided, in December 2005, to establish the Irish Youth Justice Service to take responsibility for the management and development of all services relating to young people who offend. This responsibility includes the management of the children detention schools which will transfer from the Department of Education and Science with effect from 1 March 2007 upon the commencement of relevant provisions of the Children Act 2001 as amended by the Criminal Justice Act 2006.

The establishment of the Irish Youth Justice Service followed the Report on the Youth Justice Review. One of the findings of that Review was that there were gaps in data on youth justice and historical weaknesses in information gathering. It is a priority of the Service to address this issue and a researcher has been engaged on contract to establish baseline data from which a process of gathering longitudinal information on children who offend, including recidivism rates, can be set up. The transfer of the responsibility for the management of the children detention schools will facilitate my Department in tracking through the youth justice system those children who offend and, thereby, help establish recidivism rates in the future. The commissioning of a specific study into historical rates of recidivism amongst children who offend is being considered by my Department at present.

#### **Garda Investigations.**

79. **Mr. Crowe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will make a statement on the covert human intelligence sources system; and if he will confirm that in the future no informant will be permitted by

Garda to engage in crimes such as drug dealing simply because they are an informant. [6815/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda Síochána that its code of practice in respect of covert human intelligence sources (CHIS) came into effect in April 2006.

The Deputy will understand that it is not the practice and it would not be in the public interest to comment on the specifics of the operation of this system, as to do so could potentially adversely affect ongoing and future Garda operations. I can confirm, however, that the Garda Síochána will continue to operate the CHIS system in the public interest, having regard to both operational requirements and the rule of law.

#### **Garda Strength.**

80. **Mr. Sherlock** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of members of An Garda Síochána; the number of juvenile liaison officers and the percentage of the force this represents in respect of 2007 and each year since 2002; the reason there has been no increase in the number of JLOs despite the increase in the overall strength of the force; his plans to increase the number of JLOs in view of the proven success of their work; and if he will make a statement on the matter. [6841/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

#### **Asylum Applications.**

81. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress that has been made regarding the processing of asylum applications over the past 10 years; the further improvements that are under consideration; and if he will make a statement on the matter. [6435/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Considerable progress has been made since 2000 in relation to the operation of the asylum determination process in the State. The progress achieved has been the result of a combination of factors including increased investment in the asylum determination agencies, the strengthening of the legislative framework for asylum and immigration generally, increased co-operation between Government Departments and agencies, increased co-operation with other States particularly in an EU context, as well as enhanced enforcement strategies by the Garda National Immigration Bureau.

[Mr. McDowell.]

A cornerstone of our approach to asylum has, and continues to be, continued commitment to the State's obligations under the 1951 Geneva Convention relating to the status of refugees. However, at the same time, we have been determined to address on an ongoing basis the high level of abuse of our asylum process by people seeking to gain entry to the State for purposes other than protection.

The Refugee Act, 1996 was commenced in full on 20 November, 2000. The Act placed the procedures for processing applications for refugee status on a statutory footing and resulted in the establishment of two offices to process asylum applications:

- a Refugee Applications Commissioner who makes recommendations to the Minister for Justice, Equality and Law Reform as to whether a person should be granted or refused refugee status;
- a Refugee Appeals Tribunal to deal with appeals against negative recommendations of the Refugee Applications Commissioner.

The Government also increased the level of resources employed in the asylum process to a situation where today, there is sanction for in excess of 740 staff for the asylum, immigration and citizenship areas.

We have also strengthened the legislative framework for processing asylum applications. The Immigration Act, 2003 which was commenced with effect from 15 September 2003 contained a number of key changes to the Refugee Act, 1996 which enabled processing to be speeded up but also enhanced our ability to deal with abusive applications. These included

- the power to designate States as safe countries of origin.
- the ability to prioritise certain categories of applications whether, for example, by nationality or country of origin.
- the imposition on applicants of a clear statutory duty to actively pursue their asylum applications and to co-operate at all times with the processing agencies or face having their applications deemed withdrawn.
- provisions to facilitate the enhanced use of the EU Dublin II Regulation which determines the EU State responsible for processing asylum claims.

A system of direct provision and dispersal was also established to provide for accommodation requirements of asylum applicants.

Recognising that immigration is a whole of Government issue, enhanced co-operation with other Departments in the area of immigration and asylum also resulted, for example, in changes

in the social welfare system such as restricting access by asylum seekers to child benefit and rent supplements which tended to act as a pull factor in encouraging high levels of unfounded applications.

Finally, the Irish Naturalisation and Immigration Service (INIS) was established in 2005 in order to provide a "one stop shop" in relation to asylum, immigration, citizenship and visas. The INIS also facilitates a whole of Government approach to immigration and asylum issues which enables a more efficient service to be provided in these areas.

New arrangements for the speedier processing of prioritised asylum applications were implemented with effect from 25 January 2005 in respect of nationals of specified countries such as Nigeria. Average processing times for prioritised applications to the end of January 2007, have been 18 working days at ORAC and 15 working days at the RAT. Some 40% of all applications are presently covered by the prioritised caseload provisions.

The strategies and policies which I have outlined, have resulted in a considerable fall in the number of asylum applications received in the State over recent years. For example, the number of applications received in 2006 was 4,314, which represents a slight decrease on the 2005 figure and the lowest annual total since 1997. The 2006 total represents a 63% reduction on the 2002 high of 11,634.

Processing of asylum applications continues to move strongly. At the end December 2006, there were 924 applications on hands in the ORAC (with only 47 of these cases over six months old) which is a reduction of 21% on the 1,169 cases on hands at the end of December 2005. The backlog in ORAC has effectively been eliminated.

In addition, in 2006 interviews in ORAC were scheduled at the point of application for all cases with interviews to take place within 25 working days for non-prioritised cases and 9-12 working days for prioritised cases. The total number of cases on hands in the Office of the Refugee Applications Commissioner and Refugee Appeals Tribunal for over six months was 1,299 at the end of December 2006 compared to some 6,500 at the end of September 2001.

I am also glad to report that the level of progress which I have outlined in relation to asylum has enabled the Director General of the INIS to re-deploy considerable resources from the asylum determination system to enhance service provision in other immigration areas such as citizenship and visas.

The Government is determined to ensure that the progress which has been made in recent years is further consolidated in the years ahead. Central to this policy will be the enactment of the soon to be published Immigration, Residence and Protection Bill. In September 2006 the Government approved the drafting of this Bill which is a sig-



nificant piece of legislation setting out, in a single code, comprehensive statutory procedures for the application of stated policies to the various stages of the immigration process: visas, entry to the State, protection, residence permits and their terms and conditions, and the process of removal where that is necessary.

In the area of protection, in particular, the Bill will further streamline the examination of applications for protection by introducing a single procedure to provide for one single examination of all the reasons why a person may wish to remain in the State — refugee protection, subsidiary protection and non-protection grounds. The Bill will also see the replacement of the cumbersome deportation process with a statutory obligation on individuals who are illegally in the State, and who are found to have no protection needs, to remove themselves or be removed by the Garda National Immigration Bureau.

The Bill will also provide for significant structural changes in the asylum process with the functions currently carried out by the Office of the Refugee Applications Commissioner being subsumed into the Irish Naturalisation and Immigration Service and the replacement of the Refugee Appeal Tribunal by a new Protection Review Tribunal with enhanced powers to ensure greater consistency of decision making.

Deportation Orders.

82. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of asylum applicants that have been served deportation orders over the past five years; the number who were deported; the number who left voluntarily following the serving of deportation orders; the number that went missing; and if he will make a statement on the matter. [6436/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The total number of cases considered for deportation under Section 3 (6) of the Immigration Act, 1999 (as amended), for the five year period 2002-2006 and the results thereof are shown in Table A as follows:

Table A — Deportation orders made and effected — 2002 to 2006

Year	Number of deportation orders made	Number of deportation orders effected
2002	2,430	521
2003	2,411	591
2004	2,915	599
2005	1,899	396
2006	1,547	302

The majority of the above cases referred to in the Table involve persons who claimed asylum but their claims were rejected.

I wish to dispel any confusion on the part of the Deputy with regard to the voluntary repatriation process. Following rejection of an asylum claim by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal, the person concerned is informed by letter that the Minister is proposing to make a deportation order in respect of him/her and he/she is afforded three options in accordance with Section 3 (3) (b) (ii) of the Immigration Act, 1999, as amended, one of which is to leave the State voluntarily. This option ceases once a deportation order has been signed by me.

The total number of persons who opted to voluntarily repatriate during the five year period 2002-2006 is provided in Table B as follows:

Table B — Voluntary returns effected — 2002 to 2006

Year	Number of voluntary returns — Department	Number of voluntary returns — International Organisation for Migration assisted	Total
2002	396	110	506
2003	361	401	762
2004	218	393	611
2005	125	210	335
2006	63	164	227

My Department's records show that, at present, there are circa 7,214 persons represented as evading Deportation Orders, whose whereabouts are unknown to the Garda National Immigration Bureau. However, it is believed that most of these have already left the State. If, however, it is the case that any of these persons are still in the State, their presence here is illegal and they are therefore subject to arrest and detention for the purposes of their removal from the State. In a very significant number of cases, Deportation Orders have not been effected arising from challenges in the High Court by way of Judicial Review. There are, as of the 16 February 2007, 478 'live' judicial review cases ongoing and the enforcement of Orders in these cases is generally suspended pending the outcome of such proceedings. As the Deputy is no doubt aware, the enforcement of Deportation Orders is an operational matter for the Garda National Immigration Bureau.

Asylum Applications.

83. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform the level of supports in place by his Department or aegis of his Department for asylum applicants; the level of legal service and legal supports to assist asylum applicants; the costs associated with the legal service over the past five years; and if he will make a statement on the matter. [6437/07]



**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that comprehensive services are in place for persons who apply for refugee status in the State. Insofar as my Department is concerned, applicants for asylum are entitled to have their applications processed at first instance by the Office of the Refugee Applications Commissioner and, as appropriate, at appeals stage by the Refugee Appeals Tribunal. Applicants also have access to comprehensive interpretation services.

The Reception and Integration Agency provides accommodation for asylum seekers through the Government policy of direct provision and dispersal. Under this policy, asylum seekers are provided with full board accommodation and ancillary services. Comprehensive service provision is also available to asylum seekers from other Government Departments.

In relation to legal advice, the Refugee Legal Service (RLS), provides a comprehensive, confidential and independent legal service to persons applying for asylum in the State. This service is provided at all stages of the asylum process — initial application, appeal stage and, post asylum, in relation to matters such as applications for subsidiary protection and humanitarian leave to remain.

Also, in a relatively small number of cases, assistance is provided in relation to judicial reviews of asylum determinations or in respect of decisions on leave to remain applications or deportation orders. Judicial review is provided only where this is warranted in accordance with the Civil Legal Aid Act 1995. Applicants may apply to the RLS for service at any stage of the asylum process or in relation to the post asylum issues which I have referred to.

Legal services at all stages of the process are provided by solicitors employed by the RLS. In addition, as an added measure of flexibility, legal aid in relation to appeals to the Refugee Appeals Tribunal can also be provided by a barrister instructed by an RLS solicitor or by a private solicitor engaged by the Board under the RLS Private Practitioner schemes.

Interpretation is arranged, where necessary, for all RLS client consultations at all stages of service provision.

The amount of funding drawn down by the RLS from my Department's Vote in each of the past five years is as follows.

Year	Outturn Funding
	€ million
2002	9.600
2003	9.174
2004	9.071
2005	9.226
2006 (provisional)	7.726

The proportion of asylum applicants registering for service with the RLS at any stage in the process increased from 20% on its establishment in 1999 to just under 70% in 2006.

### Legislative Programme.

84. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform the legislative priority of his Department for 2007; and if he will make a statement on the matter. [6438/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The legislation for which I have responsibility in my Department is as contained in the Government's Legislative Programme announced by the Chief Whip on 30 January 2007. The ordering of the legislation that is before the House and any other measures I may bring forward is a matter for the Government Chief Whip in consultation with other Whips.

### Missing Persons.

85. **Mr. Callely** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of missing persons whose files remain under investigation by An Garda Síochána; if he will provide details of the unsolved missing persons cases; and if he will make a statement on the matter. [6439/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** It has not been possible in the time available for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

### Garda Deployment.

86. **Mr. O'Dowd** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí based in each Garda station in County Louth for the years 2002 to date in 2007; if he will increase the numbers in any location; and if he will make a statement on the matter. [6936/07]

87. **Mr. O'Dowd** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of full-time Gardaí based in Ardee in 2002 and in 2007; if he will increase the number of Gardaí; and if he will make a statement on the matter. [6937/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 86 and 87 together.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána

increased to a record 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

approximately 1,100 new recruits per annum 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.

I have been further informed by the Garda authorities that the personnel strength (all ranks) of the Louth Meath Division on 31 December, 2002 and 2006 was 532 and 548, respectively. The personnel strength (all ranks) of each Garda Station in the Louth/Meath Division on 31 December 2002-2006 and on 31 January, 2007 was as set out in the following tables:

	31/12/02	31/12/03	31/12/04	31/12/05	31/12/06	31/01/07
Drogheda	89	90	89	93	93	93
Castle-bellingham	4	4	4	4	4	4
Clogherhead	3	2	2	1	2	2
Dunleer	4	4	4	4	4	4
Laytown	7	7	8	8	10	10
Ashbourne	37	37	40	37	49	49
Dunboyne	15	13	12	14	14	14
Dunshaughlin	11	11	10	9	9	9
Kilcock	6	5	5	5	5	5
Dundalk	96	97	101	101	109	109
Carlingford	3	3	3	3	3	3
Hackballscross	14	14	13	12	11	11
Dromad	13	12	11	9	7	7
Omeath	14	14	15	10	7	7
Louth	1	2	1	2	2	2
Blackrock	4	4	4	5	5	5
Kells	31	34	31	32	37	37
Athboy	6	6	6	6	6	6
Oldcastle	4	4	4	3	4	4
Nobber	3	3	3	3	3	3
Trim	24	25	25	23	25	25
Longwood	0	0	0	1	1	1
Summerhill	2	2	2	2	2	2
Enfield	16	17	16	13	14	14

	31/12/02	31/12/03	31/12/04	31/12/05	31/12/06	31/01/07
Ballivor	2	2	3	2	2	2
Balbriggan	35	32	34	32	32	32
Skerries	10	10	11	10	11	11
Lusk	4	4	4	4	4	4
Rush	4	5	5	6	7	7
Garristown	3	3	3	3	3	3
Navan	47	49	46	45	48	48
Ardee	9	10	10	10	9	9
Collon	2	2	2	2	2	2
Duleek	3	4	4	3	3	3
Slane	4	4	4	4	3	3

[Mr. McDowell.]

The Deputy should appreciate that, as with any large organisation, on any given day, personnel strengths of individual stations may fluctuate due, for example, to promotions, retirements and transfers.

I have been informed by the Garda authorities that the geographical boundaries of the various Garda Divisions do not match with county boundaries in all instances. A map showing the boundaries of each Garda Division together with a list of all stations in these Divisions is available on the Garda Síochána website at the following address — [www.garda.ie/angarda/stations.html](http://www.garda.ie/angarda/stations.html).

I should add that it is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends 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.

#### Internet Use.

88. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the concerns expressed at the growth in internet pornography; if his attention has been drawn to the need to utilise modern technology to isolate and identify the perpetrators with particular reference to the prevention of internet grooming; and if he will make a statement on the matter. [5427/07]

89. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if directly or in conjunction with his EU colleagues any effort is being made to protect the internet from pornography promoters; and if he will make a statement on the matter. [5428/07]

90. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if directly or in consultation with his EU colleagues or through the service providers, progress has been made with a view to preventing the use of the internet by those involved in the promotion of pornography with particular reference to children; and if he will make a statement on the matter. [5429/07]

91. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the technological developments expected to assist in the prevention of internet pornography; and if he will make a statement on the matter. [5430/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 88 to 91, inclusive, together.

I have already answered a similar Questions to the ones tabled by the Deputy and I refer the Deputy to my answer to those Questions (Nos. 191 to 194) given on the 14 February 2007. If the Deputy wishes, I will repeat what I said then.

As I outlined earlier by its very nature, the internet lends itself to being used for a wide range of criminal activities. This can include illegal pornography, racist or hate materials, financial fraud, intimidation or any other criminal activity carried out via the internet. Combatting such illegal, harmful and predatory use of the internet requires a response at national, EU and wider international levels. The internet is an international and world-wide phenomenon with no borders and no single organisation controlling it. Measures to combat illegal materials and activities on the internet are, therefore, hampered by a multiplicity of jurisdictions, differing legal systems, and differing societal norms. Furthermore, new developments in communications technologies allowing for internet access by new means are a regular occurrence. These are largely positive developments but also bring particular challenges for those charged with protecting against the downsides of the internet.

A combination of responses, and the co-operation of all the stakeholders, at both national and international level — legislators, law enforcement, schools, child protection practitioners, parents and guardians — is essential. My Department is fully committed to playing its part in a pro-active way.

In terms of legislation, in the Child Trafficking and Pornography Act, 1998, Ireland has one of the most robust pieces of legislation anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography — films, video or material in written or auditory form including material produced or transmitted via the internet — are offences with penalties of up to 14 years' imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to 5 years. Using a child or allowing a child to be used for the production of child pornography is also punishable by up to 14 years' imprisonment.

The EU Council adopted a Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography on 22 December 2003. While the Child Trafficking and Pornography Act 1998 is a particularly robust legislative measure, this Framework Decision requires some relatively minor amendments to our legislation and these are contained in the Criminal Law (Trafficking in Persons and Sexual Offences) Bill which is at present being drafted in the Office of the Parliamentary Counsel.

Among the provisions of the Bill is one that prohibits the sale of children, including through a

computer system, for the purpose of the sexual or labour exploitation of a child and other provisions will prohibit the sexual grooming of children, including by means of communication through the Internet.

This Bill will comply fully with the criminal law requirements of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Council of Europe Convention on Action Against Trafficking in Human Beings. Ireland signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons on 13 December 2000.

I am informed by the Garda Authorities that they monitor child pornography on the internet and where evidence is available action is taken in accordance with legislation. Similarly, where evidence becomes available that the internet is used for trafficking of human beings action is also taken to apprehend those responsible. Other incidents of child pornography or trafficking in human beings coming to the attention of An Garda Síochána are fully investigated and where there is evidence to support a prosecution criminal proceedings are commenced, as directed by the Law Officers.

I am also informed by the Garda Authorities that staff from the Computer Crime Investigation Unit (CCIU) in the Garda Bureau of Fraud Investigation participate in numerous fora where crime prevention advice is given to companies and members of the public on the safe use of the internet. The Unit provides support to the many operations by other national and local units in targeting paedophiles and others suspected of downloading child pornography in Ireland. Members of An Garda Síochána attached to the National Bureau of Investigation augment these units as the volume of work requires. Computer forensics are carried out by the members attached to the Domestic and Sexual Assault Unit and also by members attached to the Garda Bureau of Fraud Investigation utilising up-to-date forensic software.

I understand that An Garda Síochána, in conjunction with its EU colleagues, is currently examining new methods of preventing the production and distribution of child pornography on the internet.

On the structural side, the Government established a working Group in 1997 to examine and report on the whole question of the illegal and harmful use of the internet with particular reference to child pornography. The Report of the Working Group on the Illegal and Harmful Use of the Internet was published in July 1998. The main recommendation of the Report was for a system of self-regulation by the Internet Service Provider industry and the components of such a system were to include:

- an Internet Advisory Board (IAB) — established Feb 2000 — to promote awareness of Internet downside issues, co-

ordinate efforts to combat child pornography on the Internet and monitor the progress of self regulation by the Internet Service Provider industry

- a Public Hotline for reporting child pornography (established 1999 and funded by the industry)
- an industry Code of Practice and Ethics setting out the duties and responsibilities of each Internet Service Provider (agreed February 2002 and reviewed in 2004).

The Internet Advisory Board (IAB) as well as overseeing a self-regulatory regime for the Irish Internet Service Providers, encourages best practice procedures, provides advice and facilitates research in Internet-related issues including child safety. My Department provides secretarial and other supports for the Board's work.

The IAB in its role of encouraging best practice, procedures and formulating advice on Internet downside issues is currently evaluating electronic technology which can be used to block access to websites on the internet and is preparing a report on the matter.

The Hotline ([www.hotline.ie](http://www.hotline.ie)), funded by the Internet Service Providers' Association of Ireland with support from the EU Safer Internet Action Plan, was launched in November 1999 and has been operating since that time. Special protocols operate between the Gardai and the Hotline that maximise co-operation on law enforcement issues so that offences in the area of child pornography can be detected and prosecuted.

The Hotline works closely with, and is a founding member of, the international INHOPE Association ([www.inhope.org](http://www.inhope.org)), a network of European hotlines which is expanding to all parts of the world. The INHOPE Association develops procedures and shares information on the best practices for the tracing and tracking of illegal child pornography.

International co-operation is a vital part of the fight against pornography on the internet, and Ireland is fully committed to playing its part. The Deputy may be aware that the European Union has taken a strong line on combating child pornography and other illegal and harmful uses of the internet. Since 1999, under the Safer Internet Action Plan, the EU has provided financial and other supports for measures in the member states to combat illegal and harmful uses of the internet, with particular emphasis on protecting children. A new EU action plan — Safer Internet Plus — covering the period 2005 to 2008, and with a budget of €45m, was agreed under the Irish presidency in June 2004 and is now in operation. My Department is represented on the management committee for the programme.

In September 2001, the Council of Europe approved the first international Convention on Cybercrime. Ireland signed up to the Convention in June 2002. The main objective of the Conven-



[Mr. McDowell.]

tion is to foster international co-operation in protecting society against cybercrime. The Convention deals specifically with the distribution of child pornography on the internet, infringements of copyright, computer related fraud and violations of network security. On 15 September 2006, I announced that Government approval had been obtained for the drafting of the Criminal Justice (Miscellaneous Provisions) Bill. This Bill is being used to give effect to a number of international instruments including the Council of Europe Convention on Cybercrime 2001.

My Department is fully committed to co-operating with and promoting these measures nationally, at EU level and the wider international level.

#### **Garda Investigations.**

92. **Mr. O'Dowd** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of headline offences recorded and detected for each Garda division in the Louth area for year ending 31 December 2002 and to date in 2007; and if he will make a statement on the matter. [6953/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Following the submission to me in 2004 of a report and recommendations by an expert group on crime statistics, I decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, I am pleased to note that the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the information sought by the Deputy directly to him.

#### **Road Traffic Offences.**

93. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of the instances in which penalty points were imposed where the offender chose to go to the Courts instead of paying the fined charge fine; and if he will make a statement on the matter. [6956/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** In view of the nature of the question and in order to supply the details requested by the Deputy it is necessary for the Garda authorities to make enquires in each Garda Division. I will be in contact with the Deputy when the information is to hand.

#### **Criminal Injury Compensation.**

94. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the delays in arranging hearings in respect of criminal injury compensation, as in the case of a person (details supplied); and the obstacles to more timely processing of claims. [6958/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that under the terms of Article 2 of the Scheme of Compensation for Personal Injuries Criminally Inflicted, the Tribunal is entirely responsible for deciding individual applications including appeals against first instance decisions by the Tribunal. I understand, however, that the appeal referred to is in line for hearing and that the Secretary to the Tribunal will be in contact with the applicant's solicitors in the near future to make the necessary arrangements.

#### **Residency Permits.**

95. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 129 of 29 November 2006, the consideration that has been given to the application for leave to remain on the basis of family reunification and on humanitarian grounds in the case of a person (details supplied) in Dublin 15; when a decision will be made; and if he will make a statement on the matter. [6964/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to refer the Deputy to my response to Parliamentary Question 129 of 29 November 2006. At present there is no Family Reunification application pending in respect of the above named. The person concerned arrived in the State on 8 June, 2005 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 24 January, 2006, 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.

### **Garda Deployment.**

96. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to a previous parliamentary question, if he will verify the answer given that there has been a 97.75% increase in the number of personnel allocated to Blanchardstown Garda Station between December 2006 and January 2007; if he will explain what the numbers given in this paragraph are referring to; and if he will make a statement on the matter. [6974/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Further to Parliamentary Question No. 226 of 7 February 2007, a letter issued from my office on 13 February, 2007 to the Deputy clarifying the details given in my reply in relation to the personnel strength of Blanchardstown Garda Station.

### **Prison Building Programme.**

97. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his Department has received the final tenders for the proposed PPP development at Thornton, County Dublin. [7015/07]

99. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the person who is evaluating the final tenders for the proposed PPP development at Thornton, County Dublin. [7017/07]

100. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be taken on which tender will be awarded the contract for the proposed PPP development at Thornton, County Dublin. [7018/07]

101. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the expected date for signing the contract for the proposed PPP development at Thornton, County Dublin. [7019/07]

102. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the steps involved before the contract for the proposed PPP development at Thornton, County Dublin can be signed. [7020/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 97 and 99 to 102, inclusive, together.

Three tenderers have submitted tenders in respect of the Thornton Hall Prison Public Private Partnership Project. The tenders are being evaluated by a team comprising senior Irish Prison Service managers, prison governors, and representatives of the National Development Finance Agency. The evaluation team has the appropriate technical, financial and legal expertise available to it to assist in the evaluation of the tenders. It is intended to identify a preferred bidder by the end of February 2007. Experience with other PPPs suggests that a period of discussion and clarification with the preferred bidder may be required before a contract can be signed but in any event I would hope to see a contract signed within a matter of months.

As the tenders are still being evaluated, I am not in a position to outline all the steps that will be taken before signature of a contract. However I can say that the relevant officials are taking all the appropriate steps in accordance with EU Regulations, National Guidelines and Department of Finance PPP Guidelines in relation to the procurement of this project.

98. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform if one of the preferred partners has withdrawn from the tendering process in relation to the proposed PPP development at Thornton, County Dublin; and if so, the reason for same. [7016/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Four consortia were short-listed to receive the tender documentation and three of those have submitted tenders. It is in the nature of tender competitions that it is open to any bidder to withdraw from a competition without giving reasons. I am not in a position to give the reason why a particular consortium has decided not to proceed in this competition.

*Questions Nos. 99 to 102, inclusive, answered with Question No. 97.*

103. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the provision of services such as water and sewerage are to be included as part of the PPP contract for the proposed development at Thornton, County Dublin. [7021/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The provision of services to the site forms part of the invitation to tender and it is, therefore, a matter for the successful bidder to provide services to the site. The local authority will take the services in charge once they have been completed.

104. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the provision of a new road to facilitate the proposed development at Thornton, County Dublin is to be included as part of the PPP contract. [7022/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The site for the proposed prison at Thornton Hall is accessed by the R130 road which, prior to the purchase of the site, was assessed and found to be fully adequate to meet the requirements of the development. The tender documentation provides for some works on the existing road in the context of the provision of services to the site.

The question of providing a separate dedicated access has however been raised with me by local interests on a number of occasions and I have, in response, undertaken to afford full consideration to any such proposals received. No decision has been made in relation to this matter.

#### **Citizenship Applications.**

105. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when an application for naturalisation will be finalised in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [7035/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Parliamentary Question Number 370 on Wednesday 31 January 2007. The position remains as stated.

106. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to the application for citizenship in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [7036/07]

**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 21 January 2005.

While both persons are recognized refugees, the second-named person did not satisfy the residency requirement as set out in Section 15 of the Irish Nationality and Citizenship Act, 1956 as amended. I will normally waive two years of the statutory residency requirement in cases where it is appropriate to consider applications under the provisions of Section 16 of the above-mentioned Act. However, the second-named applicant was not resident in the State for three years at the time he applied for naturalisation and I decided to refuse his application at that time. His solicitor was advised of this on 19 October 2005.

In the case of the first-named person, who satisfied the residency requirements at time of application, processing of her claim is continuing and I understand that the file will be presented to me shortly for a decision. I will inform the Deputy and the person concerned when I have reached a decision.

#### **Residency Permits.**

107. **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 County Kildare; and if he will make a statement on the matter. [7037/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to Parliamentary Questions Nos. 702 of Tuesday, 25 April, 2006, and 329 of Wednesday, 27th September, 2006 and the written replies to those Questions. The position is unchanged.

108. **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 22; and if he will make a statement on the matter. [7038/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I would refer the Deputy to my earlier replies given to Parliamentary Questions Numbers 345 and 266 of the 8th and 9th March 2005 respectively. The person concerned was granted refugee status in the State on the 11th January 2000. He was subsequently charged with and convicted of people trafficking offences in Belgium and served a prison sentence in that country for those offences.

As these offences are incompatible with the principles of 1951 United Nation Convention for Refugees, his refugee status was revoked on the 18th February 2005, under Section 21 (1) (g) of the Refugee Act, 1996. He has appealed this revocation to the High Court as is his right under Section 21 (5) of the Refugee Act, 1996. I am informed by the Chief State Solicitor's Office that the case is up for mention on the 8th March 2007 when it is expected that a hearing will be fixed by the Court for a date later in the current law term. In the meantime the person concerned is not required to leave the State before the final determination of his appeal or, as the case maybe, the withdrawal of the appeal — Section 21 (6) of the Refugee Act, 1996 refers.

109. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of the application for residency in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [7039/07]



**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to advise the Deputy that the person in question was granted permission to remain in the State on 06 September 2005 for two years under the revised arrangements for non national parents of Irish children born prior to 1 January 2005, commonly referred to as the IBC/05 scheme.

Advertisements inviting applications for renewal of permission to remain granted under the IBC/05 scheme were placed in National Newspapers on 31 January 2007. Details of the scheme and the renewals process can be found on my Department's website ([www.justice.ie](http://www.justice.ie)).

Applicants should submit their application for renewal of their permission to remain granted under the IBC/05 Scheme, one month prior to the date their permission to remain expires. My Department has no record of a current application in respect of the person in question.

110. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to residency in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [7040/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to advise the Deputy that the person in question was granted permission to remain in the State on 06th September, 2005 for two years under the revised arrangements for non national parents of Irish children born prior to 1st January 2005, commonly referred to as the IBC/05 scheme.

Advertisements inviting applications for renewal of permission to remain which was granted under this scheme were placed in National Newspapers on 31st January, 2007. Details of the scheme and the renewal process can be found on my Department's website ([www.justice.ie](http://www.justice.ie)).

111. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to the residency status in the case of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [7041/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to Parliamentary Questions Nos. 191 of Thursday, 2nd February, 2006, and 178 of Thursday, 22nd June, 2006 and the written replies to those Questions. The position is unchanged.

#### **Citizenship Applications.**

112. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to the application for naturalisation in the case of persons (details supplied) in

Dublin 15; and if he will make a statement on the matter. [7045/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to Parliamentary Questions Nos. 191 of Thursday, 2nd February, 2006, and 178 of Thursday, 22nd June, 2006 and the written replies to those Questions. The position is unchanged. I refer the Deputy to my reply to Parliamentary Question Number 625 on Thursday 6 July 2006. The position remains as stated.

113. **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 County Kildare whose children were born here; and if he will make a statement on the matter. [7046/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question was originally granted permission to remain in the State on 2 May 2000 based on his parentage of an Irish born child. This permission has been renewed for the person concerned until 17 March 2008. The permission to remain in the State granted to the person mentioned is conditional on him continuing to reside in a family unit with the Irish citizen child in question. In the event that the person in question's circumstances change in the future, he should notify the Irish Naturalisation and Immigration Service of my Department immediately as it may affect his residency in the State.

114. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding the application for residency and when their green card will be restored in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [7047/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the deputy to my previous replies in relation to the person in question and in particular my response to his Question of 9 March 2006. Despite a number of requests for specific information and supporting documentation relating to the person in question's circumstances, I regret to say that the position remains unchanged as the information requested has not been forthcoming to date. However, it has been decided to give the person in question one final opportunity to provide the specific information required and a decision on the case will be made shortly thereafter.

#### **Refugee Status.**

115. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the proper procedure to be followed in the case of a



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person (details supplied) in County Cork; and if he will make a statement on the matter. [7048/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned arrived in the State on 18 March, 2003 and applied for asylum. Her application was refused following consideration of her 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, she was informed by letter dated 17 February, 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she 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.

As the immigration status of the person concerned has not been finally determined, it is at the discretion of the person referred to by the Deputy as to whether she wishes to leave the State to join her husband in the UK. If she chooses to do so, she will of course be subject to any UK visa entry requirements. Should she wish to subsequently return to the State, she will be the subject of Irish visa entry requirements.

As it is not clear as to the nationality of her spouse, if he wishes to join her in this State, it is open to him to contact his nearest Irish embassy or Consulate regarding any visa entry requirements, he may be subject to.

#### Residency Permits.

116. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to residency status in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [7049/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question is the subject of a Family Reunification application made by her husband in November 2005. The Immigration Division of my Department has recently been in contact with the husband of the person concerned requesting further documentation. On receipt of a response the application will then be processed further.

117. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress to date in the case of a person (details supplied) in Dublin 22 who has made an application for family reunification; and if he will make a statement on the matter. [7050/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my previous response to Question 1564/07 of the 31st January 2007. The Immigration Division of my Department has recently been in contact with the person concerned requesting further documentation. On receipt of a response the application will then be processed further.

118. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to his reply to Parliamentary Question No. 136 of 8 February 2007, if he and his Department's attention has been drawn to the fact that in the case of a person (details supplied) in County Dublin their daughter is the basis on which they remain here but that their mother was not aware of the newspaper notice regarding renewal of residency status; if a late application is now acceptable; and if he will make a statement on the matter. [7051/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Question No. 136 of 8th February, 2007. The person in question was granted permission to remain in the State on 24th January, 2006 for a period of one year under the revised arrangements for parents of Irish children born prior to 1st January, 2005. This permission is now due for renewal.

Applications for renewal of permission to remain, which fall for renewal in January, February or March 2007 must be submitted by post to the IBC Unit by 2nd April, 2007. Details of the scheme and the renewal process can be found on my Department's website ([www.justice.ie](http://www.justice.ie)).

#### Garda Investigations.

119. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of detections, prosecutions taken and convictions secured for graffiti in each of the past three years for which figures are available; the preliminary figures for 2006, with a breakdown for each Garda division of the Dublin metropolitan area; the number of these that were taken under the Criminal Damage Act, 1991 and the number taken under the Litter Pollution Act, 1997 for each division; the Garda activity in detecting and preventing graffiti; and if he will make a statement on the matter. [7054/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by

the Garda authorities that the Criminal Damage Act, 1991 and the Litter Pollution Act, 1997 provide for the offences of damaging or defacing property.

The Criminal Damage Act 1991 does not provide a specific offence of defacing property with graffiti. Statistics are therefore not available to identify the number of persons prosecuted for offences involving graffiti.

I am informed by the Garda authorities that section 2(1) of the Criminal Damage Act 1991 creates a simple offence of damaging property without lawful excuse. Section 4 of the Act creates the offence of having custody or control of anything with intent to cause damage to property. Both of these offences are punishable on summary conviction by a fine not exceeding €1,270 and/or imprisonment for a term not exceeding 12 months. Following conviction on indictment these offences are punishable by a fine not exceeding €12,697 and/or imprisonment not exceeding 10 years.

Section 7 of the Criminal Justice Act 2006 provides that where a Garda, who is in a public place or any other place under a power of entry authorised by law or to which he or she was expressly or implicitly invited or permitted to be, finds or comes into possession of anything he or she has reasonable grounds for believing that it is evidence of, or relating to, the commission of an arrestable offence, he or she may seize and retain it for use as evidence in any criminal proceedings for such period from the date of seizure as is reasonable or, if proceedings are commenced in which it is required for use in evidence, until the conclusion of the proceedings.

I can assure the Deputy that the Garda authorities take the defacing of and damage to property very seriously. The Gardaí have Operations Encounter and Assist in place focussing on tackling anti-social behaviour including offences of criminal damage, such as defacing property. When Gardaí detect such offences culprits are processed through the courts, or via the Juvenile Liaison System, as appropriate.

I am further informed by the Garda authorities that one of the topics of the Garda Schools Programme (Primary) covers the area of vandalism. Pupils are made aware of what vandalism entails and the financial cost of it to the individual and the community.

The Garda Schools Programme (Secondary) addresses the area of personal safety which includes discussion on vandalism and other forms of anti-social behaviour, its costs and consequences.

Following the submission to me in 2004 of a report and recommendations by an expert group on crime statistics, I decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently

makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, I am pleased to note that the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the information sought by the Deputy directly to her.

### Refugee Status.

120. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will review the full circumstances in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [7058/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my replies to Dáil Questions No. 407 of 31 January, 2007, 151 of 14 December, 2006 and 56 of 30 November, 2006, in relation to this case.

As previously advised the person concerned has had her case fully examined and it has been determined by the Office of the Refugee Applications Commissioner, and upheld by the Refugee Appeals Tribunal, that Belgium is the appropriate state to examine her application for asylum.

I again wish to inform the Deputy that the person concerned has still not come forward to either An Garda Síochána or the Garda National Immigration Bureau and she should do so without any further delay.

### Residency Permits.

121. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the residency status in the case of persons (details supplied) in Dublin 22; and if he will make a statement on the matter. [7059/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question applied for permission to remain in the State under the revised arrangements for non national parents of Irish children born prior to 1st January, 2005, commonly referred to as the IBC/05 scheme. A letter granting permission to remain in the State for two years was issued on 07th June 2005.

Advertisements inviting applications for renewal of permission to remain in the State, granted under the IBC/05 scheme, were placed in

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National Newspapers on 31st January, 2007. Details of the scheme and the application process can be found on my Department's website ([www.justice.ie](http://www.justice.ie)).

#### **Garda Strength.**

122. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when Garda strength at all stations throughout County Kildare will be sufficiently increased to ensure adequate policing; and if he will make a statement on the matter. [7062/07]

**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 approximately 1100 new recruits per annum 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.

I have been further informed by the Garda authorities that the personnel strength of the Carlow/Kildare Division on 31 December, 1997 and 20 February, 2007 (all ranks) was 281 and 370 respectively. This represents an increase of 89 (or 31.6%).

I should add that it is the responsibility of Garda management to allocate personnel to and within Divisions. These personnel allocations are determined by a number of factors including demographics, crime trends and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

The next allocation of probationer Gardaí is scheduled to take place on 14 March, 2007. The needs of the Carlow/Kildare will be considered in this allocation.

Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy are continually

monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible Garda service is provided to the general public.

123. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects Leixlip Garda station have a full range of services; and if he will make a statement on the matter. [7063/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the new City Type Station Garda station for Leixlip is scheduled for completion in Autumn 2008.

In general terms, City Type Stations consists of reception, interview rooms, detention facilities, vehicle storage capacity, juvenile accommodation facilities as well as accommodation for Garda personnel. It is the responsibility of Garda management to allocate personnel to particular stations 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. Accordingly, it will be matter for Garda management to determine the precise services to be provided from the new station before occupation.

#### **Crime Syndicates.**

124. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the extent to which criminals continue to operate their crime syndicates from prison; and if he will make a statement on the matter. [7068/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Questions No. 151 and No. 205 of 7 November, 2006 and Question No. 262 of 3 October, 2006 in which I indicated that I was aware of reports which suggest that prisoners are attempting criminal activities from inside prison cells. I want to re-iterate that I am committed to implementing all appropriate measures to prevent the possibility of such activity and to ensure that the contact that prisoners have with the outside world is tightly controlled and monitored in an appropriate way.

In this regard, prisoner visits in all closed prisons are carefully controlled and held in sight of prison officers and monitored on CCTV. In addition, new visiting arrangements are in place in almost all closed prisons whereby only persons who have been pre-approved by the Governor are permitted to visit. Telephone calls in closed prisons are monitored by prison officers and incoming and outgoing mail is subject to examination by a prison censor. There is regular contact between the Prison Service and An Garda Síochána to discuss security issues and I can advise the



Deputy that Gardaí will be contacted whenever any suspected criminal offence has taken place.

One of the major challenges in prisons today lies in preventing access to contraband items, primarily mobile phones and drugs, which for obvious reasons, are viewed as highly valuable commodities which could assist in illegal activity from the prisoner cells. Efforts are made on a continuous basis to prevent the flow of such contraband into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and the use of daily prisoner and cell searches. In addition, the Irish Prison Service is currently examining technological options for dealing with the use of mobile phones within prisons.

Random searches of cells and their occupants and searching of correspondence and all other items entering the prison have all intercepted significant quantities of contraband in recent years. When a person is admitted to prison custody, he or she is searched and prohibited items and money are taken. Similarly, searching takes place of prisoners returning from court, temporary release or after visits. Searches of prisoners also take place where their behaviour or information received raises suspicions that they may be in possession of contraband. The Prison Service has recently conducted a number of trial tests on modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, U-bends in toilets, drain holes, under floor boards and other cavities. Initial tests would appear to indicate that these new technologies will be a valuable asset in this area. The new prison estates at Thornton Hall and Munster will also make it harder for contraband to enter the prison over the perimeter walls by means of locating recreation yards away from perimeter walls and thus ensuring a cordon sanitaire.

### **Garda Deployment.**

125. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí on duty on a daily and nightly basis in each Garda division and district throughout Dublin City and County and in the immediate adjoining counties; and if he will make a statement on the matter. [7069/07]

**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.

Garda management state that for security and operational reasons it is not Garda policy to disclose the number of Gardaí on duty in any given area over any specific period of time.

I have been informed by the Garda authorities that the personnel strength of each Garda District in DMR South Central, DMR North Central, DMR South, DMR North, DMR West, DMR East, Louth/Meath, Carlow/Kildare and Wicklow/ Wexford on 31 December, 1997 and 31 January, 2007 was as set out in the following tables:

DMR South Central	31/12/97	31/01/07
District A	199	214
District B	322	343
District E	186	178
Total	707	735

DMR North Central	31/12/97	31/01/07
District C	231	281
District D	156	168
District U	198	208
Total	585	657

DMR South	31/12/97	31/01/07
District G	136	172
District M	196	249
District P	139	174
Total	471	595

DMR North	31/12/97	31/01/07
District H	245	247
District R	181	211
District J	151	180
Total	577	638



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DMR West	31/12/97	31/01/07
District Q	127	186
District K	247	332
District L	139	203
Total	513	721

DMR East	31/12/97	31/01/07
District F	213	195
District N	160	205
District W	173	190
Total	546	590

Louth/Meath	31/12/97	31/01/07
Drogheda	92	113
Ashbourne	56	77
Kells	42	50
Balbriggan	51	57
Navan	70	65
Trim	50	44
Dundalk	137	144
Total	498	550

Carlow/Kildare	31/12/97	31/01/07
Kildare	66	77
Carlow	68	92
Naas	98	136
Baltinglass	49	62
Total	281	367

Wicklow/Wexford	31/12/97	31/01/07
Wexford	76	103
Gorey	63	87
Enniscorthy	41	46
New Ross	37	47
Wicklow	52	61
Total	269	344

The Deputy should appreciate that, as with any large organisation, on any given day, personnel strengths of individual stations may fluctuate due, for example, to promotions, retirements and transfers.

I am also informed that the resources of these Divisions 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.

I should add that it is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends 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.

### Visa Applications.

126. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if arrangements can be made for the renewal of the green card and Garda immigration card for a person (details supplied) in Dublin 1. [7079/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Immigration Division of my Department that the person concerned has recently renewed their permission to remain with the Garda National Immigration Bureau and has permission to remain until the 13 February 2008.

### Deportation Orders.

127. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the amount that has been spent by his Department in the past five years on flying people who have been deported out of this country; and the amount that has been spent on solicitors fees for the holding of judicial reviews by people fighting deportation orders. [7080/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The deportation costs provided as follows refer to the deportation of either illegal immigrants, persons refused refugee status in the State or persons whose applications for asylum have been transferred to another country under the Dublin Convention/Dublin II Regulations. The vast majority of the removals involved persons who were refused refugee status in the State.

Set out as follows are the yearly cost of removals of persons subject to either deportation or transfer orders since the commencement of the Immigration Act 1999 by scheduled/commercial and charter flights (including ferries in very limited circumstances for some Dublin II removals) for deportees/transferees and their Garda escorts.

Year	Cost (Euros) of scheduled/commercial flight removals
	€
1999	27,355
2000	429,570
2001	1,080,604
2002	1,187,626
2003	1,569,813
2004	1,797,523
2005	1,725,745
2006	1,607,685
Full total	9,425,921

The figures above do not include the cost of over-time or subsistence payments for Garda escorts but do include the cost of 25 charter flights since 2002 at a total cost of €3,597,373 Euro.

The deportation of illegal immigrants and refused asylum seekers is costly, particularly to distant countries such as Nigeria, China, etc. In most cases removals are carried out using commercial flights which usually involves transit through other European airports as Ireland does not have direct flights to most of the countries of return. In addition, most flights have to be booked at short notice very near the date of departure which involves higher costs than if booked well in advance.

Also, in considering the costs of deportations, the considerable expense arising from the continued presence in the State of persons who are the subject of deportation orders has to be taken into account. These costs include social welfare costs, direct provision costs, and detention costs in certain cases. While it is important to keep deportation costs to a minimum, not to remove persons refused permission to remain in the State would call into question the integrity of the entire immigration system. This would leave this country open to further illegal immigration and even more expense to taxpayers.

It should be made clear that the Chief State Solicitor acts on behalf of the Minister for Justice Equality and Law Reform in civil actions involving the Minister and all costs in relation to legal advice or assistance afforded to him are borne by the Vote of the Chief State Solicitor.

However, legal costs incurred by the opposing side in a civil case involving the Minister may be borne on the Vote of the Minister in circumstances where the Court, as part of its judgment in the case, awards costs against the Minister or where the case is settled prior to the Court hearing and one of the terms of the settlement is that the Minister bears the legal costs of the opposing side:

Year	Expenditure
	€
2002	1,019,606
2003	311,697
2004	941,207
2005	2,576,027
2006	2,306,556

### Departmental Expenditure.

128. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he first came to the conclusion that the cost of any tribunal under the remit of his Department was excessive; if he has identified the alleged cause of such costs; and if he will make a statement on the matter. [7082/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will appreciate that the Mahon tribunal does not operate under the aegis of my Department and, accordingly, it would not be appropriate for me, by way of answer to a Parliamentary Question, to add to the remarks which I have already made publicly about the matter.

I have always been concerned about the cost of tribunals and for that reason I actively pursued the passage through the Houses of the Oireachtas of the Commissions of Investigation Act, 2004 as an alternative, more cost-effective and timely avenue to important investigations.

### Crime Levels.

129. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of persons convicted of gun crime in the past five years; and if he will make a statement on the matter. [7083/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that its records currently show there have been 269 individuals recorded who have a conviction for a headline offence which involved a firearm from 2002 to 2006.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and in particular murder. The Operation has proven to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in combating the types of crime being targeted by the Operation. In particular, crime statistics for the fourth quarter of 2006 showed an increase of 34% in detections of possession of firearms which clearly contributed to the reduction of 3.4% in discharges of firearms.

[Mr. McDowell.]

Operation Anvil also contributed to the increase in that quarter of detections of offences of possession of drugs for sale or supply which is closely associated with many murders using firearms.

The most recent figures available to me, up to 11 February, show the massive effect which Operation Anvil has been having since its inception in May 2005. In the Dublin Metropolitan Region there have been 7,488 arrests for serious crimes, comprising of 69 arrests for murder, 1,916 arrests for burglary, 880 arrests for robbery and 879 arrests for serious assaults. There have also been 1,793 arrests for theft offences. In addition 27,804 searches have been carried out, comprising 24,177 for drugs, 2,168 for thefts and 1,459 for firearms. Also 631 firearms have been seized and there have been 9,533 seizures under Section 41 of the Road Traffic Act. Over 49,900 checkpoints have been carried out and property to the value of €16.2m has been recovered.

Operation Anvil is, of course, only one element of the unprecedented resources being made available in the fight against crime.

A wide range of provisions to combat gun crime were introduced in the Criminal Justice Act, 2006. With effect from 1 November, 2006 mandatory minimum sentences, of between five and ten years, came into effect for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle, and use or production of a firearm to resist arrest.

*Question No. 130 answered with Question No. 59.*

### **Crime Levels.**

131. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of gun crime incidents in the past five years; the number of convictions on foot thereof; the number of times bail was awarded in such cases; and if he will make a statement on the matter. [7088/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is currently being researched. I will contact the Deputy again when the information is to hand.

### **Prison Accommodation.**

132. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of prison spaces available at present; the number of empty spaces; and if he will make a statement on the matter. [7089/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** As of 20 February, 2007 the available bed capacity of the prison system was 3,415 and there were 3,296 persons in custody on that date. This represents an occupancy level of 97%.

It should be noted that this issue is not simply one of matching the global prisoner population to a global figure for beds or cells. A number of factors have to be taken into account including the prisoner's age, gender, the nature of the offence, location, security and whether they are on remand or sentenced. When these factors are taken into account the prison system currently operates close to the capacity limit.

I have authorised the Irish Prison Service to engage in a significant project to upgrade and increase the number of prison places. This is being addressed by constructing new facilities notably in Dublin and Munster. The new facilities will offer significant improvements in the areas of work training, education and medical services as well as providing predominantly single cell accommodation with in-cell sanitation. These are major undertakings involving replacement of close to 40% of the entire prison estate.

*Question No. 133 answered with Question No. 66.*

### **Crime Levels.**

134. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the extent to which Irish criminal gangs operate from exotic overseas locations; the reason they are not extradited; and if he will make a statement on the matter. [7091/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda Authorities that, particularly as a result of the proactive role of the Criminal Assets Bureau and other specialist units in targeting the proceeds of crime in this jurisdiction, a number of Irish criminals have re-located to the continent.

Some of these individuals continue to engage in criminal activity and this may impact on criminality in this jurisdiction. There is some evidence to support the fact that criminal groupings in this State have links to similar groups in other jurisdictions. However, it is not possible to quantify the extent to which Irish nationals based abroad are involved in criminal activity.

Where evidence exists to support a prosecution in this State against any particular individual residing outside the jurisdiction, an extradition application is pursued with the competent authority where extradition agreements are in place.

The Criminal Assets Bureau will continue its statutory remit to deprive criminals of their assets pursuant to the Proceeds of Crime Acts 1996 to 2005 and relevant Revenue and Social Welfare

legislation irrespective of where the people in question may be located.

135. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of persons on criminal charges who have absconded while on bail in the past five years; and if he will make a statement on the matter. [7092/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is currently being researched. I will contact the Deputy again when the information is to hand.

*Question No. 136 answered with Question No. 66.*

137. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of cases in which persons charged with gun crimes have received bail and subsequently re-offended while on bail in each of the past five years; and if he will make a statement on the matter. [7094/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is currently being researched. I will contact the Deputy again when the information is to hand.

#### **Grant Payments.**

138. **Mr. Lowry** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reasons a grant was withdrawn from a disability group (details supplied) after it had been paid out, in view of the fact that the group had ordered capital items they had sought grant aid for, on receipt of the original Departmental confirmation of 100% support; if he will review the situation and honour the original allocation as confirmed by his Department on 11 December 2006; his views on the withdrawal of funding from disability groups; and if other groups have had funding allocated and then withdrawn; and if he will make a statement on the matter. [7095/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The disability group concerned applied to my Department for funding of €99,945 under the Independent Living Support Programme to purchase and convert for accessible use two Renault Master vehicles. This application was appraised by an independent evaluation committee which recommended that they receive 50% of the funding sought, 90% of which (€44,975) to be paid on agreement of contract and the 10% balance on completion of the contractual commitment.

No funding was withdrawn from the group, or any other group under the Programme. However,

an overpayment of €44,975 was made to the group concerned, on discovery of which the Department contacted the applicant requesting the repayment of the excess amount and this was subsequently repaid. While the initial overpayment is regretted, the position is that the applicant is now in receipt of the grant amount as allocated and approved following independent assessment.

#### **Citizenship Applications.**

139. **Mr. Penrose** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to the application for citizenship by a person (details supplied); when same will be awarded; and if he will make a statement on the matter. [7105/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for a certificate of naturalisation on behalf of the person in question, who is a minor, was received in the Citizenship Section of my Department on 6 October 2006.

Due to the fact that applications on behalf of minors generally require less processing than standard adult applications, it is usually possible to finalise them more quickly. Based on current processing trends, it is likely that the application on behalf of the person concerned will be finalised in first quarter of 2008.

I will advise the Deputy and the applicant when I have reached a decision in the matter.

140. **Mr. Penrose** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to the application for citizenship by a person (details supplied); when same will be awarded; and if he will make a statement on the matter. [7106/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for a certificate of naturalisation on behalf of the person in question, who is a minor, was received in the Citizenship Section of my Department on 6 October 2006.

Due to the fact that applications on behalf of minors generally require less processing than standard adult applications, it is usually possible to finalise them more quickly. Based on current processing trends, it is likely that the application on behalf of the person concerned will be finalised in first quarter of 2008.

I will advise the Deputy and the applicant when I have reached a decision in the matter.

#### **Pension Provisions.**

141. **Mr. Naughten** asked the Minister for Finance his plans to return pension rights to women forced out of the public service due to the mar-



[Mr. Naughten.]

riage ban; and if he will make a statement on the matter. [6952/07]

**Minister for Finance (Mr. Cowen):** The Deputy will be aware that I have primary responsibility for Civil Service pensions. The position is that, prior to 31 July 1973, the law required female employees to resign on marriage. In such cases, employees under pension age who had at least five years service (six years in the case of resignations prior to 1 January 1968) qualified for marriage gratuities of 1/12th of salary per year of service, subject to a maximum of one year's salary.

The "Marriage bar" was removed in 1973. Various initiatives, providing for reinstatement, in certain circumstances, of persons who had resigned on account of the "Marriage bar" were then introduced by my predecessors. These initiatives were formally removed in 1996 following a successful challenge, before the Labour Court, that they discriminated in favour of a particular category of women.

From a pensions point of view, it must be noted persons who were obliged to resign in such circumstances received a "marriage gratuity" in lieu of pension entitlement. To reinforce this point; a person who had received a "marriage gratuity" and who is subsequently re-employed in the public service, must repay the gratuity, with compound interest, if they wish their former service to be considered for pension purposes. Further, it should be noted, that prior to 1973 and the introduction of the preservation of pension rights, officers resigning from the civil service before reaching the minimum retirement age, other than on foot of the "Marriage bar", had no entitlement to a pension or any payment in lieu of pension.

There is no doubt, in regard to general policy and practice, that the application of the "Marriage Bar", which operated up to 1973 would not be acceptable in modern times or to modern thinking. However, at that time, the practice was generally accepted and the principle and approach fitted in with prevailing social thinking. I have no plans to change the Superannuation Acts to provide pensions for officers who resigned on marriage before 1973. I would point out that any such change would, inter alia, have wide ramifications and major cost implications in relation to employees who left the public service before the introduction of preserved pension entitlements.

#### **Garda Stations.**

142. **Mr. Durkan** asked the Minister for Finance when he expects the long promised Leixlip Garda station to open; and if he will make a statement on the matter. [7063/07]

**Minister of State at the Department of Finance (Mr. Parlon):** I am informed by the Garda auth-

orities that the new City Type Station Garda station for Leixlip is scheduled for completion in Autumn 2008.

In general terms, City Type Stations consists of reception, interview rooms, detention facilities, vehicle storage capacity, juvenile accommodation facilities as well as accommodation for Garda personnel. It is the responsibility of Garda management to allocate personnel to particular stations 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. Accordingly, it will be matter for Garda management to determine the precise services to be provided from the new station before occupation.

#### **Public Service Contracts.**

143. **Mr. Bruton** asked the Minister for Finance his views on whether the companies that win the right to supply Government Departments and agencies should be published with the value of contracts as a matter of course as this information is not currently made available; and his further views on issuing guidelines to ensure this transparency in respect of public procurement. [6948/07]

**Minister for Finance (Mr. Cowen):** For contracts above the EU threshold (e.g. €137,000 for supplies and services in Departments and Offices) there is a requirement that public bodies publish certain information in a Contract Award Notice within 48 days of the award in the Official Journal of the EU (OJEU). Information published in this way includes the value of the contract or the range of tender prices and the name of the successful tenderer. For contracts below the EU threshold, it is recommended that similar information be published on etenders.gov.ie. (the Government's tendering website) as an aid to transparency and obtaining good statistics.

In relation to guidelines, the Public Procurement Guidelines — Competitive Process 2004, along with supporting guidance material developed by the Department of Finance is available on etenders.gov.ie. These guidelines set out the procedures to be followed by public bodies to help ensure that the procurement process is carried out in an open and transparent manner.

#### **Tax Collection.**

144. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Laois is due a tax rebate; and if he will make a statement on the matter. [6971/07]

**Minister for Finance (Mr. Cowen):** The Revenue Commissioners inform me that they have not received a claim for a refund from the person in question. The taxpayer should submit

details of his pay and tax for the year 2006 for all employments to Mr Eamonn McArdle, Kilkenny Revenue District, Hebron Road, Kilkenny. On receipt of these details a review will be carried out in order to establish if a refund is due.

### Public Service Contracts.

145. **Ms Burton** asked the Minister for Finance if his Department has conducted an assessment of the effect that the introduction of the new public sector contracts being introduced on 19 February 2007 will have on sub-contractors; if there is measurement of the impact the changes will have on sub-contractors; and if he will make a statement on the matter. [6978/07]

**Minister for Finance (Mr. Cowen):** The Government decided to reform construction procurement to help achieve greater cost certainty, better value for money and more cost effective delivery of public works projects. My Department, with the assistance of the Government Contracts Committee for Construction, specialist legal /technical expertise and, following intensive consultation with the construction industry, developed a suite of five new Forms of Construction Contract and Standard Conditions of Engagement for Construction Consultants, to give effect to the Government decision. The Conditions of Engagement apply from 1 January 2007 and the new Construction Contracts apply from 19 February 2007. These reforms in the area of construction procurement are a core element in the implementation of my Department's Value for Money agenda.

The new public works contracts do not interfere with the contractual relationship between main contractors and domestic sub-contractors. However, as part of the drive to achieve better value for money and greater cost certainty in public works projects there has been a change in the contractual relationship between public sector clients and main contractors in relation to specialist sub contractors. This change has been introduced as part of the Government's reform of construction procurement. It introduces single point responsibility in the contractual relationship between the main contractor and the specialist sub contractor, in line with best practice. The impact of this change will be positive for public sector clients and, in turn, the taxpayer. The impact of the separate contractual relationship between specialist sub-contractors and main contractors is a matter for the parties to that contract to assess.

### Tax Code.

146. **Mr. Kirk** asked the Minister for Finance the percentage of PAYE workers who are outside the tax net; the percentage of PAYE workers on the lower rate of tax; the percentage of PAYE workers who pay the combined lower and higher

rate of tax; and if he will make a statement on the matter. [6985/07]

**Minister for Finance (Mr. Cowen):** There are many taxpayers who are nominally liable at the higher rate of tax but who effectively pay tax at no more than the standard rate of tax. This is due to their higher rate liability for tax being fully offset by the value of their personal credits, as explained in pages C23 to C28 of the 2007 Budget booklet.

Assuming the enactment of the Budget 2007 measures in the Finance Bill it is estimated that, allowing for this effect, an estimated 39.6 % of all PAYE income earners will be exempt from tax, 41% will pay tax at an effective rate of 20% or less and 19.3% will pay tax at an effective rate of more than 20%.

### Departmental Properties.

147. **Mr. O'Dowd** asked the Minister for Finance the situation regarding the former Customs and Excise premises at Newry Road, Dundalk; the involvement by the Office of Public Works in the ownership or leasing of this premises; if they are responsible for public liability on this site; if he will outline on an individual basis each item of expenditure since May 2001 incurred by the OPW in relation to this site; the present security arrangements in relation to this site and the cost of same; the precise arrangements the OPW made or are making to ensure the safe and proper removal and disposal of all asbestos materials in this building complex including the asbestos sheeting on the roof and along the outer walls; the steps being taken to guarantee full compliance with current EU standards and regulations in this matter; if they are ensuring that there can be no unauthorised occupation or squatting in this building complex and that the site and buildings have not and cannot be used for any illegal activities or practices; and if he will make a statement on the matter. [7010/07]

**Minister of State at the Department of Finance (Mr. Parlon):** Approximately two thirds of the Newry Road site is State owned and a long term lease is held on the remainder. The State carries the risk for Public Liability on the entire site. Details requested on expenditure since May 2001 are being compiled and will be forwarded to the Deputy separately, at the earliest opportunity. It is planned to remove all the buildings from the site shortly and this will be done in a safe manner and in compliance with relevant EU regulations. The expectation is that the removal of the buildings will significantly reduce the unauthorised activities on the site. The question of further security measures is being assessed at present. A design team have been appointed for the redevelopment of the site into a large Driving Test Centre facility with off road manoeuvring com-

[Mr. Parlon.]

pound. A full planning application is being prepared for submission to the Local Authority.

148. **Mr. Naughten** asked the Minister for Finance the status of a site purchase (details supplied); if there is a deadline for the signing of contracts; if the landowners or their agents have raised queries regarding the contract documents; if so, when; the date such queries were responded to; if there are outstanding queries with the Office of Public Works from the landowners or their representatives; and if he will make a statement on the matter. [7032/07]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works in Ireland act as agents for the Department of Education and Science in the acquisition of sites for schools. Agreement was negotiated subject to contract, for the acquisition of a site for the proposed Community School at the end of November, 2006. The Commissioners are currently awaiting Contracts for Sale from the Vendors. No queries have been raised by the Landowners or their Representatives regarding contract documents or any other business.

#### **Grant Payments.**

149. **Mr. Lowry** asked the Minister for Finance if supports or incentives are available from his Department for the development of an equestrian centre. [7076/07]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the Business Expansion and Seed Capital schemes provide tax relief to investors in respect of investments in companies operating certain approved tourism facilities, including equestrian centres. Approval has been sought from the European Commission for an extension to the schemes for a further seven years and the Commission's response is awaited. To qualify under the schemes, an equestrian centre must submit a three-year marketing and development plan for approval by Fáilte Ireland.

Apart from the schemes mentioned, there are no other specific tax supports or incentives available for the development of equestrian centres. However, the general position under tax law is that expenses incurred wholly and exclusively for the purposes of a trade are deductible in arriving at taxable profits. Relief is also available for capital expenditure on plant and machinery used for the purposes of a trade. Tax relief, in the form of capital allowances, may still be available under one of the general property-based incentive schemes, depending on where the premises is located and the circumstances of the case. Under the Urban Renewal, Town Renewal and Rural Renewal schemes, tax relief is available for the construction of certain commercial premises

which could include equestrian centres. However, at this stage, as these schemes are now being phased out, relief would only apply in the case of projects already established or those which met the various transitional arrangements put in place as part of the phasing out process. In general, commercial premises must be in use either by an owner-occupier for the purposes of a trade or profession or by a lessee who is renting the premises on commercial terms.

In order to qualify for tax relief under the Urban and Town Renewal schemes the relevant local authority must certify that the particular development is consistent with the aims, objectives and criteria of the particular scheme. This does not apply to the Rural Renewal scheme. This scheme applies to the entire counties of Leitrim and Longford and to certain areas of Roscommon, Sligo and Cavan. The Finance Act 2006 provided for the ending of these schemes on 31 July 2008. However, as already indicated, this extended deadline applies only to pipeline projects where certain transitional conditions were met.

Information on the various property-based incentive schemes is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie) in the 'Leaflets and Guides' section and in the publication 'Tax Briefing' Issues 63, 64 and 65, also available on the Revenue website, contain articles on the transitional arrangements for the phasing out of the various property incentive schemes.

#### **Health Services.**

150. **Mr. Durkan** asked the Minister for Health and Children the reason speech and language therapy has not been offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7060/07]

**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 Services Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Organ Retention.**

151. **Mr. J. Higgins** asked the Minister for Health and Children if she will meet the organisation Parents for Justice in the near future. [6957/07]

**Minister for Health and Children (Ms Harney):** Further to correspondence received and recent contact my Office had with Parents for Justice, it is my intention to arrange a meeting at the earliest available opportunity. My Private Office will



be in further contact with the organisation directly to make the necessary arrangements in this regard.

### **Grant Payments.**

152. **Dr. Twomey** asked the Minister for Health and Children the status of a capital grant (details supplied); and if she will make a statement on the matter. [6976/07]

**Minister for Health and Children (Ms Harney):** The Health Service Executive has responsibility for the provision of capital funding to local services including the matter referred to in the Deputy's question. 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.

153. **Mr. Ring** asked the Minister for Health and Children when a group (details supplied) in County Mayo will be approved and granted a staffing grant in order that the facility can open. [6980/07]

**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.

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.

The Group in question applied for staffing grant assistance under the EOCP. As part of the process of closing the EOCP, all groups approved funding were required to enter into contract with Pobal, who administer the grants on my office's behalf, by 31 December 2006. Following a recent appraisal of the application by the Programme Appraisal Committee, the application was not recommended for funding under the EOCP, as it could not meet the contractual timeframe of end

December 2006. It was recommended that the Group develop their proposal under the NCIP when staffing guidelines are available. I understand that the Childcare Directorate of the my office has informed the group of this decision.

### **Health Services.**

154. **Mr. O'Shea** asked the Minister for Health and Children the position regarding the provision of radiotherapy for public cancer patients at Waterford Regional Hospital; and if she will make a statement on the matter. [6982/07]

**Minister for Health and Children (Ms Harney):** The development of radiation oncology at Waterford Regional Hospital (WRH) is an integral part of the Government's National Plan for Radiation Oncology. This will be part of a major oncology development at WRH, including the provision of a 20 bed oncology day ward. The Health Service Executive (HSE) has advised that it is not intended to provide this development under its co-location initiative at the hospital.

It is my objective and that of the HSE to see the earliest delivery of the Plan in the best interests of cancer patients throughout the country. In December last year I met with the Chairman and Chief Executive of the HSE and discussed the timelines for the delivery of the National Plan. The HSE and my Department are considering options to speed up the pace of delivery. In the interim, a service level agreement was signed on 1 February between the HSE and the University of Pittsburgh Medical Centre Whitfield Clinic in County Waterford. This will support the referral of public patients for radiation oncology treatment pending the commissioning of the radiation oncology centre at WRH.

### **Child Care Services.**

155. **Mr. O'Connor** asked the Minister for Health and Children the financial and other support she has given to the community childcare sector; her plans to continue that support; and if she will make a statement on the matter. [6987/07]

**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 EOCP 2000-2006, which is part funded by the European Union and for which the budget is now €500 million was created to develop childcare to meet the needs of parents in employment, education and training. This Programme incorporates the Childcare Measures of the two Regional Operational Programmes of the



[Mr. B. Lenihan.]

National Development Plan 2000-2006. To end December 2006, approximately €381 million had been expended on developing childcare under the National Development Plan — €136 million in capital expenditure and €246 million on current expenditure. Community and voluntary projects accounted for approximately 92% of this expenditure and private projects 8%.

Nearly 32,000 new childcare places were delivered by grant beneficiaries to end June 2006. This represents approximately 102% of the target set for the Programme i.e. (31,300 new childcare places). The overall total number of childcare places, including new places, receiving grant aid under the Programme now stands at over 56,000 places. Over 2,500 childcare staff are receiving support under the staffing grant scheme of which approximately 98.5% are female and 1.5% are male.

City/County Childcare Committees delivered 640 accredited courses with 8,418 participants and National Voluntary Childcare Organisations 209 accredited courses with 2908 participants with funding provided under the Programme between January 2005 and June 2006. The City/County Committees and National Voluntary Childcare Organisations report that approximately 75% of participants have completed such training courses over the same period.

Community and Voluntary Groups make up the bulk of grant beneficiaries under the Programme, representing approximately 60% of successful applicants under the Programme up to mid 2006. Approximately one third of grant beneficiaries were located in the BMW Region and the other two thirds in the SAE Region.

The closure of the EOCP is being managed in a way which seeks to facilitate grant applicants to the greatest extent possible given the various deadlines which projects must meet to be in compliance. Capital grant applicants who had received indicative funding approval under the EOCP, but who did not meet the contractual deadline of 31 December 2006, have been invited to transfer to the NCIP with account taken of all relevant preparatory work under the EOCP. This is intended to facilitate applicants who transfer to the new programme.

The smooth transition which is taking place between the EOCP and NCIP, has been possible because of the introduction of the NCIP in January 2006 in advance of the EOCP's closure. With an allocation of €575 million, 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. Appli-

cations for capital grants under the NCIP are assessed by reference to a number of criteria; chiefly the nature and extent of the need locally for the service proposed, the applicant's capacity to deliver the project proposed and value for money. All proposals are expected to demonstrate how they will increase the supply of quality childcare and community projects are expected to have a focus on disadvantage. One strand of the Programme focuses on private providers, with a maximum capital grant of €100,000 per facility. There is also a maximum of €1 million available per facility for community based/not for profit providers.

During 2007, EOCP staffing grants continue to be provided towards the staffing costs of childcare workers in community based childcare facilities in disadvantaged areas. These grants help to ensure that less advantaged parents in these areas have access to quality childcare to facilitate access to education, training and employment opportunities. A new programme of staffing grants under the NCIP is expected to be announced during 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.

156. **Mr. O'Connor** asked the Minister for Health and Children the achievements of the equal opportunities childcare programme under the National Development Plan 2000 to 2006; and if she will make a statement on the matter. [6988/07]

**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. This Programme incorporates the Childcare Measures of the two Regional Operational Programmes of the National Development Plan 2000-2006. To end December 2006, approximately €381 million had been expended on developing childcare under the National Development Plan — €136 million in capital expenditure and €246 million on current expenditure. Community and voluntary projects accounted for approximately 92% of this expenditure and private projects 8%.

Nearly 32,000 new childcare places were delivered by grant beneficiaries to end June 2006. This represents approximately 102% of the target set for the Programme i.e. (31,300 new childcare places). The overall total number of childcare places, including new places, receiving grant aid under the Programme now stands at over 56,000 places. Over 2,500 childcare staff are receiving support under the staffing grant scheme of which approximately 98.5% are female and 1.5% are male.

City/County Childcare Committees delivered 640 accredited courses with 8,418 participants and National Voluntary Childcare Organisations 209 accredited courses with 2908 participants with funding provided under the Programme between January 2005 and June 2006. The City/County Committees and National Voluntary Childcare Organisations report that approximately 75% of participants have completed such training courses over the same period.

Community and Voluntary Groups make up the bulk of grant beneficiaries under the Programme, representing approximately 60% of successful applicants under the Programme up to mid 2006. Approximately one third of grant beneficiaries were located in the BMW Region and the other two thirds in the SAE Region.

The types of services offered by grant beneficiaries include Preschool/Playgroup 64%, Crèche/Nursery 38%, After School 36%, Montessori 27% and Naíonra (Irish Language Pre-School) 6%. The proportion of services offering full day care has increased from 30.7% as reported in 2002 to 39.6% as reported in 2005. The average operating hours for services have increased from 29.6 hours per week to 34.5 and the proportion of services offering more than 40 hours of care per week has increased from 32.4% to 41.1% over the period. As a result many parents now have greatly improved access and choice of childcare and accordingly beneficiaries have reported an increase in the percentage of parents engaged in employment, education or training up from 77.1% in 2002 to 80.7% in 2005.

The funding committed to date under the Programme includes the provision of almost €108.2 million towards childcare services operating in RAPID/ CLÁR areas specially designated for urban/rural regeneration. In excess of 20% of beneficiaries under the Programme are now from designated RAPID and approximately 11% are from CLÁR designated areas.

A total of 9,552 new childcare places, of which 3,549 are full time and 6,003 are part time, were created in RAPID/CLÁR designated areas to end June 2006. In addition 164 new facilities were built and 531 facilities upgraded in designated areas over the same period. There are 1,163 childcare staff receiving support, of which 492 are full time and 671 are part time, under the Programme in services located RAPID/ CLÁR designated areas.

The number of services which reported caring for at least one child from a one parent family rose from 459 services in 2002 to 891 services in 2005. Over the same period, the number of children from such families attending services supported under the Programme rose from 3,780 to 7,313. This represents approximately 18% of all children attending services supported under the Programme.

The number of services which reported that there was at least one Traveller child among the

children attending their service more than doubled from 84 services in 2002 to 191 services in 2005. In addition the number of services which reported that there was at least one child attending who was a member of an ethnic minority was 660 services or 53.4% of the 2005 total. The total number of children from ethnic minorities attending services supported under the Programme was 3,327.

Approximately, €100 million in expenditure was reported by grant beneficiaries in the BMW region to end June 2006. More than €219 million in expenditure was reported by beneficiaries in the SAE region for the same period. Nearly 10,872 new childcare places, and more than 2,100 quality enhanced places, have been created in the BMW Region to end June 2006. Over the same period approximately 20,878 new places, of which nearly 50% are full time places, and more than 3,500 quality enhanced places were created in the SAE region. Over the same period 231 new facilities were built and 470 facilities upgraded in the BMW region. In the SAE region 439 new facilities were built and 797 facilities upgraded.

157. **Mr. O'Connor** asked the Minister for Health and Children the progress to date of the childcare strategy launched in Budget 2006; and if she will make a statement on the matter. [6989/07]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** In Budget 2006, the Government introduced a number of significant new developments under a new National Childcare Strategy 2006-2010. As part of these developments and to facilitate the delivery of the new Strategy a new Office of the Minister for Children (OMC) was established.

A key component of the National Childcare Strategy is the €575 million National Childcare Investment Programme (NCIP) 2006-2010. The NCIP succeeds the Equal Opportunities Childcare Programme (EOCP) 2000-2006 and unlike the EOCP, the NCIP is entirely Exchequer funded. The NCIP commenced in January 2006 in advance of the closure of the EOCP, thereby facilitating the smooth transition between the closure of the EOCP and the introduction of its successor.

The NCIP aims to provide a proactive response to the development of quality childcare supports and services, which are grounded in an understanding of local needs. The Programme has a target to create 50,000 additional childcare places with a greater focus on pre-school places for 3 to 4 year olds and school age childcare. The additional places will include 5,000 after-school places and 10,000 pre-school education places.

Childcare places are provided by community based not for profit childcare groups and by private childcare providers. One strand of the Programme is directed towards private providers,

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with maximum capital grant assistance of €100,000 available per facility. Another strand is directed towards community based not for profit providers, with maximum capital grant assistance of €1 million available per facility.

Since the beginning of the NCIP in January 2006, over €40 million has been allocated in capital grant assistance countrywide, which includes almost €12.5 million to 32 community based not for profit childcare groups and almost €21.5 million to 285 private childcare providers. When fully drawn down this funding is expected to lead to the creation of almost 10,000 new childcare places and to the enhancement of over 2,800 existing places. To date, more than 1,000 “Expression of Interest Forms” have been submitted to the 33 City/County Childcare Committees (CCCs), seeking capital funding under the NCIP. These factors are indicative of how successful the NCIP has been to date in stimulating interest in childcare provision.

During 2007, EOCP staffing grants continue to be provided towards the staffing costs of childcare workers, in community based childcare facilities in disadvantaged areas. These grants help to ensure that less advantaged parents in these areas, have access to quality childcare to facilitate access to education, training and employment opportunities. A new programme of staffing grants under the NCIP is expected to be announced during 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.

Under the NCIP, the role of the CCCs has been expanded to enable greater flexibility and responsiveness to local needs. This new role includes the assessment of childcare needs across their City or County and supporting the development of quality childcare in areas where service gaps are identified. To this end, additional funding was allocated to the CCCs by my Department for the implementation of their 2006 Supplementary Action Plans and was followed by the allocation of increased funding for the implementation of their 2007 Action Plans. This funding is facilitating the recruitment of additional staff to take account of the expanded role.

A total of over €11 million has been allocated to the CCCs for the implementation of their 2007 Action Plans. In addition, to the role the CCCs play in the co-ordination of quality childcare provision at county/city level, they are mandated to address gaps in childcare training provision. At present, childcare training is delivered by a number of providers including FÁS, VECs and some third level institutions. The National Childcare Strategy 2006-2010 includes a commitment

to develop a National Childcare Training Strategy in order to co-ordinate the provision of quality training to meet the growing needs of the childcare sector and to deliver on the targets set for additional childcare places under the NCIP. A target of 17,000 childcare training places has been set under the National Childcare Training Strategy 2006-2010 and the Department of Education and Science, through the OMC, is in the process of developing this Strategy. An Expert Advisory Group has been established and will be supported by a number of representative sub-groups from across the sector. It is expected that this Expert Group will report its findings later this year.

A new Early Childcare Supplement (ECS) of €1,000 per annum was introduced for all children less than 6 years of age from April 2006. This is a direct, non-taxable payment of €250 per quarter year, in respect of each eligible child. In the last quarter of 2006, the ECS was paid in respect of 396,000 children.

A new Childminding Relief was also introduced in Budget 2006. Where an individual minds up to three children in the minder's own home, no tax will be payable on the childminding earnings, provided the amount is less than €10,000 per annum. This threshold was increased to €15,000 in Budget 2007.

To further support parents, Paid and Unpaid Maternity Leave was increased by 4 weeks in 2006 and will be increased by a further 4 weeks in 2007. This will bring the total duration of Paid Maternity Leave to 26 weeks and the total duration of Unpaid Maternity Leave to 16 Weeks from March 2007.

158. **Dr. Devins** asked the Minister for Health and Children the funding she has allocated for the provision of childcare facilities in County Sligo under the equal opportunities childcare programme; and if she will make a statement on the matter. [6990/07]

**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 its successor, the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

Over €14.75 million has been allocated under the EOCP to childcare in Sligo to date. This includes an allocation of €3.88 million for staffing grants, over €9.1 million for community not-for-profit capital grants and €1.44 million to support Sligo County Childcare Committee in its role to co-ordinate and develop childcare provision and training locally. Spending to date supports 981 childcare places, including 683 new childcare places, in Sligo and also provides staffing grants to support 68 new staff.



The EOCP, which is part funded by the European Union and for which the budget is now €500 million, was created to develop childcare to meet the needs of parents in employment, education and training. The EOCP operates under three sub-measures to meet its aims and provides grant assistance in the form of:

- capital funding for both community not for profit groups and for private providers;
- staffing supports for community not-for-profit groups in disadvantaged areas; and
- supports for Quality Improvement projects, including supports to the City/County Childcare Committees and the National Voluntary Childcare Organisations.

The EOCP is now closed to new applications and all new capital and staffing funding applications will be made to the NCIP.

159. **Ms Hctor** asked the Minister for Health and Children the steps she has taken to ensure there is no delay in the provision of funding for childcare facilities in view of the closure of the equal opportunities childcare programme. [6991/07]

**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 closure of the EOCP is being managed in a way which seeks to facilitate grant applicants to the greatest extent possible given the various deadlines which projects must meet to be in compliance. All EOCP capital grant applications were required to be in contract by the end of 2006 in order to qualify for grant drawdown in 2007. All applicants who met this deadline will be required to drawdown their grant funding by the end of 2007. Capital grant applicants who had received indicative funding approval under the EOCP, but who did not meet the contractual deadline, have been invited to transfer to the NCIP with account taken of all relevant preparatory work under the EOCP. This is intended to facilitate applicants who transfer to the new programme.

The smooth transition which is taking place between the EOCP and NCIP, has been possible because of the introduction of the NCIP in January 2006 in advance of the EOCP's closure. With an allocation of €575 million, 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. Applications for capital grants under the NCIP are assessed by reference to a number of criteria; chiefly the nature and extent of the need locally for the service proposed, the applicant's capacity to deliver the project proposed and value for money. All proposals are expected to demonstrate how they will increase the supply of quality childcare and community projects are expected to have a focus on disadvantage. There is a strong focus on private provider applications, with a maximum capital grant of €100,000 per facility. There is also a maximum of €1 million available per facility for community based/not for profit providers.

During 2007, EOCP staffing grants continue to be provided towards the staffing costs of childcare workers in community based childcare facilities in disadvantaged areas. These grants help to ensure that less advantaged parents in these areas have access to quality childcare to facilitate access to education, training and employment opportunities. A new programme of staffing grants under the NCIP is expected to be announced during 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.

#### Departmental Expenditure.

160. **Mr. Glennon** asked the Minister for Health and Children the amount of money that has been invested in children's playgrounds over the past five years; the number of playgrounds here; and the measures being put in place to ensure that these facilities are being maintained. [6992/07]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Since the publication of the National Play Policy, Ready, Steady Play! in March 2004 a total of €24.8 million of Government funding has been expended on improving play infrastructure. This funding has led to the development of playgrounds in every local authority area in the country, with specialised schemes for building play facilities in both urban and rural disadvantaged areas. Over 400 playgrounds have been built to date with more in the development process and due for completion in 2007.

Overall responsibility for maintaining playgrounds rests with individual local authorities.

#### Higher Education Grants.

161. **Mr. Kehoe** asked the Minister for Health and Children the reason students studying for a



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doctorate in clinical psychology abroad are given financial assistance while those studying for a doctorate in educational psychology are not; and her plans to change this anomaly. [6998/07]

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

The Health Service Executive (HSE) has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources, including training and education resources, to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public.

The HSE has advised that it does not provide financial assistance for students undertaking a Doctorate in Clinical Psychology abroad.

The HSE's priority in terms of funding psychology training is to increase the supply of clinical psychologists within the public health service. In this regard the HSE provides sponsorship to a number of trainee psychologists to undertake a Doctorate in Clinical Psychology through one of the following four Irish universities: University College Dublin, Trinity College Dublin, University of Limerick, and NUI Galway. This three-year training programme may involve a clinical placement abroad which would be supported by the HSE.

The HSE is currently supporting upwards of 114 trainee clinical psychologists in the Irish universities. The objective is to reach a target of an annual output of 50 clinical psychologists per annum from the four universities.

The provision of additional educational psychologists is not a current priority for the HSE. However, I understand from the National Educational Psychological Service (NEPS) that there are currently some 127 educational psychologists employed by NEPS with plans, recently announced by my colleague the Minister for Education and Science, to increase the cohort by 31 in 2007. These educational psychologists are recruited from competitions organised by the Public Appointments Service. There is no requirement upon entry for candidates to possess Doctorate qualifications.

A number of educational psychologists within NEPS do undertake post-graduate or doctorate study annually and these receive support under the Department of Education and Science scheme for Reimbursement of Fees and receive the requisite support, in this regard, from the NEPS service.

In general, support for third level students is a matter for the Department of Education and Science and I understand that the Third Level Student Support Schemes were extended to provide maintenance grants to eligible students pursuing approved full-time undergraduate courses of at least two-year's duration (pursued in a university or a third level institution which is

maintained or assisted by recurrent grants from public funds) in other EU Member States with effect from the 1996/97 academic year. The extension of the Schemes at that time did not include courses at postgraduate level and, accordingly, there is no grant aid available under the schemes for students pursuing postgraduate studies outside of Ireland.

Any extension of the current arrangements to provide for students pursuing postgraduate courses outside of Ireland could only be considered in the light of available resources and other competing demands within the education sector. At present, there are no plans to expand the provisions in the grant schemes in relation to postgraduate study abroad.

However, Section 21 of the Finance Act 2000, as amended by Section 29 of the Finance Act 2001, provides for the introduction of tax relief for postgraduate tuition fees paid in colleges outside of Ireland. This relief, which is available from the tax year 2000/01 onwards, applies at the standard rate of tax. Further details and conditions in relation to this tax relief are available from local tax offices.

**Hospital Waiting Lists.**

162. **Mr. McGuinness** asked the Minister for Health and Children the reasons for the delay in arranging an assessment for a person (details supplied) in County Kilkenny at Kilcreene Hospital for a knee operation; and if she will arrange an early assessment and operation in view of the urgency of their case as described by their general practitioner. [7011/07]

**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 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.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on her behalf to contact the Fund directly in relation to this case.

**Medical Cards.**

163. **Mr. McGuinness** asked the Minister for Health and Children if a full medical card will be issued to a person (details supplied) in County Kilkenny; and if she will expedite a decision in the case. [7012/07]

**Minister for Health and Children (Ms Harney):** Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

#### Health Services.

164. **Mr. McGuinness** asked the Minister for Health and Children if the child protection system is fully engaged in the case of a person (details supplied) in County Kilkenny; and if she will expedite a resolution to the problem. [7013/07]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Deputy's question relates to the management and delivery of health and social services, which are the responsibility of the Health Service Executive under the Health Act, 2004. Accordingly, my Office 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.

#### Housing Aid for the Elderly.

165. **Mr. Kehoe** asked the Minister for Health and Children the status of the application for special housing aid for the elderly for persons (details supplied) in County Wexford; and if she will make a statement on the matter. [7014/07]

**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.

#### Departmental Expenditure.

166. **Mr. Naughten** asked the Minister for Health and Children the allocation of funds for minor capital works to the Health Service Executive services in County Roscommon in the year 2006; the projects identified and the projected cost; the amount spent on professional fees on each project; the breakdown of such fees; the completion date of each project and final cost; if funds were reallocated, the projects identified and the associated costs; and if she will make a statement on the matter. [7033/07]

**Minister for Health and Children (Ms Harney):** The Health Service Executive has responsibility for the provision of minor capital funding to local services including the matter referred to in the Deputy's question. 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.

#### Medical Qualifications.

167. **Mr. Lowry** asked the Minister for Health and Children if her attention has been drawn to the fact that since May 2006 her Department no longer recognises the British medical qualification BLAB; the reasons for this policy change; if her attention has been drawn to the number of qualified doctors who have obtained this certification in the UK and are awaiting recognition from the Irish Medical Council; if she will review the matter with a view to reinstating the BLAB recognition; and if she will make a statement on the matter. [7078/07]

**Minister for Health and Children (Ms Harney):** Under the Medical Practitioners Act 1978, the Medical Council is the statutory body charged with responsibility for the registration and regulation of medical practitioners. My Department has no role in relation to the matter and I have no role in reviewing the decision of the Medical Council.

I have therefore requested the Medical Council to respond directly to the Deputy on the matter.

#### General Register Office.

168. **Mr. P. McGrath** asked the Minister for

[Mr. P. McGrath.]

Health and Children the reason the marriage certificate in the case of an Irish couple, married in Rome, will not be accepted for registration of the birth of their child; and if she will make a statement on the matter. [7126/07]

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

An tArd-Chláraitheoir (Registrar General) is the person with statutory responsibility for the administration of the Civil Registration Service. I have made enquiries with an tArd Chláraitheoir and the position is as set out below.

The provisions governing the registration of births are set out in Part 3 of the Civil Registration Act, 2004. These provisions were commenced with effect from 5 December 2005. Section 19 of the Act includes provision for the registration of marital births. Section 22 provides for the registration of a father's details where the parents are not married to each other. The registrar is obliged to satisfy himself/herself as to the marital status of persons who seek to have their names entered on the register of births as parents of a particular child in order to determine under which section of the act the birth may be registered.

In the case of a parent who presents to register the birth of a child and who informs the registrar that his/her marriage took place in Ireland, the registrar verifies this by checking the marriage

records on the Civil Registration System. However if the marriage has taken place outside of Ireland, the registrar must be satisfied that the marriage was civilly registered in the country in which it took place and must request a certificate to this effect. If this marriage certificate is in a language which is not understood by the registrar, he/she is entitled to seek a certified translation.

**Passport Applications.**

169. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the number of passports reported as lost and as stolen during each of the years 2003 to 2006. [7077/07]

**Minister for Foreign Affairs (Mr. D. Ahern):**

Prior to the introduction of the new Automatic Passport System (APS) in 2005, the figures for lost or mislaid and stolen passports are only available for Ireland. Since the introduction of centralised production with APS from 2005 onwards we can give worldwide figures.

The introduction of the biometric or e-Passport on 16 October, 2006 has greatly enhanced the security features of the Irish passport. The presence of a microchip, containing a digital image of the holder, has for instance meant that any photo substitution can now be more readily and easily detected.

The figures for lost or mislaid and stolen passports since 2003 are contained in the following table.

Year	Location	Total Passports issued	Lost or mislaid	Stolen	Total lost, mislaid or stolen	% of total issued
2003	Cork and Dublin	467,653	19,000	2,800	21,800	4.66%
2004	Cork and Dublin	498,956	20,000	2,000	22,000	4.41%
2005	World wide	630,000	31,500	5,900	37,400	5.9%
2006	World wide	630,000	32,820	5,910	38,730	6.15%

**Sports Capital Programme.**

170. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the remarkable efforts of groups (details supplied) in County Galway to provide excellent sports and recreational facilities for their area years before most other communities got involved in this whole area; if his attention has further been drawn to the fact that there is an urgent need for a root and branch modernisation of this existing facility to bring it up to present day standards; if he will give every consideration to a sizeable grant to give effect to these ambitious plans; and if he will make a statement on the matter. [7002/07]

**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.

**Sports Funding.**

171. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the importance of Tuam Stadium in so far as the recreational and social life, not alone of Tuam town but also a wide hinterland of north



Galway is concerned; if his attention has been drawn to the ambitious plans to keep the stadium abreast of modern trends; and if he will make a statement on the matter. [7003/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I am very familiar with Tuam Stadium and, as the Deputy is aware, met a delegation representing the project last week in relation to an application submitted under the 2007 sports capital programme, which is administered by my Department. This programme 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 that from Tuam Stadium, 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.

172. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the ambitious plans submitted to his Department for grant aid by a group (details supplied) in County Galway; if his attention has further been drawn to the fact that this community has turned a sleepy isolated village into a lively rural settlement centre providing much needed employment and housing for new families; if he will look on the application with sympathy and consideration; and if he will make a statement on the matter. [7004/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to my reply to Parliamentary Question 6768/07 of Wednesday 21st February 2007.

#### Drugs in Sport.

173. **Ms Shortall** asked the Minister for Arts, Sport and Tourism the action he has taken to tackle the problem of the illegal use of drugs or remedies on race animals; if his attention has been drawn to a recent statement (details supplied) indicating an extensive problem here; and if he will make a statement on the matter. [7057/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to my reply to Parliamentary Question 5558/07 of 15th February last and reaffirm that animal welfare and the area of illegally imported animal remedies for greyhounds and racehorses is a matter in the first

instance for the Minister for Agriculture and Food. Horse Racing Ireland and Bord na gCon are the statutory bodies responsible for the horse and greyhound racing industries respectively including integrity management and anti-doping controls. However, officials of my Department have been in contact with the Department of Agriculture and Food, Horse Racing Ireland and Bord na gCon in relation to the particular issue raised by the Deputy.

The position is that Bord na gCon met last week with officials from the Department of Agriculture and Food in relation to this issue and the Board plans to issue a statement and educational brief to the greyhound public to ensure they understand all aspects of the legal status and use of unlicensed products.

In line with the recommendations of the Dalton Report, I recently announced the establishment of an independent Control and Appeals Committee, to adjudicate on all integrity-related cases arising in the greyhound industry. In Horse Racing, the Turf Club is responsible for the testing of racehorses both in and out of competition.

#### Sports Funding.

174. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism the supports available from his Department or from tourism and sporting agencies funded by his Department for the development of an equestrian centre. [7073/07]

**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. Projects seeking support under the programme must be directly related to the provision of sport and recreational facilities and be of a capital nature.

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 by the deadline are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

It is open to any project that meets the eligibility criteria to apply under the next round of the programme. I should point out that the programme is primarily directed at voluntary and community organisations and is not intended to fund wholly commercial enterprises.

Of the €800 million allocated to the Tourism Programme of the National Development Plan 2007-2013, €317 million will be invested in enhancing our tourism product and infrastructure in accordance with Fáilte Ireland's recently launched Tourism Product Development Strategy



[Mr. O'Donoghue.]

for the period to 2013, and in delivering a National Conference Centre in Dublin. That Strategy proposes, *inter alia*, that certain key products provided by the private sector, such as equestrian facilities, should be supported. It is expected that the roll-out by Fáilte Ireland of measures to give effect to the Strategy will commence shortly.

As provided by Section 8 (1) of the National Tourism Development Authority Act, 2003, it is a matter for Fáilte Ireland to encourage, promote and support the development and marketing of tourist facilities and services within the State. Accordingly, any decisions to be made in regard to funding for individual projects is a matter for Fáilte Ireland.

#### State Property.

175. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of site visits that have taken place to the IDA Business Park, Dublin Road, Carlow; the amount spent to date by the IDA on the business park; the amount of money that has been spent marketing the site by the IDA; the reason potential investors are deciding not to locate to the business park; and if he will make a statement on the matter. [7074/07]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment (FDI) to Ireland and its regions. The marketing of individual areas for new or expansion FDI investments and jobs is a day-to-day operational matter for the Agency. While I may give general policy directives to the Agency, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

IDA Ireland has informed me that in the past 20 months it has hosted 14 visits by potential investors to the Business and Technology Park on the Dublin Road, Carlow. To date almost €11.5 million has been invested by IDA Ireland in the development of the Park.

The marketing of any location in Ireland begins in IDA's overseas offices and is quite a lengthy process. The agency does not breakdown the costs of the separate elements involved in an individual itinerary, such as salaries, travel costs etc. so it is not possible to give a figure for the costs involved in marketing the Carlow Business and Technology Park.

IDA Ireland is actively promoting Carlow Town Business and Technology Park for new foreign investment from the life sciences sector, international and financial services sectors and high value manufacturing activities. The agency's strategy is to market the town's strategic location close to Dublin as providing all of the advantages

of an urban location along with the additional advantages of a readily available pool of skilled workers and excellent quality of life.

Decisions on where to locate are ultimately a matter for the investing company and the criteria used by such companies depends on the particular requirements of the company.

#### Work Permits.

176. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment the circumstances by which an Australian national may obtain employment here under the new work visa arrangements; and if he will make a statement on the matter. [7075/07]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I recently introduced new employment permit schemes which include a green card, work permit and intra company transfer facility. A comprehensive guide to each of these schemes is available on my departments website at [www.entemp.ie](http://www.entemp.ie). These guides set out in detail the qualifying requirements and how to apply for a permit.

#### Departmental Properties.

177. **Mr. F. McGrath** asked the Minister for Social and Family Affairs the reason his office at Oisín House was closed; and the way persons can access social welfare information without contacting politicians. [6965/07]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department operates a network of 130 local offices and branch offices throughout the country. In the greater Dublin area there are currently sixteen Social Welfare Local Offices from which members of the general public may obtain information on the Department's schemes and services. Each Office has officers who are dedicated to providing information and are available to explain supports and services and to help and assist people in completing forms and accessing their entitlements. The work previously undertaken by the public office based in Oisín House has now been taken over by these offices in Dublin.

Information services have been enhanced in the local offices in recent years. Therefore it was decided that the local offices would be the most appropriate outlets for information services and that services previously provided at Oisín House should, in future, be provided from the Dublin-based offices, in particular Apollo House in Tara Street. Oisín House was closed on 13th April 2006 and at the same time the general enquiry telephone service provided by the Information Services Section was extended and enhanced. A LoCall number 1890 66 22 44 is now in operation which enables customers, regardless of their geo-

graphic location, to contact the Section for the cost of a local call.

In addition, there are a number of other means by which members of the general public may access social welfare information without contacting politicians. Presentations and talks are given by staff of my Department to various interest groups relevant to their needs and my Department also attends exhibitions and seminars throughout the country promoting information on social welfare rights and entitlements.

My Department produces a comprehensive range of information leaflets and booklets covering each social welfare payment or scheme. Information leaflets are available in a wide range of outlets across the country, including all Social Welfare Local Offices, Citizens Information Centres, Post Offices and from my Department's LoCall Leaflet Line at 1890 20 23 25. Information is also provided on my Department's website at [www.welfare.ie](http://www.welfare.ie).

A proactive approach is taken in advertising new schemes and changes and improvements to existing schemes and services, by using an appropriate mix of national and provincial media, information leaflets, fact sheets, posters and direct mailshots. My Department also works closely with the Citizens Information Board which provides information on social services through its nationwide network of Citizen Information Centres (CICs), the Citizens Information website and phone service.

A number of voluntary organisations are also funded by my Department for the provision of welfare rights and information services for groups such as lone parents, the unemployed, immigrants, returning emigrants, older people and carers.

### **Pension Provisions.**

178. **Mr. F. McGrath** asked the Minister for Social and Family Affairs the reason pensioners who worked in the 1960s were not informed adequately about pension issues; and if there is an obligation on his Department to ensure all pensioners are informed of all entitlements. [6966/07]

**Minister for Social and Family Affairs (Mr. Brennan):** The objective of my Department's information policy is to ensure that all citizens, including pensioners, are made aware of their entitlements and that they are kept informed of changes and improvements in schemes and services as they occur. The provision of information in a clear and accessible manner is an essential element of this.

Comprehensive information and guidance in relation to social welfare schemes and services is available through my Department's network of over 130 local offices throughout the country. In some 59 Social Welfare Local Offices of my Department, officers who are dedicated to pro-

viding information are available to explain supports and services and to help and assist people in completing forms and accessing their entitlements. This service is available to pensioners in common with other members of the public.

My Department produces a comprehensive range of information leaflets and booklets covering each social welfare payment or scheme. Information booklets for pensioners include publications on State Pension Transition, State Pension Contributory, State Pension Non-Contributory, Household Benefits Package, Free Travel, National Fuel Scheme and Living Alone Allowance.

A Guide to Social Welfare Services (SW4), giving information on all our schemes and services, is also available. New pensioners are issued with a "Pensioners Checklist" advising them of all the supports to which they may be entitled. Information leaflets are available in a wide range of outlets across the country, including all Social Welfare Local Offices, Citizens Information Centres, Post Offices and from my Department's LoCall Leaflet Line at 1890 20 23 25. Information is also available on my Department's website [www.welfare.ie](http://www.welfare.ie).

The Central Information Services Unit in my Department operates a phone service where people can get information on all our services. My Department takes a proactive approach in advertising new schemes and changes and improvements to existing schemes and services, by using an appropriate mix of national and provincial media, information leaflets, fact sheets, posters and direct mailshots.

My Department regularly gives presentations or talks to retirement or pre-retirement groups. Information stands are also provided at exhibitions throughout the country promoting information on social welfare rights and entitlements, including the annual Over-50s Shows.

My Department also works closely with the Citizens Information Board which provides information on social services through its nationwide network of Citizens Information Centres (CICs), the Citizens Information website and phone service. A number of voluntary organisations are also funded by my Department for the provision of welfare rights and information services for various groups including older people.

In time, the Department hopes to be in a position to offer pensions customers an enhanced service by proactively inviting them to claim pensions in advance of reaching pension age. In this regard, work has already commenced on the preparation of social insurance contribution records for persons who are approaching pension age, to establish their entitlement to pension in advance.

I am not aware of any particular issue regarding information provision to pensioners who worked in the 1960s. If the Deputy is aware of particular difficulties in this regard, my Depart-

[Mr. Brennan.]

ment would be happy to deal with any queries. The Information Services Section of my Department may be contacted by telephone at LoCall 1890 66 22 44 or by writing to Information Services, Social Welfare Services Office, Department of Social and Family Affairs, College Road, Sligo.

### Road Traffic Offences.

179. **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. [6967/07]

**Minister for Transport (Mr. Cullen):** I wish to refer the Deputy to my reply to his question of 1st February, Dáil Question No. 200.

### Air Services.

180. **Ms O. Mitchell** asked the Minister for Transport his views on whether there is adequate regulation of airlines, particularly their customer service and charging policies; the locations where customers can seek redress if they have grievances with the performance of airlines which serve the market here; and if he will make a statement on the matter. [6963/07]

**Minister for Transport (Mr. Cullen):** I am satisfied that there is appropriate regulation of airlines and the aviation industry in general in Ireland and that there are adequate avenues of redress for customers regarding the performance of airlines.

The industry is subject to regulation by a number of different bodies. My Department monitors aviation security in the State and the Irish Aviation Authority (IAA) is responsible, *inter alia*, for safety regulation. The Commission for Aviation Regulation (CAR) is responsible for licensing Irish airlines, licensing the travel trade, regulation of the groundhandling sector, regulating airport charges and aviation terminal services.

CAR is also responsible for the enforcement of the European Community rules under Regulation 261/2004 on compensation and assistance to passengers in the event of denied boarding, cancellations and delays. It monitors compliance with the Regulation and investigates complaints relating to Irish airports and airlines.

The Office of the Director of Consumer Affairs enforces the Package Holidays and Travel Trade Act 1995 and consumer issues generally.

### Public Transport.

181. **Mr. Crowe** asked the Minister for Transport if he will ensure that Cobh will have an

adequate community bus service after June 2007 when a private operator will cease to operate there; if he will allocate the necessary funds to Bus Éireann to ensure that an internal bus service is provided in Cobh to cater for residents there; and if he will make a statement on public transport provision in Cobh. [7055/07]

**Minister for Transport (Mr. Cullen):** Decisions by private bus operators relating to the provision and operation of bus services are day-to-day operational matters for bus operators. Any bus operator may apply to my Department under the Road Transport Act 1932 for a licence to operate public bus services.

It is a matter for Bus Éireann to decide, having regard to its statutory mandate and within the resources available to it, whether to undertake the provision of bus services in any particular area, including Cobh. My Department provides funding to Bus Éireann annually towards the cost of providing socially necessary but non-commercial transport services. This funding has increased from €6.9 million in 1997 to €31.595 million in 2007.

### Harbours and Piers.

182. **Mr. J. O'Keeffe** asked the Minister for Transport if his attention has been drawn to the fact that Kinsale Harbour Commissioners wish to remain independent; and the position in this regard arising from the Government's Ports Policy. [7056/07]

**Minister of State at the Department of Transport (Mr. Gallagher):** The Government's Ports Policy Statement, which was launched in January 2005, states that the continued operation of many of the regional harbours under the provisions of the Harbours Act 1946 is unsustainable on the grounds of good governance.

The Policy Statement reiterated the view that these harbours would best achieve their potential through their transfer to local authority ownership or, where this is not possible, through sale to the private sector. In harbours where significant commercial traffic exists consideration will be given to bringing them under the control of a port company.

My Department is working with the Department of the Environment, Heritage and Local Government to advance the implementation of the Ports Policy Statement with regard to the transfer of the designated regional harbours to their respective local authorities, where appropriate, and to proceed individually in conjunction with the relevant local authorities and harbour authorities, having regard to local requirements in each case.

Kinsale Harbour is a candidate for transfer to local authority control. Kinsale Harbour Commissioners have in the past indicated to my Department a preference that their existing status



be preserved, but as outlined above, this status is viewed as unsustainable on the grounds of good governance.

As the harbour is situated in the functional area of Cork County Council, the Department of the Environment, Heritage and Local Government requested the Council to undertake an overall assessment of the potential of the harbour for transfer. This assessment is currently under consideration.

### Community Development.

183. **Mr. Hayes** asked the Minister for Community, Rural and Gaeltacht Affairs when allocations will be announced under the community services programme; and if a group (details supplied) in County Tipperary will receive favourable consideration. [6975/07]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Business plans submitted under the Community Services Programme are currently being assessed and the outcome notified to projects on a rolling basis. Accordingly, groups that have been through the appraisal process in November, December and January have now been notified of the outcome. There are a further 274 business plans to be assessed and this process will take a number of months to complete.

The business plan of the group in question was one of the last to be received and accordingly they will be one of the last groups to be assessed.

### Milk Quota.

184. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason an application to her Department under the milk quota trading scheme for 2007 and 2008 was not processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [6939/07]

**Minister for Agriculture and Food (Mary Coughlan):** The first Milk Quota Trading Scheme attracted some 5,500 applications last November and for the first time involved the Department in directly managing and operating a restructuring scheme on behalf of all Coops throughout the country. As part of the processing arrangements application forms were entered into the database by an external data entry bureau. In this particular case, the application was overlooked in the data entry process. This was an unfortunate oversight, but the person named may apply again to the second scheme, which has a closing date of 9th March.

### Farm Waste Management.

185. **Mr. Aylward** asked the Minister for Agriculture and Food the reason for the delay in processing a grant application in respect of a slatted

house for persons (details supplied) in County Kilkenny. [6949/07]

**Minister for Agriculture and Food (Mary Coughlan):** The person concerned is an applicant under the Farm Waste Management Scheme and has now completed the building works concerned. A decision will be made in regard to this application following a final inspection of the completed works which will be carried out shortly by a Department official.

The person concerned also lodged two further applications in December 2006 under the same Scheme. These applications are currently being processed and correspondence will issue to the applicant shortly.

### Sheep Industry.

186. **Mr. Naughten** asked the Minister for Agriculture and Food the progress made to date by the implementation group for the sheep strategy group report; the steps she will take to support the price of lamb; and if she will make a statement on the matter. [6960/07]

**Minister for Agriculture and Food (Mary Coughlan):** The Sheep Industry Development Strategy Group issued its report in June 2006. This is a comprehensive study of the sheep industry which sets out a Development Plan for the sector contained in 37 recommendations. I decided that the best way to implement these recommendations was to set up an implementation body comprised of representatives of all sectors in the industry, including the relevant state bodies. It is chaired by Mr John Malone, former Secretary General of my Department, who was also the author of the Strategy Group report.

The recommendations address issues such as price structure, price reporting, carcass classification, breeding, research and advice, promotion and quality assurance. The Implementation Group is nearing the completion of its work and I look forward to its final report in the near future.

I have no function in the determination of market prices. The question of specific market price support is not allowed under EU state aid rules.

### Grant Payments.

187. **Mr. Hayes** asked the Minister for Agriculture and Food when payment will issue to a person (details supplied) in County Tipperary on the single farm payment scheme 2005 and 2006. [7000/07]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been paid an advance of €21,777.23 in respect of his 2006 Single Payment application. An application under the Consolidation measure of the 2006 Single Farm Payment Scheme was submitted on 12 May



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2006. The Consolidation measure has been processed and this case is eligible for consolidation. However there is a total shortfall of 8.20 hectares and only 4.22 hectares can be accounted for as land farmed during the reference period that is no longer available as a result of the expiry of a rental agreement.

A letter issued to the person named on 24 January 2007 explaining the position and requesting him to confirm whether he wishes to proceed with his consolidation application or withdraw it. This confirmation is necessary because if the consolidation application proceeds 3.98 consolidated entitlements to the value of €3,261.13 (in respect of lands not declared on the 2006 Single Payment application) will be lost to the National Reserve.

The balance of the 2006 Single Payment will issue to the person named when the completed confirmation form is returned to my Department.

### Departmental Schemes.

188. **Mr. Naughten** asked the Minister for Agriculture and Food if there is a grant scheme available for the construction of equine stables; if a scheme exists for the conversion or refurbishment of buildings for equine stables; the rate of grant available; and if she will make a statement on the matter. [7031/07]

**Minister for Agriculture and Food (Mary Coughlan):** The new Rural Development Programme 2007-2013 provides for the continuation of grant-aid for the construction of equine stables and related facilities, including the conversion of existing buildings. The Scheme concerned, the Farm Improvement Scheme, will be introduced as soon as EU approval is received for the Programme.

189. **Mr. Lowry** asked the Minister for Agriculture and Food the supports available from her Department or from equestrian organisations funded by her Department for the development of an equestrian centre. [7072/07]

**Minister for Agriculture and Food (Mary Coughlan):** The on-farm capital investment measure included in the new National Development Plan includes possible support for the equine sector.

The new Rural Development Programme 2007-2013, which has been submitted to the European Commission for approval, provides for the continuation of grant-aid for the construction of equine stables and related facilities. The Scheme concerned, the Farm Improvement Scheme, will be introduced as soon as EU approval is received for the Programme.

### Special Educational Needs.

190. **Mr. Durkan** asked the Minister for Education and Science further to Parliamentary Question No. 255 of 8 February 2007 and the answer thereto, the advice she has to offer to the person (details supplied) in County Kildare; the facilities available to the child; and if she will make a statement on the matter. [6997/07]

**Minister for Education and Science (Ms Hanafin):** I previously advised the Deputy that as a specific function of the NCSE, through its network of local special educational needs organisers (SENOs), is to identify appropriate educational placement for all children with special educational needs and the parents of the child in question should contact the local SENO in this regard.

I am now reiterating that advice particularly as the child is of school-going age. The SENO will advise of the options available which include mainstream placement with support and enrolment in a special unit attached to a mainstream school or a special school as appropriate. The child is currently in receipt of 20 hours per week home tuition.

As previously advised I am committed to ensuring that all children, including those with autism, receive an education appropriate to their needs, preferably through the primary and post primary school network. In this regard my Department has established:

- 181 special classes for children with autism, attached to special and mainstream schools, 17 of which are in the Kildare area.
- 5 special classes for children with Asperger's Syndrome.
- 16 pre-school classes to facilitate the demand for early intervention provision for children on the autistic spectrum.
- 14 Stand Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology on a pilot basis, 1 of these facilities is based in the Kildare area and 2 of these facilities have yet to be established.

### Education Welfare Service.

191. **Mr. McGuinness** asked the Minister for Education and Science if education and welfare officers are fully engaged in the case of a person (details supplied) in County Kilkenny; if the person's poor attendance has been resolved; and if she will expedite a resolution to the problem. [7013/07]

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** The Education (Welfare) Act 2000 established the National Educational Welfare Board (NEWB) as the single national body with responsibility for

school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

In January 2005, the National Educational Welfare Board (NEWB) issued guidelines to the management authorities of all primary and post primary schools on reporting student absences, suspensions and expulsions. These guidelines advise that a school must report to the NEWB where a decision has been taken to expel a student. Schools are also required to periodically report to the NEWB on student absences.

Since January 2004, 20,000 cases involving students with reported school attendance difficulties have been resolved by the Board. The NEWB has also written to every family with children of school going age advising them of their rights and responsibilities in relation to education and school attendance and where they can get help.

With regard to the specific data requested by the Deputy, I am informed by the Board that only one return has been received by the Board in relation to this child. This return, which was received by the Board on 8 December 2006, indicated that the child was absent for 20 days on account of illness. A report of illness is not automatically followed up by an educational welfare officer unless a specific note of concern from the Principal is associated with the return. Such a note was not associated with the return in this specific case. I am informed that the Board will instruct the EWO to visit the school seeking an update on the child's attendance since the date of the last school return.

#### Health and Safety in Schools.

192. **Dr. Twomey** asked the Minister for Education and Science if her attention has been drawn to a complete lack of car parking spaces at a school (details supplied) in County Wexford and the risks associated with the current situation; her plans to solve this problem; and if she will make a statement on the matter. [6977/07]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the risks to health and safety and to put appropriate safeguards in place. Provision is built into the School Building Programme to enable schools address urgent health and safety problems. In this regard, primary schools are given an annual allocation under the grant scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to school infrastructure.

The scope of the works referred to by the Deputy is also appropriate for consideration under the Summer Works Scheme and, while the schools application was successful under the 2007 Scheme, it is open to it to apply again under the 2008 Scheme when it is published later this year.

#### Subject Inspections.

193. **Mr. G. Murphy** asked the Minister for Education and Science the number of subject inspections in mathematics conducted in post-primary schools in 2006; and the number of same that have been published on her Department's website. [6981/07]

**Minister for Education and Science (Ms Hanafin):** The Inspectorate of my Department conducted 727 subject inspections in post-primary schools in 2006. This figure includes 34 subject inspections of Mathematics which were conducted during 2006. Twenty-one of the inspections of Mathematics were conducted as stand-alone evaluations and 13 were carried out as part of whole-school evaluations (WSE). Fifteen subject inspection reports on Mathematics have been published on my Department's website and a further two reports on Mathematics will be published on the website this week. Further subject inspection reports on Mathematics will be published during 2007.

#### School Accommodation.

194. **Ms O'Sullivan** asked the Minister for Education and Science when the Office of Public Works will purchase a site which is available from Limerick City Council in order that an extension can be built to accommodate the needs of a school (details supplied) in Limerick; and if she will make a statement on the matter. [7005/07]

**Minister for Education and Science (Ms Hanafin):** The Office of Public Works is currently negotiating with the Department of Defence on the acquisition of a strip of land that is required to facilitate a building project at the Limerick Model School. The outcome of these negotiations will determine the need for consultation with the local authority on other lands.

#### School Staffing.

195. **Ms Harkin** asked the Minister for Education and Science if she will put extra supports in place in schools for children with Roma backgrounds, similar to supports for Irish Traveller pupils, in particular in a school (details supplied) in County Clare. [7006/07]

**Minister for Education and Science (Ms Hanafin):** The mainstream staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on the 30th September of the previous school year and by reference to a staffing schedule. This staff-

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ing schedule for the 2006/07 school year is outlined in Primary Circular 0023/2006 which was issued to all primary schools. In the current school year (2006/07) the staffing of the school referred to by the Deputy comprises of an Administrative Principal and 6 mainstream class teaching posts based on an enrolment of 157 pupils at 30th September, 2005 as submitted by the Board of Management of the school. The school also has 2 Learning Support/Resource Teachers, 1 Permanent Resource Teacher for Travellers and 3 Temporary Language Support Posts. The language support posts have been allocated to the school in order to meet the language needs of students, including the Roma children, in the school whose first language is not English. The Board of Management has submitted a report indicating that there were 179 pupils enrolled in the school on the 30th September 2006. The mainstream staffing of the school for the 2007/08 school year will be determined on that figure and in accordance with the staffing schedule for the 2007/2008 school year which will be finalised as soon as possible.

#### Site Acquisitions.

196. **Ms O'Sullivan** asked the Minister for Education and Science the progress made in acquiring a site for a Gaelscoil (details supplied) in County Limerick; if her attention has been drawn to the fact that Limerick County Council has a suitable available site for the school; and if she will make a statement on the matter. [7007/07]

**Minister for Education and Science (Ms Hanafin):** The Property Management Section of the Office of Public Works (OPW), which acts generally on behalf of my Department in the acquisition of school sites, has been requested to source a site for this school. On foot of advertising a number of proposals were received. A technical assessment of these proposals has been carried out by the OPW and a report is currently with my Department for consideration. Due to the commercial sensitivities of site acquisitions I am not in a position to identify any site under consideration at present. When a suitable site has been secured the project will be considered further in the context of the School Building and Modernisation programme and the National Development Plan.

#### School Staffing.

197. **Mr. Kehoe** asked the Minister for Education and Science if appointment of a principal for a school (details supplied) in County Wexford will be granted before September 2007 in order that they can work with the group to set up the school; and if she will make a statement on the matter. [7028/07]

**Minister for Education and Science (Ms Hanafin):** An application for the sanctioning of

the appointment of a principal teacher from a date earlier than September 2007 has been received from the school referred to by the Deputy. This application is under consideration and my Department will contact the school shortly.

#### Schools Building Projects.

198. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the situation at a school (details supplied) in County Dublin where parents were informed by the then principal in 2004 that a new building would be ready to occupy in 2007; and if she will make a statement on the matter. [7042/07]

**Minister for Education and Science (Ms Hanafin):** The Department has acknowledged the need to relocate the existing primary school referred to by the Deputy to a greenfield site. The acquisition of a site for this development is being actively pursued to enable this. When this matter has been finalised, progress on the proposed project can be considered under the School Building and Modernisation Programme.

199. **Mr. O'Dowd** asked the Minister for Education and Science the position regarding the proposed new primary school to be located adjacent to Termon Abbey and Aston Village, Drogheda, County Louth where a site has been provided; and if she will make a statement on the matter. [7043/07]

**Minister for Education and Science (Ms Hanafin):** The Department recently published a Draft Area Development Plan for north Dublin, East Meath and South Louth. The Draft Plan, which is available on the Department's website [www.education.ie](http://www.education.ie), covers the North Drogheda Environs which is the area to which the Deputy refers.

The Deputy will be aware that the Local Authority has published a North Drogheda Environs Master Plan. This proposes the construction of 7,500 additional houses up to year 2024. The projected population is 20,250 persons.

The Department's Draft Area Development Plan concludes that this will create a need for between 2,288 and 2,652 extra primary school places in the period up to 2024. This equates to between 92 and 106 extra class groupings. The Department has reserved 3 primary school sites to meet this need. The Draft Plan recommends that the sites should be developed commensurate with the delivery of housing developments. The timing of their development will require ongoing consultation with the Local authority.

The Commission on School Accommodation will now conduct a public consultation process on the Draft Plan. It has indicated that Oral hearings in this regard will commence on Monday 26th March. This process will culminate in a final



Development Plan for the Area for implementation.

### Higher Education Grants.

200. **Mr. Durkan** asked the Minister for Education and Science if a person (details supplied) in Dublin 22 can qualify for a late application higher education grant for which they have applied to South County Dublin VEC; and if she will make a statement on the matter. [7044/07]

**Minister for Education and Science (Ms Hanafin):** The three Third Level Student Support Schemes, administered by the Local Authorities and the Vocational Education Committees on behalf of my Department, offer financial assistance to eligible students attending approved third level courses. Students entering approved courses for the first time are, generally speaking, eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

The closing date for receipt of grant applications for 2006/07 academic year was 31st August 2006. The awarding bodies, at their own absolute discretion, may accept applications after this date.

The person referred to by the Deputy should contact their local awarding body to determine whether a late application would be considered at this juncture for the 2006/07 academic year.

### Schools Building Projects.

201. **Mr. Penrose** asked the Minister for Education and Science the position in relation to an application for additional accommodation by a school (details supplied) in County Westmeath; if she will take steps to ensure that a final decision is given in relation thereto as there has been a significant increase in population in the Kinnegad area; and if she will make a statement on the matter. [7102/07]

**Minister for Education and Science (Ms Hanafin):** The proposed building project at the school referred to by the Deputy is at an early stage of architectural planning. The school in question was listed to progress through the architectural planning process and was given approval to proceed to Stage 3 (Developed sketch scheme with costings) of architectural planning.

When the Stage 3 submission is received in the Department, Officials in School Building Section will arrange a meeting with the School's Design Team to evaluate the documentation. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stages of architectural planning.

The further progression of this project to tender and construction will be considered in the context of the School Building and Modernisation Programme 2006-2010.

### Tribunals of Inquiry.

202. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the highest fee charged by any practitioner to the Mahon Tribunal since its inception as the Flood Tribunal; and if he will make a statement on the matter. [7086/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In relation to fees charged by external counsel engaged by the Tribunal to represent it in litigation, the highest fee submitted by the Tribunal to my Department for payment in respect of a senior counsel in a single case amounted to €254,221. This comprised a brief fee, per diem refreshers and other related charges.

### Housing Aid for the Elderly.

203. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the arrangements being put in place by local authorities to assume responsibilities for the housing aid for the elderly scheme which is to be transferred from the Health Service Executive; when this proposed transfer will take effect; if personnel who are currently engaged in the scheme will transfer to the local authorities or if new personnel will be recruited; if the scheme will alter as a result of this transfer; if there are proposed changes to the scheme upon transfer; and if he will make a statement on the matter. [6950/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Details of the revised housing adaptation grant schemes for older people and people with a disability were announced recently as part of the new housing policy statement *Delivering Homes, Sustaining Communities*. The revised schemes are based on the outcome of the review of the Disabled Persons Grant scheme which was recently completed within my Department. The review also incorporated the conditions governing the Essential Repairs Grant scheme and the Special Housing Aid for the Elderly scheme.

As part of the revised conditions, a specific scheme to be known as the scheme of Housing Aid for Older People (HOP) will be introduced, and will provide targeted support to improve conditions in the existing housing of older people. The scheme, which amalgamates the provisions of the Essential Repairs and Special Housing Aid for the Elderly Schemes, will be administered by the local authorities. The maximum grant available will be €10,500 and may cover 100% of the cost of works for applicants with an annual household income of less than €30,000, tapering to 30% for those with annual household incomes of €54,001 to €65,000.

As part of the review process my Department convened a working group comprising representatives of the Department of Health & Children,



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the HSE, and local authorities, to finalise proposals arising from the review of the schemes and to advise on the implementation of the Government Decision to transfer responsibility for the Special Housing Aid for the Elderly Scheme from the HSE to the local authorities. The working group is in the process of assessing the additional resources that may be required by local authorities, if any, as a result of the transfer of the Special Housing Aid for the Elderly scheme.

It is not intended that there will be any transfer of HSE staff to local authorities as part of the new scheme. It is expected that the Scheme of Housing Aid for Older People will come into operation during 2007 and I intend to issue detailed administrative guidance to all local authorities later this year.

### Planning Issues.

204. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the procedure involved in applying for approval for peat extraction following the enactment of the Planning and Development Regulations S.I. No. 364 of 2005; the type of development which is required to go through the planning process; his plans to issue guidelines to local authorities; and if he will make a statement on the matter. [6951/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Planning and Development Regulations 2005, generally exempt peat extraction below a threshold of 10 hectares from the requirement for planning permission. However, there are exceptions where the peat extraction would have significant effects on the environment. In these limited cases, planning permission must be applied for, accompanied by an environmental impact statement. If a person proposing to carry out peat extraction requires guidance as to whether the extraction in question would have significant effects on the environment they should consult the appropriate planning authority. If desired, a person may seek a declaration under section 5 of the Planning and Development Act 2000 from the planning authority on the question of whether a development is, or is not, exempted development.

In July 2005, my Department issued Circular PD3/2005 to local authorities detailing the amendments contained in 2005 Regulations. I have no proposals to issue further guidelines.

### Waste Water Management.

205. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the way waste water treatment systems are regulated; the reason many such systems have been certified by the Irish Agreement Board without essential health, safety, and consumer protection requirements being fulfilled; the redress con-

sumers have if supplied with a faulty system; and if he will make a statement on the matter. [6959/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Part H of the Building Regulations (Drainage and Waste Water Disposal) sets out the requirements for the treatment of effluent from waste water systems. The relevant Technical Guidance Document H (TGD-H) provides guidance on how to comply with the requirements of Part H. TGD-H calls up the following standards:

(1) Septic tanks serving single houses: Irish Standard Recommendations SR6 of 1991 for Domestic Effluent Treatment and Disposal from Single Dwellings, issued by the National Standards Authority of Ireland (NSAI); and

(2) Septic tanks serving groups of houses: British Standard B.S. 6297: 1983 (incorporating amendment No. 1 of 1990), a Code of Practice for the Design and Installation of Small Sewage Treatment Works, issued by the British Standards Institution (BSI).

TGD-H also acknowledges that waste water treatment systems other than septic tanks may be used. Such systems are accepted as satisfactory provided it can be shown that they are fit for the use for which they are intended and for the conditions in which they are used. Part D of the building regulations (Materials and Workmanship) specifies alternative ways of proving compliance, including compliance with appropriate product standards or being subject to certification by an appropriate national certification body. The Irish Agreement Board (IAB) is the national and European recognised body for certifying new building products or systems for which national standards do not exist. The IAB is an independent body which operates under the aegis of the Department of Enterprise, Trade and Employment.

A new European Standard (EN 12566-3), for small waste water treatments plants has been introduced and is now in the transitional phase of implementation. The need for new systems to comply with this standard has been brought to the attention of local authorities by Departmental Circular Letter BC16/2006 dated 8 November 2006.

The Environmental Protection Agency (EPA) is currently finalising a revised edition of their Manual on Wastewater Treatment Systems serving Single Houses, in consultation with all interested parties. It is understood that the EPA Manual will refer to relevant European Standards and that the NSAI propose to withdraw SR6: 1991, in favour of the proposed new edition of the EPA Manual, when available. My Department plans to amend TGD-H, to call up the EPA Manual and to consider any related issues at the time.

### Local Authority Housing.

206. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if a person who bought out their council house approximately twenty years ago can rent out that house now; the position in such cases; and the length of time the local authority have a interest in houses that they formerly owned. [6962/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Under the tenant purchase scheme special conditions apply to the occupancy and disposal of a tenant purchased house. These conditions require that the dwelling must be occupied as a normal place of residence by the purchaser or by a member of the purchaser's family, unless the local authority otherwise allows. In addition, the first resale of houses sold under the tenant purchase scheme requires the consent of the local authority. The time period for which the conditions apply is as stated in the transfer order of the dwelling in question. Under the current scheme these conditions apply for a period of 20 years from the date of the transfer to the tenant purchaser or such longer period as may be provided for in a shared ownership lease.

All aspects of the tenant purchase scheme are currently under review in accordance with the Government's commitment in the recently launched Statement on Housing Policy — Delivering Homes, Sustaining Communities. Details of the revised scheme will be announced over the coming months.

### Housing Grants.

207. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if the final inspection on the home of a person (details supplied) will be carried out, as part of the rural renewal scheme; and if he will make a statement on the matter. [6969/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department will be scheduling this property for final inspection very shortly.

### Nuclear Safety.

208. **Mr. Andrews** asked the Minister for the Environment, Heritage and Local Government the improvements in cooperation between Ireland and UK on the matter of Sellafield, arising from the legal actions to date; and if he will make a statement on the matter. [6986/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Ireland has long been concerned about the threat posed by the large and complex nuclear installation site at Sellafield.

In 2001, and in response to the imminent commissioning of a further plant at the site, the MOX

plant, Ireland instituted legal proceedings against the United Kingdom under the United Nations Convention on the Law of the Sea (UNCLOS).

The action related, inter alia, to the inadequacy of the environmental impact assessment carried out by the United Kingdom for the MOX Plant, the failure of the United Kingdom to take all steps necessary to protect and preserve the marine environment of the Irish Sea, and the failure to co-operate with Ireland in taking the steps necessary to protect and preserve the marine environment of the Irish Sea.

The UNCLOS Tribunal hearing began in June 2003 but was suspended to facilitate resolution of an issue raised by the European Commission that the case was more appropriate to matters of EU competence rather than UNCLOS.

Pending hearing of the substantive case, and following an application by Ireland, the UNCLOS Tribunal issued a Provisional Measures Order, which made provision for, inter alia, a review by Ireland and the UK of the mechanisms for inter-Governmental notification and co-operation. Under this process a series of co-operative measures have been developed, agreed and put in place.

These measures are valuable from Ireland's viewpoint, are working well and represent distinct real added value to the necessary co-operative relationship to which Ireland considers is its entitlement on this issue. The Bi-Lateral Agreement on Early Notification of a Nuclear Incident, direct access to the UK Radiation Monitoring System (RIMNET), access for the Garda Síochána to Sellafield, access for the Radiological Protection Institute of Ireland (RPII) to Sellafield and other facilities, significantly improved information exchanges, co-operation on emergency planning with the UK, and improved contacts at regulator and official level on nuclear issues, all provide objective evidence of real improvements.

The judgment of the European Court of Justice of 30 May 2006, inter alia, declared that Ireland, by instituting proceedings against the UK under UNCLOS, failed to fulfil its obligations under Community Law. This judgment established that certain provisions of UNCLOS form part of the Community legal order and that the ECJ has exclusive jurisdiction to determine disputes between Member States on their interpretation and application.

Following the judgment, there was an exchange of correspondence between Ireland and the European Commission on the matter, and the Commission has now clarified the legal situation. Following consultation with the Attorney General, the case taken by Ireland against the UK under UNCLOS will not now proceed. The Commission and the UNCLOS Tribunal were informed accordingly on the 16 February last.

The case taken by Ireland under UNCLOS has served the purpose of identifying the concerns of Ireland in relation to Sellafield on the international stage and more particularly at EU level.

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It has also led to significant improvements in the level of co-operation and information received from the UK in relation to Sellafield. Lack of co-operation and information from the UK on the issue was one of the significant claims made by Ireland in the UNCLOS case.

The ECJ in its judgement against Ireland had provided clarity in that certain international agreements now fall exclusively within the Court's remit insofar as disputes arise under them. This applies not only to the United Nations Convention on the Law of the Sea (which was in dispute in this case) but also potentially to other international conventions whose aim is to protect the environment. Accordingly, the ECJ and the European Commission are now placed centre stage in respect of Ireland's concerns regarding discharges and safety at Sellafield. In my meeting with Commissioner Piebalgs in January 2006, I made clear to the Commissioner that the Commission needs to respond to these concerns and become more proactive on the Sellafield issue.

Since Ireland began its case against the UK under UNCLOS in 2001, the Commission has instituted two actions against the UK in relation to Sellafield under the terms of the EURATOM Treaty. Following my meeting with Commissioner Piebalgs, the Commission issued a Decision (15 February 2006) against Sellafield in respect of the THORP leak. This follows the Directive issued by the Commission against the UK in March 2004 in respect of the B30 ponds.

The UK have lodged an appeal in the ECJ (April 2006) against the Commission Decision on the THORP leak claiming *inter alia* that the Commission does not have the competence to adopt the decision because it is based on safety concerns.

While the broad legal landscape regarding disputes between Member States has changed, this Government's fundamental position has not. Our policy continues to reflect the firm position that Sellafield is an unacceptable threat to Ireland and that it should be closed in a safe and orderly manner.

I will continue to ensure that the concerns of Ireland are represented directly to the European Commission in relation to Sellafield at Commissioner and Senior Official level and that the current actions against Sellafield by the Commission are continuously monitored to ensure that they are sustained and effective. The Attorney General will also monitor developments at the European Court of Justice.

#### **Water and Sewerage Schemes.**

209. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he expects to receive the modified preliminary report from Kildare County Council in the matter of the upgrading of the waste water treatment facilities at Ballymore Eustace, County Kildare in view of the necessity to proceed with

the project given the serious pollution threat; the nature of the correspondence between his Department and Kildare County Council in this matter; when his attention was drawn to the need for the upgrading of the facility; the way he responded; and if he will make a statement on the matter. [6996/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 596 of the 17 October 2006. The submission of the revised Preliminary Report to my Department is a matter for Kildare County Council.

#### **Grant Payments.**

210. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his plans to provide grants to people who install rain water harvesters in their homes; and if he will make a statement on the matter. [6999/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are no such proposals at present.

#### **Register of Electors.**

211. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if people who have been granted leave to remain here on humanitarian grounds are entitled to vote in a general election; and if he will make a statement on the matter. [7008/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In order to be able to vote at elections and referenda in this jurisdiction, a person's name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides.

Subject to this primary requirement, the person's citizenship then determines the polls at which he or she is entitled to vote. Irish citizens who are registered to vote may vote at all polls. British citizens may vote at Dáil, European and local elections; other EU citizens may vote at European and local elections; and non-EU citizens may vote at local elections only.

#### **Water and Sewerage Schemes.**

212. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when the tender documents for the Quilty, Scariff, Feakle sewerage schemes will be ready; when the contract will be awarded; when the scheme will commence on the grounds; and if he will make a statement on the matter. [7009/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 1820 of 31 January 2007.



### **Election Management System.**

213. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the reason it was decided to centrally store electronic voting machines at Gormanstown military base; the further reason a non-weather proof venue was not chosen; the cost of using this facility; the cost to date of storage of the machines; and if he will make a statement on the matter. [7029/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Government decision to proceed with the movement of the electronic voting equipment to centralised premises was made taking into account a range of factors, including costs of current and centralised arrangements and the likely benefits to be realised. In this regard, the Commission on Electronic Voting in its Second Report concluded that, as the current arrangements under which voting equipment is stored at 25 locations are likely to give rise to continuing variations in the implementation of security and related control measures, together with replication of similar costs of implementation of these measures which are not insignificant across individual centres, enhanced and more uniform security and greater economy of security costs could be achieved through the rationalisation of storage on a regional or centralised basis.

The electronic voting equipment will be housed in weatherproof locked metal storage containers at Gormanston Aerodrome, as an added protection, the containers have also been insulated. On the advice of the manufacturers, the containers will, in additions, contain desiccants to absorb any moisture generated due to temperature variations. The containers are stored in one complete section of an aircraft hangar on the site of a full-time army barracks. The hangar has been inspected by the Office of Public Works and, with their assistance, has been made ready for storage purposes. The hangar itself is locked, alarmed and monitored by CCTV cameras. Accordingly, I am satisfied that the equipment will be appropriately stored at Gormanston.

Information provided by returning officers to my Department indicates that the annual storage costs for the electronic voting machines and ancillary equipment under local arrangements is currently some €705,000, with figures for 2005 and 2004 amounting to some €696,000 and €658,000 respectively. It is not possible to detail conclusively at this stage the total costs which will be associated with the centralised storage arrangements, including costs relating to the transport of the equipment to Gormanston. Arrangements have been made for the procurement of 48 metal storage containers and ancillary items for Gormanston Aerodrome at a cost of €112,750 (excluding VAT).

### **Spray Paint Regulation.**

214. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the extent to which the sale of spray paints is currently regulated; and if he will make a statement on the matter. [7052/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I assume that the Question refers to the problem of graffiti. The sale of spray paint is not regulated in this regard.

### **Turbary Rights.**

215. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) in County Westmeath, who has agreed to sell lands under the cessation of turf cutting scheme of the Department, and who has duly completed all the necessary paperwork to obtain maximum incentives, will be awarded; and if he will make a statement on the matter. [7071/07]

218. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) in County Westmeath, who has agreed to sell lands under the cessation of turf cutting scheme in the Department, and who has duly completed all the necessary paperwork to obtain maximum incentives, will be awarded; and if he will make a statement on the matter. [7098/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to answer Questions Nos. 215 and 218 together.

I understand that the persons concerned were offering for sale a specific type of turbary right which had originally been purchased from the Land Commission. It transpired that it was not possible to transfer this type of turbary right to the State, but only to extinguish the right. The complex issues involved in cases of this kind were only resolved last month and letters of offer will issue to all those involved in this type of sale as soon as possible.

216. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) in County Westmeath, who has agreed to sell lands under the cessation of turf cutting scheme in his Department, and who has duly completed all the necessary paperwork to obtain maximum incentives, will be awarded; and if he will make a statement on the matter. [7096/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand that a letter of offer to purchase Turbary Rights issued from my Department to the person concerned in August 2006. To date, no response to this offer has been received from the person or their Solicitor.



217. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) in County Westmeath, who has agreed to sell lands under the cessation of turf cutting scheme in his Department, and who has duly completed all the necessary paperwork to obtain maximum incentives, will be awarded; and if he will make a statement on the matter. [7097/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand that Contracts in this matter are currently being examined by the Chief State Solicitor's Office who are liaising with the vendor's solicitors with a view to finalising this transaction.

*Question No. 218 answered with Question No. 215.*

219. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) in County Westmeath, who has agreed to sell lands under the cessation of turf cutting scheme in his Department, and where all the necessary paperwork to obtain maximum incentives has been duly completed by the person will be awarded; and if he will make a statement on the matter. [7099/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand that a letter of offer to purchase Turbary Rights issued from my Department to the person concerned in May 2006. To date no response to this offer has been received from the person or their Solicitor.

220. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) in County Westmeath, who has agreed to sell lands under the cessation of turf cutting scheme in his Department, and where all the necessary paperwork to obtain maximum incentives has been duly completed by the person will

be awarded; and if he will make a statement on the matter. [7100/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand that Contracts in this matter are currently being examined by the Chief State Solicitor's Office who are liaising with the vendor's solicitors with a view to finalising this transaction.

221. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the moneys due to a person (details supplied) who has sold their turbary rights in respect of NHA lands in County Westmeath, will be awarded; and if he will make a statement on the matter. [7101/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand that Contracts for Sale in this case were forwarded by my Department to the Chief State Solicitor's Office on 14 February 2007. The Chief State Solicitor's Office will be liaising with the vendor's solicitors with a view to finalising the transaction.

#### **Water and Sewerage Schemes.**

222. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if his Department has received an application for a sewerage plant for the village of Ballinahown, Athlone, County Westmeath; the details in relation to same; and if he will make a statement on the matter. [7104/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Ballinahown Sewerage Scheme was ranked 24th in the list of water and sewerage schemes submitted by Westmeath County Council in response to my Department's request to local authorities last year to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The priorities adopted by the members of Westmeath County Council will be taken into account in the framing of the next phase of my Department's Water Services Investment Programme.