

DÁIL ÉIREANN

—
Dé Céadaoin, 7 Márta 2007.
Wednesday, 7 March 2007.
 —

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

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Paidir.
Prayer.
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Leaders' Questions.

Mr. Kenny: I wish to ask the Taoiseach the policy on remission of sentences. Concern is growing that in serious cases, remission is reduced by one quarter when prisoners arrive at the prison gates. Obviously, that serves to undermine confidence in the justice system and represents a disregard for victims. Can the Taoiseach confirm that the Minister for Justice, Equality and Law Reform has the sole responsibility and power on behalf of the Government to set out the rules and regulations governing the remission of sentences?

The Taoiseach will be aware of the public outrage that followed the murder of Detective Garda Jerry McCabe. Can he confirm that one of the people convicted of manslaughter in that case is being released from Castlerea Prison with full remission having served eight of the 11 years imposed on him?

The Taoiseach: Deputy Kenny is correct. For a number of years in this country, one quarter has been set down as the proportion of remission to be granted. As I understand the matter, it is not set out in legislation but has been the procedure. The equivalent period in Britain is one third, while it ranges between one quarter and one third in other countries.

Mr. J. O'Keeffe: Up to one third, where a prisoner earns it.

The Taoiseach: Precisely. If there are breaches of the disciplinary codes or if prisoners do not conform, remission can be removed in its entirety.

Mr. J. O'Keeffe: The prisoner has to earn it.

An Ceann Comhairle: Sorry, Deputy Jim O'Keeffe, your leader is competent enough to deal with his own question. The Taoiseach without interruption.

The Taoiseach: This issue was raised by several organisations over the past two weeks in regard to a sexual abuse case. A certain individual had served a full and lengthy sentence but had received remission following the normal procedure.

In the case highlighted this week, Michael O'Neill, one of the four persons convicted of the killing of Detective Garda Jerry McCabe and the wounding of Detective Garda Ben O'Sullivan during an attempted robbery in Adare in June 1996, was committed to custody on 20 June 1996 and received an 11-year sentence for manslaughter on 5 February 1999, as well as two concurrent five-year terms for wounding and possession of firearms with intent. He was initially detained in Portlaoise Prison but was moved to Castlerea Prison in 1999, where he remains.

There is no question of this prisoner or any other person convicted in respect of the horrific events in Adare being released ahead of time. Prisoners in this jurisdiction have a statutory entitlement to remission of their sentences, provided they have demonstrated good behaviour. Each and every breach of these rules is punishable by loss of remission, up to a maximum of 14 days. This person was the subject of a single such report during his sentence and has lost a total of 12 days of remission. Therefore, he has not received full remission. In accordance with that, his release date has been set for 17 May 2007. As matters stand, the Prison Service would have no legal authority to detain him beyond that date.

I wish to correct my earlier statement as I am advised by a note that it is statutorily based. I have asked the relevant statute involved but have not got that information.

Mr. Kenny: The question I wanted the Taoiseach to address was whether the Minister for Justice, Equality and Law Reform sets the rules and regulations governing remission on behalf of the Government. The concern being expressed in public is that there is now an automatic remission of up to 25%.

In the case of Castlerea and the aforementioned prisoner, Mr. Justice Kinlen stated in his report that the IRA prisoner enclave within Castlerea was operating as a separate prison, whereas the prison's policy is to fully integrate prisoners within the complex. Would it not be in the interest of prisoners, in that they understand they have to earn remission, and victims, in that prisoners are seen to earn remission, to make the rules crystal clear? Given Mr. Justice Kinlen's report in respect of the prisoners in the Grove and his observation that the compound operates as a separate prison within a prison, can the Taoiseach clarify how the prisoner in question has earned his remission from 11 to eight years?

When the crime went to trial, the judge said he had never before seen such gross intimidation of witnesses in a case and, as it was not possible to try the accused on a capital murder charge, they

[Mr. Kenny.]

had to be tried for manslaughter. Can the Taoiseach clarify how the prisoner has earned his remission in view of Mr. Justice Kinlen's report?

The Taoiseach: I do not want to make any comment about what happened in the trial. That was a matter of the evidence before and the judgment of the court. The individual concerned in the case received an 11-year sentence for manslaughter, as well as two concurrent five-year terms for wounding and possession of firearms. He has been under the control of the authorities in Portlaoise Prison and Castlereagh Prison. I do not believe the prison authorities accept for one minute that there is an issue of a prison within a prison. The prisoners were held under the jurisdiction of the prison authorities and it is a matter for them to decide whether somebody has earned remission. It is only statutory if one has earned it and they arbitrate on it. In this case, their judgment is that each breach of prison rules is punishable by loss of remission up to a maximum of 14 days. The person concerned has been subject to a single such report and lost ten days remission. The same applies to all prisoners and this convention has been followed. It is statutory if one earns it and the prison authorities make that determination. They have made such a determination in this case and there are no plans to release anybody early. The prisoner concerned has earned remission to which the prison authorities would say he is entitled. In that case, there is no reason to detain him longer.

Mr. Rabbitte: Did the Taoiseach watch the "Prime Time" programme last night which assessed the performance of Irish Ferries since it displaced its Irish workforce and took on cheaper labour? For example, it showed that the 48 Irish staff retained by agreement at the time had been driven out as a matter of policy by the company's management and only four workers were left. The programme detailed the tactics deployed by management to drive them out and also produced a number of e-mails. For example, in the recruitment of additional staff, managers were instructed not to employ Irish workers. A number of e-mails highlighted the concern among passengers because nobody could speak English on vessels and they were concerned about this from a safety point of view and so on. In addition, the Taoiseach gave the company €4.3 million in taxpayer's money to displace the Irish workers and recruit cheaper labour.

The programme went on to detail the various practices being followed and the exploitation taking place in other sectors and how workers who had come to Ireland, especially from third countries, were left high and dry because of the influx of workers from EU member states and the failure to renew their work permits. It is 15 months since I raised these issues and the Labour Party published a document entitled, A Fairer Place to

Work and Live. Many of its recommendations were imported into the new national agreement, Towards 2016, last summer. However, the problem is one can go through the commitments made and tick them off but none is being implemented. For example, Jack O'Connor this week said:

The Government has made virtually no progress in implementing the labour protection measures in Towards 2016. There is no evidence of Revenue activity to stop bogus self-employment, no evidence of any commitment to effectively regulate employment agencies and no evidence of using public procurement of goods and services to uphold employment standards.

There are still only 31 labour inspectors to cover a workforce of 2 million. All the commitments regarding the new enforcement agency which was to be established to ensure work standards were being complied with have not been implemented. On the bottom rung of the ladder workers are being displaced blatantly and for no other reason than some employers find it possible to exploit non-national workers who are afraid to join trade unions or put their heads up and are willing to work additional hours and for the national minimum wage or less than it. The commitments entered into in Towards 2016 have not been implemented.

The Taoiseach: The Towards 2016 programme was only launched formally a few weeks ago but the Minister for Enterprise, Trade and Employment and his Department had set up a separate unit to engage with the social partners and move on legislation to address issues in a number of areas. The collective redundancy Bill will deal with the issue relating to Irish Ferries.

The Employment Permits Act which we passed last year and the arrangements announced by the Minister for Enterprise, Trade and Employment on 24 January include a number of important protections for employees. An application for an employment permit may be made by either the employer or the employee but, in all cases, the green card or work permit will be granted and issued to the employee. Until the enactment of the legislation, the work permit had been granted to the employer. This provision will strengthen the position of the employee in the employer-employee partnership. The permit will contain a statement of the entitlements of migrant workers, a significant issue in recent years, including their remuneration, entitlement to the national minimum wage, right to change employer, accommodation allowances and deductions for board, an issue which arose during the Irish Ferries dispute. The permit or green card will be accompanied by a summary of their principal employment rights. The new Act expressly prohibits employers from deducting recruitment expenses from the remuneration of employees, as well as prohibiting them from retaining personal

documents of the employee, including passport, driving licence and identity card. In addition, an employer who contravenes the provisions of the Act is guilty of an offence and liable to a fine of between €5,000 and €50,000 or imprisonment for 12 months. These are all new powers.

According to Revenue and the Department of Enterprise, Trade and Employment, self-employment in the construction industry has reduced significantly. I have had this confirmed in the past week. The position of Romanian and Bulgarian workers is a separate issue, as they cannot enter the country to become self-employed.

Powers are in place to deal with illegal immigration and illegal work practices. The number of labour inspectors will increase to 90. Trade unions have been involved in consultation in this regard. On breaches of the Employment Permits Act, the Garda carries out inspections and takes prosecutions relating to employment permit and immigration offences generally. These inspections and prosecutions are prompted by the work permits section in the Department of Enterprise, Trade and Employment. Whenever the section sees something dubious, it puts the Garda on to the company.

We must still bring forward legislation to deal with a number of areas covered by Towards 2016 but I do not know the dates for those Bills. An entire section is working solely on bringing them forward and it would be unfair to criticise the Department in this regard. Three Bills are required. The trade unions would state the collective redundancy Bill is the most important. It will be published and introduced in the House shortly.

Mr. Rabbitte: There will clearly be no legislation in the lifetime of this Dáil. Furthermore, the Government does not need legislation to honour the commitment entered into on labour inspectors. The Minister for Enterprise, Trade and Employment, in reply to a parliamentary question tabled by my colleague, Deputy Lynch, on 31 January, stated the number of inspectors at the present time was 31. In reply to another question from Deputy Kehoe, he stated the number of labour inspectors "will be progressively increased from 31 at present to 90". That is interesting because last week the Taoiseach stated in respect of the request by the Director of Corporate Enforcement for additional staff that, "The reason he is not getting them is that we made a priority in that Department to put the staff into new inspection sectors dealing with compliance by workers. The number of inspectors has risen from 30 to 90. It rose to 60 last year and 90 this year." The Minister told Deputies Kehoe and Lynch the number was 31. Therefore, the reason Mr. Paul Appleby is not getting his staff is that the Taoiseach has created 90 inspector posts, although the Minister said the number is 31.

I do not know what the Taoiseach is talking about in regard to legislation because if one looks

at the disconnect between personal public service, PPS, numbers and work permits, it is plain that the bogus self-employment phenomenon is rampant.

I repeat that for the first time in the history of this State, the Taoiseach allowed a company, with which he has close connections through his office, politically and so on, to engineer its business in such a way that it let go its Irish workforce and, as a result, was able to access the redundancy fund to the extent of €4.3 million — €4.3 million of our money to let the workforce go. The 48 workers who were kept on, by agreement, have now been driven out so only four Irish workers remain. That is the state of play.

The Taoiseach spoke about promised legislation and said it would be brought forward. It will not be brought forward in the lifetime of this Dáil. Nothing is being done about it and this phenomenon continues.

The Taoiseach: Deputy Rabbitte is wrong as usual. The legislation has already been passed by Government, will be published shortly and will deal with these issues. The Minister has just told me Jack O'Connor, who briefed Deputy Rabbitte on these issues, is in direct consultation with him. Mr. O'Connor sought that consultation before we published the Bill.

Mr. Rabbitte: We both talked to Jack O'Connor.

The Taoiseach: When he telephoned Deputy Rabbitte he forgot to say he sought consultation and that is the reason the Bill has not been published. I am sure he will say that to the Deputy in the next telephone call. What I said last week is the case. We are employing 90 inspectors.

Mr. Rabbitte: That is not the case. There are not 90 inspectors.

The Taoiseach: I did not interrupt the Deputy. This year the Department of Enterprise, Trade and Employment has given priority to putting all its additional staff into the inspectorate. As I understand, the only reason there is a delay—

Mr. Rabbitte: There are 31 inspectors.

An Ceann Comhairle: I ask Deputy Rabbitte to allow the Taoiseach to speak without interruption.

Mr. D. Ahern: The Deputy does not want to hear the truth.

The Taoiseach: Does the Deputy want 90 inspectors or not? He is more interested in the number there was.

Mr. J. O'Keeffe: The sums do not add up.

(Interruptions).

An Ceann Comhairle: I ask Deputy Rabbitte to allow the Taoiseach to speak without interruption. Seven minutes have been allotted for this question. The Deputy took seven minutes to ask his question and I ask him to allow the Taoiseach to answer it.

The Taoiseach: If Deputy Rabbitte really wants to be helpful, he could put a word in with a few of his party members who are actively involved in the public service unions and who could help us to deal with some of the difficulties in the filling of the 90 posts because there are some restrictions. We will have 90 inspectors, as promised in Towards 2016.

The labour inspectorate is doing a very good job and is involving the Garda. Last year the labour inspectorate identified more than 2,250 breaches. The primary objectives of labour inspectors in the case of breaches is to seek compliance and rectification of breaches identified, including redress for the individuals concerned. Last year the inspectorate recovered arrears for employees from approximately 350 employers. It is not true that the system is not working and that what was promised in Towards 2016 is not actively being pursued under the legislation. More inspections will be carried out when we have 90 inspectors.

If the public service unions removed some of the unnecessary obstacles, the Minister would be able to employ the 90 inspectors straightaway. I might as well say it straight.

Mr. Durkan: That is an excuse.

An Ceann Comhairle: Allow the Taoiseach to speak without interruption.

Mr. Rabbitte: If the public removed the Minister, Deputy Martin, we might.

The Taoiseach: I welcome the support of the leader of the Labour Party in trying to force decisions on this from the public service unions. We are prepared to do so in negotiations. The money is there to enable us to do this. If we can remove some of the issues in regard to recruitment, we will be able to move very quickly.

Mr. J. Higgins: RTE's "This Week" programme recently highlighted a scandalous aspect of corporation tax policy in this State. The Government enables transnational corporations to use this country as a blatant Cayman Islands-like tax scam essentially to take billions of euro in profits made in many countries around the world, launder them through the Irish Republic to avail of one of the lowest corporation tax rates in the world and avoid paying hundreds of millions, or probably billions, in tax in countries where the money was actually earned, including in the Middle East and Africa. In 2005, one company,

SanDisk, notified €106 million profit in this State with eight employees.

When the Ansbacher gang was channelling its money offshore, there was loud condemnation here, and rightly so, over its tax evasion and avoidance while care for the old, sick and handicapped was crucified for lack of resources. The Taoiseach's corporation tax policy is depriving hundreds of millions of people, including people in very poor countries, of substantial tax revenues which their health and education services desperately need. He is also facilitating massive tax avoidance by Irish multimillionaire tax exiles, although these patriots make the sacrifice of abandoning their far flung luxury mansions to tug the Taoiseach's sleeve every summer in Galway — no doubt to ensure he will continue to allow them to skim on taxes.

This morning Allied Irish Banks and Cement Roadstone Holdings announced that they raked in €3.78 billion in profits last year paying a relative pittance in tax in this State. Incredibly, we hear Irish semi-State companies are using ghost companies in Amsterdam to avoid paying taxes.

The Taoiseach has created a tax paradise for big business and the super rich but he will not pay the nurses their due. We have the second highest pupil-teacher ratio in primary schools in the European Union. We have desperate parents who cannot access services for children with special needs allegedly for lack of resources.

From his answers to the previous two questions, I note the Taoiseach is in script mode big time. I ask him to leave aside the script and say if there is any other way to describe the corporation tax policy of his Government except to say that it is utterly immoral.

Mr. N. Dempsey: Is that a script I see Deputy Higgins?

The Taoiseach: Whatever about me being in script mode, that is the classic script of those in Europe who criticise the Irish tax system and want to harmonise European taxes.

11 o'clock That is the classic script of an attack on our system. The same countries are envious of our ability to run a good economy and to generate 800,000 jobs. I am sad to see the Deputy, who normally fights the cause of working class people to have work, would adopt the right-wing view of some French and German people.

Mr. F. McGrath: Come on.

Mr. Roche: The Deputy has been listening to Proinsias De Rossa.

The Taoiseach: As for any breaches, our revenue laws are as tough as anywhere in the organised world. Every country has its own tax laws and the Revenue Commissioners have all of the powers granted by this House and many

issues over the years have strengthened that position.

I have no involvement in, nor can I comment on, the tax affairs of either individual companies or State bodies in respect of their dealings with the Revenue Commissioners. Revenue does not comment either. However, all companies, including commercial semi-State companies, are entitled to organise their tax affairs in an efficient and legal manner to minimise the amount of tax payable. This is the manner in which commercial companies operate throughout the world. Our taxes are no longer the lowest in respect of corporation tax as some European Union member states have zero taxes. Elsewhere, countries, such as Singapore that has a zero rate, are probably receiving most of the foreign direct investment nowadays. Other countries have tax efficient mechanisms whereby they have higher headline tax rates but then do deals with major companies and multinationals. This is the order of the day.

The position of the Department of Finance is set out in the code of practice in respect of the governance of State companies. State companies are obliged to follow that code and it is a matter for the authorities to pursue any that do not so do. I am aware the Deputy has taken his information from the *Irish Mail on Sunday*, which published an article stating that three State companies, namely, ESB, An Post and Aer Rianta, have avoided corporation tax by moving more than €90 million through the accounts of the Dutch holding companies. This is a matter for the relevant Departments and boards to investigate. I do not have details in this regard.

However, our corporation tax regime is a far more transparent system and method of dealing with tax than is the case in most European countries. An ongoing campaign has run for 20 years about some of our operations. Our financial services regulators and companies are continually watching for anyone who abuses the system. However, Ireland is not alone in using tax efficient ways of doing things. There are tight laws and regulations and, in the case of any breaches, the Central Bank, the Office of the Director of Corporate Enforcement, the Revenue Commissioners and other agencies are designed to try to control them. However, Deputy Higgins should not fall into the trap that is again being revived by those who want to see a harmonised tax system.

Mr. Martin: Hear, hear.

The Taoiseach: They permanently pick on Ireland, in the main because they do not want to make reference to some other countries to which they are more closely allied. There are plenty of them and I note that in the French election we have again been taken out and used to be kicked around by those who should know better.

Mr. J. Higgins: As a matter of fact, it is the right wing that cuts corporate taxes, not the left.

Mr. O'Dea: The Labour Party cut corporate taxes.

An Ceann Comhairle: The Minister should allow Deputy Joe Higgins to speak without interruption.

A Deputy: Is the Labour Party right wing?

Mr. J. Higgins: Of course people in the European Union criticise the Taoiseach's corporation tax policy. Why would they not? The Taoiseach has been instrumental in causing a race to the bottom in corporation rates within the European Union and in a wider sense. For example, the Taoiseach has cosseted, in the same manner as everyone else, Proctor and Gamble, which is a fabulously profitable corporation. However, its workers are being put through the wringer today because much wants more. Apparently, although Members have not heard the latest, it wants to abandon Ireland for other pastures, where a corporation tax rate of zero applies — the direction in which the Taoiseach's policy is going. There will be a bitter fruit to be reaped from the Taoiseach's corporation tax policy. One sees the spectacle of the likes of Mr. Gates of Microsoft, who struts the world stage as a magnificent philanthropist. However, he avails of Ireland's tax law for blatant tax avoidance——

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

Mr. J. Higgins: ——assisted by the Government. This mirrors the Irish tax exiles, who are the Taoiseach's friends and who also strut around Ireland raising funds for worthy causes. However, were they to pay their due taxation, such causes would be funded ten times over without being obliged to go to them with a begging bowl.

Mr. F. McGrath: Hear, hear.

Mr. J. Higgins: The Taoiseach's corporation tax policy is unsustainable not in the long term, but in the immediate future.

Mr. Roche: That is absolute rubbish.

The Taoiseach: It appears as though everyone in Ireland is my friend this morning. If Deputy Higgins is advocating that State agencies which employ thousands of people, such as An Post and the ESB, should put themselves at a disadvantage by not availing of legitimate tax schemes to minimise their tax liabilities——

Mr. J. Higgins: Tax scams.

Mr. F. McGrath: Hear, hear.

The Taoiseach: There are bodies to investigate tax scams. If the Deputy asserts that the law as it stands is wrong, it is obvious that he disagrees with it. I remind Deputy Higgins, who obviously has forgotten what he said on two occasions, of the following. Ireland has lower taxes — although they are no longer the lowest because countries such as Estonia and other new member states have extremely low corporation taxes — which are very straight line and we do not make deals with companies as do other countries. We are taking in hundreds of millions more and the very projects advocated by the Deputy are funded in this manner.

Mr. J. Higgins: The Taoiseach is stealing taxes from Africa, the Middle East and poor countries. That is the situation.

The Taoiseach: This is how we have been able to take on thousands of extra——

Mr. Martin: Every country in Europe has its own system.

(Interruptions).

An Ceann Comhairle: The Taoiseach, without interruption.

Mr. J. Higgins: The Taoiseach is depriving the poorest of the poor of their due tax.

Mr. O'Donoghue: There is 100% employment.

The Taoiseach: As we receive hundreds of millions more in tax revenue than was the case previously, we are able to put far more money into employing nurses, doctors and other paramedical staff, as well as thousands of teachers. I know this is not consistent with the Deputy's policy either. The Deputy would like to have exorbitantly high taxes, high unemployment and huge poverty——

Mr. D. Ahern: And deprivation.

The Taoiseach: ——and then he would be happy because the policies in which the Deputy believes are the policies of discontent.

Mr. J. Higgins: The Taoiseach should do me a favour and return to his script after all.

The Taoiseach: Is that not why the Deputy was thrown out of the Labour Party? He wanted always to have things bad and if things are good, it does not suit him. He is now trying to attack multinationals.

Mr. J. Higgins: The Taoiseach is now on a rant.

The Taoiseach: This is what the Deputy believes in. In fairness, the Deputy is consistent. If the sun shines, he wants to see rain. He has

always been like that. I understand that and fair play to him. He has been consistent for 30 years.

Mr. O'Dea: Although the Deputy is 100 years out of date, he is consistent.

Mr. J. Higgins: The Taoiseach did not deal with the issue.

Ceisteanna — Questions.

Decentralisation Programme.

1. **Mr. Kenny** asked the Taoiseach the number of staff in his Department who have applied for relocation under the Government's decentralisation programme; and if he will make a statement on the matter. [43903/06]

2. **Mr. J. Higgins** asked the Taoiseach if he will report on the implementation of the decentralisation programme as it affects his Department. [1609/07]

3. **Mr. Sargent** asked the Taoiseach if he will report on the implementation of decentralisation in his Department; and if he will make a statement on the matter. [6330/07]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the Civil Service relocation programme as it affects his Department; and if he will make a statement on the matter. [6766/07]

5. **Mr. Rabbitte** asked the Taoiseach the progress made in regard to decentralisation in so far as it affects his Department; and if he will make a statement on the matter. [8369/07]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

A total of 39 staff currently serving in my Department have applied through the central applications facility to relocate under the decentralisation programme. The breakdown by grade is: assistant principal, seven; higher executive officer, three; administrative officer, seven; executive officer, nine; staff officer, two; and clerical officer, 11. Ten former members of staff have already been assigned to decentralised posts.

Arrangements are in place to ensure the decentralisation of staff does not have a negative impact on the quality of the services provided by the Department. These arrangements include the phased redeployment of some of the remaining staff to the areas of the Department most affected by decentralisation, as well as the provision of training and job profiles and work manuals to new staff as appropriate.

The fact that 18% of the staff of my Department have opted to relocate outside of Dublin shows that the underlying decision to initiate a

comprehensive decentralisation programme was correct.

Deputies will be aware there are no proposals to decentralise my Department or any of the bodies under its aegis.

Mr. Kenny: What was the reason for the Government taking up 16.5% of all vacant office space in Dublin last year, which came to 38,000 sq. m.? This was 40% higher than the State's take-up in 2003. As I am hoarse, I am obliged to keep my questions short. Will any element of the Taoiseach's Department take up office space rented or taken out by Government in Dublin this year?

The Taoiseach: No and I do not think any of the organisations connected to my Department are that big either. I do not think any of them will do so and certainly not the Department. There is always a fair bit of moving around in terms of Departments. It is really an OPW question — I will try to be helpful — and it is forever changing its leases on developments it has and trying to get out of finishing some contracts and going for longer-term leases. I very much doubt it will increase its overall space. Where leases are getting short or coming up to review, it tries to get better arrangements. It tries to manage its own portfolio and it is forever doing that on an annual basis. My Department is not taking up additional accommodation.

Mr. Rabbitte: The Taoiseach stated 18% of his staff applied for relocation. He put a figure of 39 staff on it and stated that ten former members of staff were already assigned to decentralised posts. Does this have any meaning? Have any of them been decentralised or have they even moved outside of the Taoiseach's office? Is it just that they are applicants who may be called on if the opportunities or vacancies arise?

The Taoiseach: In my Department, ten staff have already moved to posts. As Deputy Rabbitte is aware, through the managed system staff are moving to posts and areas. People who want to be decentralised across a range of areas are moving to offices that will be decentralised. This year about 1,000 people overall will be in posts and the figure will be several thousand in the next three years. From 2007 to 2009 the figure will reach 6,000.

There is a huge movement within the Department in a managed way which is now worked out with the unions. In fairness to the public service unions a good system was worked out. It will take a bit of time to move through the system but it is a good and organised system which allows people to move.

Ten staff members have gone and given the way it operates I would see most of these people moving on probably over the next two years. To date, decentralisation organisations have moved

to 12 new locations. By the end of September this year I am told 2,300 staff will be assigned to decentralised posts. Within 18 months, there will be 29 locations across the country. Over the three year period we will see a very large number of people moving. The schedule is for the planned movement of 6,800 staff over the three-year period. It is a very large movement of people. Admittedly it is not what it was meant to be at the start but by the end of 2009 a total of 6,800 will have gone.

Mr. Rabbitte: I do not wish to be picky on this. However, the Taoiseach stated ten people moved to decentralised posts. Does this mean they moved outside of Dublin city? Regarding general progress, as I understand the actual figures to date, approximately 6% of the McCreevy target has been decentralised and what the Taoiseach discussed was targets he hopes to achieve in the future.

Former Minister for Finance, Mr. McCreevy, famously stated---

An Ceann Comhairle: This question refers specifically to the Taoiseach's Department.

Mr. Rabbitte: However, the Taoiseach widened it and I was responding to his widening of the subject matter. All I was doing was recalling that former Minister for Finance, Mr. McCreevy, stated if it had not been implemented by the election the Government would pay a heavy price.

An Ceann Comhairle: If the Deputy has a question we will hear it.

Mr. Rabbitte: I thank the Ceann Comhairle and I accept that. Will the Taoiseach state what reality attaches to the new targets and expectation he has now given us? Will he be more specific and state how many will move and when and on the particular point of his Department whether those people are in posts outside of the capital city?

The Taoiseach: I do not know whether they have moved once they have left the Department. Regarding the figures for this summer, it is anticipated the number of decentralised staff moved to the new locations will be more than 1,000 in 20 towns. The plan in place, which I think is working through the system, will be 6,800 by the end of 2009. I think they have worked out a very good plan with the accommodation in place and the contracts done. We are talking about almost 7,000 staff gone in a three year period. This year, that figure will be 1,000.

Mr. Ferris: Does the Taoiseach accept that even if the 10,000 target for decentralisation is reached it would be only a drop in the ocean compared to the continual growth in Dublin? Does he agree that economic development is concentrated far too much to the east and other regions

[Mr. Ferris.]

lose out, particularly the south west? Will he consider establishing a unit in his Department to see how economic growth can be better managed and planned in the future?

The Taoiseach: The eastern region will continue to grow according to every report and survey. It is no longer Dublin, it is the greater Dublin area, and the definitions of the greater Dublin area get greater every year and it gets wider. To answer Deputy Ferris's question, the Government and I are totally supportive of balanced regional development. I think it is good for Dublin, the Dublin region and the country. As time goes on it is the only way to cater for a population of 5 million.

We are now told that within 13 years, which is a very short time, we will have in excess of 5 million people. The only way is to use the spatial strategy and the hubs to try to develop not only public sector but private sector jobs. That is what the Government has been supporting and pressing for a long time. Whether by Enterprise Ireland, the IDA or others most of the effort is made to try to move as much of the investment as we can. The public service has to give an example. It is not enormous out of a workforce of approximately 2.2 million. Within a year we will have 2.2 million people working. It is not only the 7,000, it is the large part of the public service. I do not think the public service will be the problem in the years ahead.

Through health and education the public service will continue to give employment around the country. The problem will be to try and get more private sector companies to move. A large amount of private sector companies, whether they are indigenous or multinationals, want to be around universities and airports. They have their priorities and it is not easy to get them to move either to the south west as Deputy Ferris mentioned or other areas. Policy has to be to try to get them to do so, otherwise the greater Dublin area will snarl even more. That is why I am in favour of this. There has been a very active programme on every investment for several years. The incentives are there to get them to move away from the greater Dublin area. It is in everybody's interest that they do so.

Mr. Gormley: The Taoiseach will agree the initial proposals on decentralisation by former Minister for Finance, Mr. McCreevy, took everyone by surprise and seemed to be written on the back of an envelope. Does the Taoiseach at this stage have specific proposals on how decentralisation will function? For example, will he spell out how often decentralised staff in his Department will have to commute to Dublin for specific meetings? Is technology for the most modern web-conferencing facilities in place in the Taoiseach's Department, as I see a role for such technology?

The Taoiseach: A huge range of organisations has moved out and by and large the functions have been worked out with regard to where people are going and where the offices are, along with their *modus operandi*. Civil Service unions and management staff have worked that out.

In most of the sections there is not that much traffic back to the city. For the future, even for those coming back, web-conferencing is the way to go. I entirely agree with the Deputy. We use such conferencing in my own Department for meetings between ourselves and the British Government. Otherwise my staff would constantly be going backward and forward. Most of our ongoing meetings with the British officials, except perhaps a monthly one, are being done through web-conferencing.

I will not state it is the best technology. Being honest, it is far from the best technology I have seen. I have seen the best technology in this regard in different corporations here and it is quite unbelievable. I will not mention company names but some of the best web-conferencing facilities in the world can be seen in this country, where one can literally feel he or she is in the room with people on the other side.

Our technology is poor in comparison but it does the job. On investment for the future, there is no reason Secretaries General or departmental heads cannot sit down and do their business with such technology. I am told that within five years the cost of very good conferencing facilities will be very affordable and will not be a great burden on companies. What we use currently is not brilliant but it certainly fulfils the obligation. Looking out over the next five years there is no reason a departmental head would not be able to link in to several agencies or Departments from a Dublin base, where the head would probably be, on a Monday morning. We are already at that stage and we just have to perfect it. It is the way of the future.

Mr. Naughten: Web-conferencing is great but if we had broadband around the country it might make it much easier.

The Taoiseach: There is 85% penetration.

Mr. Naughten: We will leave that debate for another day.

An Ceann Comhairle: We will leave it for another member of Government.

Mr. Naughten: I wish to ask about the number of staff in the Taoiseach's Department who have decentralised or moved compared to the number of staff who have transferred from the Department to other Departments in Dublin. Currently, some staff being decentralised are moving from one room to another and are being designated as decentralised staff because they have been redeployed within the same building.

What is the level of real decentralisation from Dublin to the regions? Will the Taoiseach provide an example from his own Department of how many people have transferred to other Departments in Dublin compared to those who have actually decentralised?

The Taoiseach: My Department is relatively small. Some 18%, nearly a fifth, of the Department want to go up to this year. Of 39, 29 are still in my Department. They have requested to be decentralised and ten of them have gone via other Departments or agencies. The overall figure this year is 1,000.

With regard to the planned structure there is now an agreement and these issues have been worked out by the OPW and the decentralisation committee. By 2009 the number will be 6,800. It is a three-year programme; in 2007 it will 1,000, in 2008 it will be approximately 3,500 and by the end of 2009 the number will reach 6,800. There is confidence this can be done. The process will take in 29 locations, where Departments already have offices or offices are being built.

Departmental Expenditure.

6. **Mr. Kenny** asked the Taoiseach if there is a corporate procurement plan in place in his Department; and if he will make a statement on the matter. [43905/06]

7. **Mr. Sargent** asked the Taoiseach if procurement procedures in his Department take into account carbon footprint of the goods and services sought; and if he will make a statement on the matter. [6331/07]

8. **Mr. Sargent** asked the Taoiseach if his Department will become carbon neutral by 2010; and if he will make a statement on the matter. [6332/07]

9. **Mr. Rabbitte** asked the Taoiseach his plans to ensure that his Department will become carbon neutral by 2010; and if he will make a statement on the matter. [8368/07]

The Taoiseach: I propose to take Questions Nos. 6 to 9, inclusive, together.

Following a detailed analysis of our current arrangements in the procurement of goods and services, a corporate procurement plan has been prepared with a view to improving the procurement function within my Department. The plan sets objectives to improve the way the Department acquires and pays for goods and services. The plan will be kept under review, especially in respect of amendments which may be necessary arising from a possible move to a shared financial services platform.

My Department complies with guidance on the procurement of supplies and services as set out in the public procurement guidelines, as well as implementing as appropriate all additional procurement guidelines published by the Depart-

ment of Finance. These guidelines set out the steps to be followed in conducting an appropriate competitive process under EU and national rules.

The EU procurement directives allow for certain environmental criteria to be considered in the procurement process and the Government is preparing an action plan for green public procurement, with the aim of achieving by 2010 a level of green procurement equal on average to that achieved by best performing EU member states. The plan will focus on issues such as targets to be achieved, how to drive the adoption of green procurement by public and semi-public authorities, indicators for measuring progress and the legal and administrative framework for public procurement.

Reflecting the Department's broader policy remit, we have included in our corporate procurement plan a commitment to support waste recycling and energy saving, as well as the use of recycled paper, wherever possible.

Mr. Kenny: What is the level of best practice within the European Union referred to by the Taoiseach in respect of public procurement? The Irish public sector spends approximately €19 billion every year in buying goods and services. In 2004, for example, the Northern Ireland office identified a three-year public service saving of approximately €250 million in their spend of €1.7 billion in buying public services and so on.

The Fine Gael and Labour parties, in a document entitled *The Buck Stops Here*, recommended the establishment of a public buying office which would operate within the Department of Finance and which would report to the Minister of State at that Department. Given the scales and volumes involved in purchasing goods and services for the Department of the Taoiseach and other Departments, does the Taoiseach believe the idea of a public buying office would be of great benefit? It would be possible to purchase significant quantities and the scales of economies could therefore apply in the public interest. There could be serious savings.

What is the Government's point of view? Has the Department of the Taoiseach put forward any particular views on the issue?

The Taoiseach: For many years the OPW has centralised buying contracts and the Department of Finance public procurement guidelines cover that. Most of the departmental costs are under contracts under the procurement policies of the Department of Finance, with the OPW being the centralised buyer in a large range of areas.

Expenditure in operating my Department is incurred across a range of goods and services, including travel services, staff training and development, telecommunications and office equipment, premises expenses, information technology, and library and consultancy costs. The average annual cost is approximately €3 million.

In accordance with the guidelines of the Department of Finance published approximately

[The Taoiseach.]

three years ago, every Department must have a procurement plan, which is a detailed analysis of procurement activities and expenditure. This was undertaken because it provides information on a great amount of expenditure in the various categories of procurement, which will inform departmental practices in future. Every Department does this, but it feeds into the better guidelines of the procurement section in the Department of Finance.

My Department complies with the guidance on the procurement of supplies and services as set out in the guidelines. The guidelines not only cover Irish issues regarding competitive tendering, but also EU and national rules. It is not the case that each Department buys on its own. As all of the duplicated expenditure is being centralised, we get big economies of scale.

The increased complexity and importance of purchasing decisions by public bodies is leading to a far more strategic focus and improved management of the public procurement process. The effective and efficient procurement policy, the procedures and the practices can have a significant impact on the accountability and value for money aspects of the purchase of goods and services by the State. The potential for real savings from more effective procurement policies and practices is significant. The OPW can show a considerable amount of data, which we get all of the time. Achieving savings is important because it frees up resources that can be redirected to other services.

The procurement section in the Department of Finance has examined better outcomes internationally and is always looking for improved compliance with existing rules and better moves. My only worry in this regard is that we in this country are sometimes very pure in terms of how we follow these rules as opposed to other countries. We go all over the world to get the best value for money, sometimes at the expense of our own companies. My colleagues on the Council and those in Fine Gael's European grouping find imaginative ways around EU procurement rules to keep business at home.

Mr. Kenny: That is true.

The Taoiseach: There is a down side in that one can get the best value for money, but one can affect jobs at home. That is my only argument, but I lose it usually because we tend to play by the rules in this country.

The main aim of the national policy on procurement is to achieve value for money while having regard to probity and accountability. While price is important in determining value for money, the outcome of procurement, particularly for certain categories of purchases, is not the only variable to be considered. Value for money also encompasses non-cost factors. When purchasing goods or services, consideration should be given to whether they are fit for the purpose intended

and of sufficient quality and whether the level of service support provided meets the requirements. These issues are covered well.

The national public procurement policy unit was set up in the Department of Finance five years ago. Its role is to develop public sector procurement policy and practice and it has done a good job in changing practices across the public sector. It is an active section in terms of trying to enforce value for money, but there is an issue when contracts become larger because they then fall under the EU directive. The contracts will be won internationally, but some significant countries do not play by the same purist rules as we do. This sometimes has a negative effect on companies, particularly those in the printing industry, where many large contracts are going outside the country, but if one follows the guidelines the way one should, there is not much that can be done about that.

Mr. Rabbitte: On the plans of the Department of the Taoiseach to become carbon neutral, has a target date been set and what changes might be imposed on the Department? Has any comparison been carried out between, for example, the greater use of commercial travel and ministerial travel in terms of yesterday's discussion? I appreciate that the business of Government is becoming more complex and I understand the need for speedy travel arrangements, but the figure in question has climbed dramatically in recent years. We have just had an exchange about the capacity of modern technology to ease that burden. I presume this is a dimension of the Department of the Taoiseach's performance that has a significant impact in terms of carbon emissions.

The Taoiseach: There is a plan across Departments, including mine, to help reduce carbon emissions. It covers a range of areas. I will return to the matter of travel in a minute, but the plan deals particularly with recycling, reusing and how we handle old machines, such as computers, copiers and so on. There is a rigorous plan to comply with the needs. It comes down to the lights policy, namely, turning out lights. It is a detailed plan and is being monitored.

Following the plan is a bit easier in my Department because there are people in the building 24 hours a day, including military police. It is easy to keep everything in line. There is a procurement plan regarding purchases that take account of environmental needs. There are plans to do even more and the Department would admit that we could do new things, ranging from brown bins to using some parts of old computers. A big effort is being made.

On transport, the Department is trying to do more work regarding conference meetings to cut down on the level of travel. To be frank, this has as much to do with the efficiency of the Department as it does with the carbon footprint, but there are more and more conference meetings. For example, the touring Presidency is fast dying

as a practice. We are in March and I have not seen my German colleagues, but I have heard them. The Deputy knows how the situation would have been in the past. A big effort is being made.

In terms of the value for money of transport, we do not have as many Brussels-based meetings, which are mainly attended by my officials. A lot can be done via conference sessions to reduce the amount of committee meetings being held in Brussels. The Irish Presidency's dramatic reduction in the number of meetings is holding well. We do not need 200 people or 300 people to attend the meetings. If everyone limited it to 15 people or 20 people for the bigger countries, we could cut down on a lot of travel. There are practical things that can be done. We have a small team, but some countries' teams are of ridiculous sizes.

Mr. Gormley: I welcome that the Department of the Taoiseach will become carbon neutral at some stage, but does the Taoiseach agree that as leader of the country, he should lead by example? Will he tell the House what he will do to reduce his carbon footprint? I do not expect to see him on a bicycle soon, but will he change his car and take public transport occasionally so he can see what people must suffer? If he saw what people must deal with, he might improve the situation. I hope the Taoiseach agrees that climate change is the biggest change facing humanity and by extension the most important electoral issue. Will he make that statement here today? Would he also agree that, as the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, has said, what we need now is an all-party agreement as regards climate change? Would the Taoiseach be prepared to make that statement?

An Ceann Comhairle: This question refers specifically to the Department of the Taoiseach.

Mr. Gormley: The Taoiseach is here in front of me and he leads that Department.

An Ceann Comhairle: It is a matter for the Department.

Mr. Gormley: I would very much welcome a statement by the Taoiseach.

The Taoiseach: I think Deputy Gormley might agree that what we are doing as regards recycling, which comes under my Department, is significant. We have come from very low levels of recycling in this country to extraordinary achievements. We have gone way ahead of our targets and surpassed what other countries are doing. We are way ahead in terms of EU levels. In the climate change strategy as well as the White Paper, both of which will be published before Easter, we have set out the actions to be taken, including a steeply ambitious target to deliver one third of the electricity from renewable sources by 2020, optimis-

ing the use of new technology for co-generation of power stations with biomass and planning, the use of carbon capture, a clean coal generation technology, creating new opportunities for farmers in bio-fuel production, a new bio-fuel industry, introducing minimal requirements for the use of bio-fuels in State companies, public transport, requiring the public sector to lead the way in energy efficiency, improving the energy efficiency of new homes by up to 40%—

Mr. Gormley: The Taoiseach and his Department.

The Taoiseach: I am promoting and pressing all of these policies. I was on the DART twice recently and the Deputy is right. I came to realise how much better it is and how much more sociable and efficient than being stuck in traffic. The Deputy was perfectly right.

Mr. Gormley: The Taoiseach should try a train sometime.

The Taoiseach: I was on the Luas as well and he is right that the standard of public transport has changed dramatically. I have not been on the new buses yet, but I shall try that, too, through the new bus corridors.

Mr. F. McGrath: One cannot get a bus to Donnycarney.

The Taoiseach: He is correct in saying these are better ways to travel than being stuck in traffic.

Mr. F. McGrath: One cannot get a bus in north central Dublin.

The Taoiseach: I passed Deputy Finian McGrath the other day while I was in the car and he was walking, so I accept he was giving good example.

Mr. F. McGrath: I was bopping.

Requests to Move Adjournment of the Dáil under Standing Order 31.

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

Mr. O. Mitchell: I seek leave under Standing Order 31 to have the business of the Dáil adjourned to discuss a matter of urgent importance, namely, the unprecedented withdrawal from more than half a dozen schools in the constituency of Dublin South of the National Educational Psychological Service; the implications this has for continuity and consistency in dealing with educational problems; the effect of closing the gateway to appropriate services and supports for many children; and the urgent need for the

[Mr. O. Mitchell.]

Government to immediately provide the psychologists required to meet the demands of our growing and increasingly diverse primary school population.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of major national and local importance, namely, why Government is not capable of providing a basic and adequate education for an autistic boy who is at home full-time since his special teacher support at his local national school in Crossmolina was removed, being replaced with only 20 hours home tuition, while the boy cries daily to go back to his regular school. All the Government can offer him is a place at a special school in Ballina, 12.2 km from his home, which Western Care has already said is totally unsuitable for his needs and asserts he will be better off at his home school if the supports are restored.

Aengus Ó Snodaigh: I seek leave to move a motion for the adjournment of the Dáil under Standing Order 31 on the following specific and important matter of public interest requiring urgent consideration, namely, the failure of the Department of Social and Family Affairs to ensure that recipients of social welfare cheques receive them through the post in a timely fashion, which is not the case since January in much of Dublin 10 and Dublin 20, with delays of up to ten days from the date of issue and the consequent hardship for individuals and families who are totally dependent on these payments to manage their household budget; and the need for the Minister to address this problem.

Mr. Healy: I wish to request the adjournment of the Dáil under Standing Order 31 to raise a specific matter requiring urgent attention, namely, the need for the immediate location of an emergency ambulance service for the town of Carrick-on-Suir, as the existing service being provided from Waterford and Clonmel is unable to meet acceptable response times, thereby placing the lives of heart attack victims and road traffic accident patients, in particular, at serious risk.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter of national and local importance, namely, the urgent need for a full debate regarding the major changes and withdrawal of funds from persons at present in nursing homes under subvention or the less than adequate funding through subvention for those who need such nursing homes. All these changes are causing concern and chaos to individuals' families and in turn causing serious delays in the transfer of relevant patients from hospital beds already under pressure.

Mr. F. McGrath: I seek leave to move a motion for the adjournment of the Dáil under Standing

Order 31 to discuss a matter of national importance and concern, namely, the implementation of the 2002 Agreed Programme for Government, which was to ensure that the average class size for children under nine would be below the best practice guideline of 20:1. I now call on the Government to do something urgently on this issue as this country has the second highest average class size in the European Union.

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

Order of Business.

The Taoiseach: It is proposed to take No. 18, Finance Bill 2007 — Report and Final Stages; No. 19, the Education (Miscellaneous Provisions) Bill 2007 — Order for Report, Report and Final Stages; and No. 20, Prisons Bill 2006 [*Seanad*] — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10 p.m.; (2) the proceedings on the resumed Report and Final Stages of No. 18 shall, if not previously concluded, be brought to a conclusion at 5.30 p.m. today by one question which shall be put down from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance; (3) the Report and Final Stages of No. 19 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7 p.m. tonight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Education and Science; (4) and Private Members' business, No. a61 — motion re rail freight (resumed), shall be taken at 7 p.m. tonight, or on the conclusion of No. 19, whichever is the later, and shall be brought to a conclusion after 90 minutes.

An Ceann Comhairle: There are four proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with No. 18 agreed? Agreed.

Mr. Stagg: I oppose, for the same reasons I have stated previously, the guillotining of legislation going through the House.

Question, "That the proposal for dealing with No. 18 be agreed to," put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 19 agreed?

Mr. Stagg: I believe this is the 20th piece of legislation we have guillotined in recent weeks. We have seen the results that arise from the guillotining of Bills, with emergency legislation being introduced to deal with legislation that was not

debate properly in the House. Again, for that and the other reasons stated, we are opposed to the guillotine.

Question put: "That the proposal for dealing with No. 19 be agreed to."

The Dáil divided: Tá, 70; Níl, 52.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Séamus.
 Browne, John.
 Callanan, Joe.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Cooper-Flynn, Beverley.
 Cowen, Brian.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 de Valera, Síle.
 Dempsey, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.

Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Séamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Dan.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Breen, Pat.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Coveney, Simon.
 Cowley, Jerry.
 Crawford, Seymour.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.

McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Olivia.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Naughten, Denis.
 Ó Snodaigh, Aengus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Séamus.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sherlock, Joe.
 Stagg, Emmet.
 Stanton, David.
 Twomey, Liam.
 Upton, Mary.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Members' business agreed to? Agreed.

Mr. Kenny: It is my hope that the election process in Northern Ireland today will result in a situation where the Assembly can be restored and where all politicians can work towards that restoration and the implementation of the St. Andrew's Agreement and the Good Friday Agreement. I am sure I share the hopes and express the wishes of everybody in that regard.

When will No. 38, the education Ireland Bill be published? It deals with the teaching of English as a foreign language. It is expected some time in 2007 but the Taoiseach may have a date.

The Taoiseach: Like Deputy Kenny, I hope there will be a good turnout today and that the political process in the North goes well.

Preparatory work on the heads of the Bill is ongoing regarding the education Ireland Bill. This Bill will regulate the body dealing with educational services, including the teaching of English. It will probably be the second half of the year before it is published.

Mr. Kenny: Having taken the Ceann Comhairle's medical advice, I will now refrain from speaking further.

Mr. C. Lenihan: Deputy Rabbitte is in full voice; he will speak for the Deputy. It is the Mullingar accord.

Mr. Rabbitte: I gave the Taoiseach notice yesterday, and he might tell the House when he has the information, about the issue of whether we are likely to deal with the regulation and control of management companies prior to the general election.

In respect of a different piece of legislation, newspaper reports today will cause the Taoiseach some surprise as much as they did on this side of the House. They relate to the pulling of a commercial for Trócaire by the Broadcasting Commission of Ireland because the commercial has a political end. Most of us would be very surprised—

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

Mr. Rabbitte: There is a Broadcasting Bill before the House.

An Ceann Comhairle: We cannot discuss what might be in the Broadcasting Bill.

Mr. Rabbitte: The Ceann Comhairle is absolutely correct; we cannot do so. However, the Taoiseach might be able to say that this matter

will be dealt with because it is a blow to the fundraising of Trócaire. The abandonment of a prepared commercial is a blow to the organisation and, more important, to its development and goals.

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

Mr. Rabbitte: I would hope that the Broadcasting Bill would provide the opportunity to ensure that this unintended effect does not happen again.

An Ceann Comhairle: There are others ways in which the Deputy can raise the matter and the Chair will facilitate him.

The Taoiseach: I had the opportunity to receive a briefing on the first matter raised. The Government's legislative programme published on 30 January 2007 provides for the publication of the property services regulatory authority Bill. This legislation will give effect to the recommendations of the auctioneering and estate agents review group, including the establishment of the property services regulator with the authority to control and regulate the provision of property services provided by auctioneers, estate agents and property management agencies.

A cross-departmental team has been working on a number of issues in this area but, like many things, it is not simple as there is a cross-cutting nature to many of the matters. The Government has approved a high level inter-departmental committee to examine a number of tasks. It is unlikely that everything can be included in one piece of legislation so a number of different legislative and administrative areas could be affected. The group is up and running and the legislation for property services is under—

Mr. Rabbitte: Are the Taoiseach and I at cross-purposes? I am interested in that information but the specific point that interests most of my constituents is the regulation and control of management companies, which is a separate point from auctioneering and the practices that were revealed recently in that respect.

The Taoiseach: They are all linked.

Mr. Rabbitte: Will it be dealt with in this Bill?

The Taoiseach: There is a question about whether it can all be dealt with in one Bill.

Meetings were held with the Law Reform Commission which has done some work on this matter. I am informed that one piece of legislation will not be sufficient to cover all the areas; it will just cover a number of them. Work is ongoing on the Bill to which I referred. It is a question of including all the aspects. The Law Reform Commission has done good work in highlighting a number of the areas. The Bill will

include more than we first thought and the cross-departmental team are working on it. I will send the Deputy a note if he wishes.

The other issue raised by Deputy Rabbitte has been brought to my attention. The issue of gender is an important aspect of the Irish Aid programme. It seems extraordinary that the commercial would be pulled because of this issue. The Minister, Deputy Noel Dempsey, has already undertaken to talk to the BCI to see if this can be resolved.

Ms Lynch: Was a complaint received?

The Taoiseach: I do not think a complaint was received. The Minister's office contacted me last night. I think the BCI was concerned about the political nature of the commercial because of the petition involved. I have listened to some fairly political advertisements recently which had a ferocious go at me, and nobody seems to worry about it.

Mr. M. Higgins: That was groundless.

The Taoiseach: I cannot see how anyone would get so sensitive about this.

Ms Lynch: Maybe no one complained.

Ms Burton: The Taoiseach is a man. This has to do with women.

Mr. J. Higgins: Following on from the issue Deputy Rabbitte raises on legislation controlling management companies, apart from the urgent need for apartment owners to have new regulations to protect their rights, the Taoiseach undertook to consider the specific situation not of apartment owners but of house owners in big estates who were dragooned into management companies and saddled with fees completely unnecessarily. He said he would look into unscrambling their position so they could legally get out of those completely unnecessary contracts.

An Ceann Comhairle: Is legislation promised?

Mr. J. Higgins: The Minister, Deputy Roche, also gave such an undertaking. It is an urgent situation because people are being dragged into court and hounded by the developers, essentially, masquerading as management companies—

An Ceann Comhairle: We must deal with the legislation. We cannot discuss it in detail.

Mr. J. Higgins: We want to know when the legislation freeing those people from this burden will be brought forward.

The Taoiseach: There are two issues in this regard. First, the Minister some months ago gave

a directive to local authorities not to continue that process.

Ms Burton: They are continuing.

Mr. McHugh: They are continuing.

Mr. Roche: The Deputy should give me the details of the case — any case.

Mr. McHugh: They are disobeying the Minister. They are ignoring him.

An Ceann Comhairle: Allow the Taoiseach to speak without interruption.

Ms Burton: I recently provided the details to the Minister with regard to a private estate in my area, and he acknowledged the correspondence.

The Taoiseach: The Minister has given a direction. Obviously, he said if anyone had information—

Mr. McHugh: They are ignoring it.

An Ceann Comhairle: Sorry, Deputy. Deputies should confine themselves to the Order of Business. Questions more appropriate to a line Minister should be addressed to a line Minister.

Mr. J. Higgins: This is appropriate to the Order of Business.

An Ceann Comhairle: The Deputy made a Second Stage speech. Is legislation promised?

Mr. J. Higgins: My question was on legislation promised by the Taoiseach. When is it due?

The Taoiseach: I explained to Deputy Rabbitte that a number of aspects are involved. The cross-departmental team is working on the issue but it is broader than what I have stated.

On the housing issue raised by Deputy Joe Higgins, the Minister has given a directive for contracts already entered into. That matter must be considered in the context of what the cross-departmental team is doing.

Mr. Gormley: On promised legislation, the Taoiseach told us he uses public transport. He has never been on the No. 3 or No. 14 bus in my constituency because if he had been—

An Ceann Comhairle: Has the Deputy a question on the Order of Business?

Mr. Gormley: —he would provide time for the Dublin Transport Authority Bill. The Government is not prioritising public transport. I want to ask the Taoiseach when we will have that debate in the House.

An Ceann Comhairle: The Deputy should confine himself to the legislation. A number of Deputies are offering.

Mr. Gormley: I would like an answer.

The Taoiseach: We are spending €33 billion on—

Mr. Boyle: Will we debate the Bill?

The Taoiseach: We are spending €33 billion on public transport. I thought that was a fair priority.

Mr. Boyle: Will we debate the Bill? That is the question.

The Taoiseach: Yes, we will.

Mr. Gormley: When?

The Taoiseach: This session.

Mr. Stanton: There is a proposal to introduce a new social assistance payment for low income families with young children. I am told legislation is at an advanced stage but it is not on the legislative programme. When might we expect that? Has the Government approved the heads of a Bill?

The Taoiseach: The Deputy should table a question to the Minister.

Mr. Stanton: The Minister told me last week it is at an advanced stage. I want to know when it will be published. Will the Taoiseach provide that information?

The Taoiseach: If he told the Deputy it was at an advanced stage, it must be at an advanced stage.

Mr. Stanton: The Taoiseach knows nothing about it.

Mr. Sherlock: On the question of the Voluntary Health Insurance board, when will we have the promised corporate status Bill to give VHI corporate status?

The Taoiseach: The Bill is almost ready. It will be published shortly.

Mr. Kehoe: There is much legislation on the A list. Does the Taoiseach expect two pieces of legislation on the A list, the student support Bill and the adoption Bill, to be published within the next month?

The Taoiseach: The student support Bill will be published this session. I do not have a date for the adoption Bill but the student support Bill is nearly ready. It is due this session.

Mr. M. Higgins: A number of families are affected by the adoption (Hague Convention,

adoption authority) Bill. It would be useful if the Taoiseach could indicate whether it will be published during the lifetime of the Government. On the international convention for the protection of migrant workers and their families, the latest communication from the Department of Justice, Equality and Law Reform, which is the lead Department in checking the requirements for ratification, would seem to suggest the Government has no intention of ratifying the convention. Is that the case?

The Taoiseach: I will have to check with regard to the second convention — I do not have it listed. Was the first question on the adoption Bill?

Mr. M. Higgins: The first question was on the Hague Convention. The second one was on the international convention for the protection of migrant workers and their families. We have been in correspondence before in this regard, and the Tánaiste and Minister for Justice, Equality and Law Reform is reviewing it. I have reached the conclusion it is not the Government's intention to ratify the convention. Is that the case?

The Taoiseach: I will check with the Department of Justice, Equality and Law Reform on that. On the Hague Convention, the adoption Bill will be published this session.

Mr. M. Higgins: I thank the Taoiseach.

Mr. Gilmore: At present, local authorities throughout the country are transferring hundreds of tenants in private rented accommodation onto a scheme known as the rental accommodation scheme, RAS. Legislation to provide for that scheme has not yet been published, however. When will the social housing Bill be published? Can the Taoiseach tell the House on what authority or what legislative basis are local authorities currently entering into arrangements with landlords for—

An Ceann Comhairle: The first question is in order. The second question is a matter for the Minister.

The Taoiseach: The social housing Bill is listed for early summer. The Deputy should put the other question to the Minister.

Mr. P. Breen: In view of the imminent deal on open skies between the EU and the US, when will the tourism and development plan promised for Shannon Airport be published in preparation for open skies?

An Ceann Comhairle: That is a question for the Minister for Arts, Sport and Tourism. I call Deputy Burton.

Mr. P. Breen: It is a question for the Government.

Ms Burton: The White Paper on overseas development has recently been posted to every citizen in booklet form. One of the goals set out in the White Paper is equality for women as part of the millennium development goals. Is it proposed, in the context of the difficulties Trócaire has been having, to incorporate the White Paper—

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

Ms Burton: The White Paper has been circulated to every house in the country. Will it be incorporated into legislation here?

An Ceann Comhairle: We must move on.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the National Oil Reserves Agency Bill 2006, without amendment.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Communications, Marine and Natural Resources has completed its consideration of the Broadcasting (Amendment) Bill 2006, and has made amendments thereto.

Finance Bill 2007: Report Stage (Resumed).

Debate resumed on amendment No. 8:

In page 11, to delete lines 16 and 17 and substitute the following:

“1.—In this Part—

“Principal Act” means the Taxes Consolidation Act 1997;

“special educational needs” has the meaning assigned to it by section 1 of the Education for Persons with Special Educational Needs Act 2004.”

—(Deputy Bruton).

Mr. Bruton: When the debate adjourned, we were wrapping up on this group of amendments, which deals with a number of issues, including the possibility of tax relief being extended into areas of special educational need and the welcome decision by the Minister to grant medical tax relief from the very first euro of expenditure incurred by an individual or a family. I welcome the suggestion by Deputy Boyle that we should consider the totality of relief in respect of medical expenditures and medical provision.

I know the Minister is a strong defender of the tax-based schemes for developing private hospitals, private nursing homes and ancillary services. I acknowledge that in terms of getting

rapid response in these areas and getting buildings built rapidly, these schemes have filled a very important gap that existed in the public service and the Minister is probably correct to state it would have taken a long time to fill that gap by other means. However, it is timely to have a proper review of these elements in the context of a health policy.

The Minister commissioned a report by Indecon last year. It has more recently been cited as a justification for the tax relief provided in the Bill, although I have not yet seen it. In previous reports Indecon assumed the medical advantages and only reviewed the level of take-up. Once it became apparent that there was a reasonable level of take-up, it deemed the scheme a success and that it should continue.

Indecon also recommended a three-year review. The Minister has built into his proposal a termination date of three years but we need a health-based assessment of the various tax schemes for developing facilities, on which the Minister did not comment on Committee Stage. Some private developers have had problems meeting standards, although I know this issue is being addressed by reforms in standards provision. However, in another change this year the Minister for Health and Children has decided that the State will effectively fund all nursing home care provision after three years. It will not provide all the funds but will be the funder of last resort. The Minister's provision means that after three years the State will pick up the residue not met by 80% of a person's income. The cost of most nursing home care is currently between €4,000 and €5,000 per month, way ahead of the pension income of many individuals who might need it. Once the 15% property threshold set by the Minister has been reached which under the scheme will typically happen within three years, the State will effectively fund the entire residue above 80% of a person's income. If the State removes the risk by underwriting the income flow in the long term, it dramatically changes the basis on which we allow tax relief at a rate of 42% for the construction of nursing homes and other facilities by private developers.

I support the call for a health-based review of the place of tax-based schemes in an evolving health policy. Such a review has been missing to date but the Minister is uniquely well placed to initiate one, having served as Minister for Health and Children, as well as Minister for Finance, and has insights not only into the contribution which tax breaks make but also their limitations. I hope he agrees that this is a good time to set up a health-based review which will go well beyond that undertaken by Indecon which involved desk-based research with virtually no contribution from the Department of Health and Children. The review should offer an opportunity to participate to advocates of public sector provision, as well as those of a tax-based model involving the private sector.

Minister for Finance (Mr. Cowen): I have already spoken on this section.

Mr. Bruton: The Minister did not address that point.

Mr. Cowen: We have set up the Health Information and Quality Authority, HIQA, to ensure developments, whether under a tax-based scheme or otherwise, meet regulatory standards. The authority fills a gap in the monitoring process which had led to certain well known cases in which the standard of care was not what we would have expected. The response of the Minister for Health and Children was to set up the HIQA on a statutory basis. The HSE has an inspection regime and monitors standards as a matter of great importance.

The hygiene audit system in hospitals is another example of where we need to get the basics right. Many of the new-build developments were approved under the health board system and by the HSE which certified them as adequate and continued to check that standards were maintained.

The review of tax reliefs was comprehensive and my responsibility was to ensure value for money. The public system has produced 7,500 beds in the nursing home care sector alone as a result of the tax breaks introduced by my predecessor. If we had depended exclusively on public sector procurement for those beds, we would not have met the demand as quickly as by engaging the private sector.

The health reform policy has been rhetorically referred to as a process of privatisation but it is nothing of the sort. It uses private sector disciplines and expertise to complement the provision of public health care. We have traditionally relied on a mixed system of private and public health care to make sure the best possible consultant staff are attracted to the public health system. The contractual review in which we are trying to engage and which is now starting to make some headway is fundamental to changing the skills mix within the health sector in order that we will have far more consultant staff and a consultant-provided service rather than a consultant-led service, as is the case at present where the number of junior hospital doctors far exceeds what would be appropriate in a consultant-provided service.

Public private partnerships and private sector involvement are fundamental to the speedy and effective delivery of improved services through the capital investment programmes envisaged under the national development plan. That investment will be accelerated and encompass exclusively public sector provision, as well as private sector involvement, not only in private hospitals but in universally available facilities, in a way which provides value for money for the taxpayer.

The subject of the review for which the Deputy calls is within the remit of the HSE which has already taken initiatives in that regard. It is a matter for the Department of Health and Children to decide how it plays its departmental role but it is not within my remit to become a proxy Minister for Health and Children. My job is to ensure schemes requiring tax expenditure are continually monitored, not just by means of a three-year review but as a matter of budgetary policy. I will monitor their implementation throughout the year, as well as in the Estimates campaigns, to ensure they secure their objectives.

Among the reviews I will undertake will be an exercise to judge whether we secure a return on the investment to justify a scheme's existence. The Indecon draft report which I will make available on the website in due course confirms that continued tax-based investment is justified. We must ensure there is private sector involvement in developing a spectrum of care facilities, not simply residential or home-based facilities, and much investment in community-based services. Other care models are provided for in the Bill to meet an identifiable need and are justified on the basis of Indecon's findings.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Bruton: I move amendment No. 9:

In page 13, between lines 25* and 26*, to insert the following:

“

Section 466A (home carer's allowance)	€770.00	€1,760.00
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”

Amendment No. 9 was also tabled on Committee Stage. However, its subject matter is of sufficient importance that it warrants a debate in the House. It relates to the tax policy we have developed in respect of families in recent years. For most families, trying to rear children is quite tough. In the majority of instances, both parents are obliged to work in order to fund the cost of a mortgage. Most parents are under pressure to work and can at best take a short break from their place of employment.

In my constituency — I am sure the position is similar in that of the Minister — parents who devote their entire child benefit and under six payments towards the cost of child care still come up approximately €145 short per week. The latter converts into a gross annual income of €13,500. If there are two children in a family, the parents must find €27,000 to fund continuing child care for them. Given that the average industrial wage is between €32,000 to €34,000, there is virtually nothing left for people who go out to work. Many

parents find themselves under extreme pressure as a result and quite a number of them decide to opt for home caring. They see benefits in choosing the latter course, particularly from the point of view of being able to spend time with their children in their formative years and also in light of the economic reality of the high cost of child care.

What happens when parents consider taking the home care option for a few years in order to look after their children? They are immediately hit with a penalty on their tax credits of €990. In addition, under the terms of individualisation they lose an amount that could rise up to €5,250 on their tax bands. A massive tax penalty of €6,240 is, therefore, imposed when a person opts to give up work and become a home carer. This begs the question as to the sort of policy we are trying to develop in respect of families. Most other European countries recognise that supporting parents in the task of rearing children is of huge importance and is worthy of considerable state support. However, we appear to take a different view. We offer minimal support and we put in place tax penalties in respect of those who opt to become home carers for short periods.

The situation is even worse when one considers the way in which the tax and welfare system treats parents. It does not treat those who try to stay together and share the responsibility of parenting in an equitable way. If parents separate, they are treated much more favourably under the tax code and can qualify for four tax credits. If they remain together, they qualify for, at best, two such credits. If they are partners who are not married, they may only qualify for one tax credit. In the context of the social welfare system, we have not evolved a way of dealing with the anomalies regarding people who are single parents and those who are involved in joint parenting. We must develop new thinking in the context of how we treat families and how we might use the tax and welfare code in a more joined-up way to help parents to care for their children in an effective manner.

Developments in this area must go beyond tax and welfare law and enter the realm of employment law, where scant regard has been paid to parents who try to get time off to deal with significant family events or issues that arise on foot of their having young children. We must engage in a fresh examination of this matter and develop a structure that is more supportive of families. The success of families in rearing their children represents what we pass on to the next generation. It is the key test as regards the measure of our legacy. There are far too many children who fall by the wayside under the current model and we do not have the systems in place to identify them. A great deal of what passes for child policy represents a mere reaction to crises. We should, rather, try to anticipate such crises and create environments in which children can succeed. Many policies are developed within rigid silos,

with no thought given to the links that must be created.

It is important that we should begin to roll back on the current system. The amendment makes a simple and straightforward proposal, namely, that home carers should enjoy the same tax credits as those who opt to work outside the home. This would involve increasing the tax credit for home carers by €990. People would then be in a position to make a choice and would not be penalised for doing so. Under the amendment, if people want to be home carers for a number of years, they will be treated as workers in the home. If they opt to work outside the home, they will be treated as they are at present. People would then, at least as far as credits are concerned, enjoy the same tax treatment.

We must also consider rolling back on the impact of individualisation further up the line. Much of the drive in favour of individualisation emanated from people who, through our social partnership model, have the ear of the Government. The needs of employers, producers and the trade unions, rather than those of families and people trying to deal with the consequences of changes in tax policy, are far too much to the fore under this model.

The amendment represents a modest start in an area in respect of which it is important that we should reclaim ground by putting in place a solid, family-based policy. The State opted out of taking action in this area for a long period and regarded its main concern as ensuring that our economic model remained intact. However, the State has an important role that has been overlooked. In that context, I hope the Minister is of the view that the amendment is worthy of support.

Ms Burton: It is appropriate that we should be debating this aspect of Fianna Fáil's budget on the eve of International Women's Day. It is important that the Minister should appreciate that the tax penalty or additional tax that will be paid by married couples where one or other spouse chooses to remain at home and care for children or an elderly relative amounts to €6,240. If a married couple decide that one spouse should remain at home, there are two penalties. The allowance for a married couple where both spouses are working is €68,000. For a single income couple, the allowance is €43,000. The latter couple must, therefore, pay a tax penalty of just over €5,000. As in previous budgets, the Minister has again widened the gap. This process began in 2000 with his predecessor, Charlie McCreevy. The amendment suggests that a home carer's credit of €770 be put in place. This compares with a PAYE tax credit of €1,760. Single income couples are obliged, therefore, to pay extra tax to the tune of €990 if one spouse remains at home to care for children, a disabled person or an elderly relative. In this regard, the

[Ms Burton.]

Government is practising political correctness gone wrong. We all live complex lives. As I stated, it is the eve of International Women's Day. I am delighted to be the first spokesperson on finance to raise an issue which particularly concerns women because women still form the overwhelming majority of carers. However, women have diverse lives. I am a Deputy, I am an accountant, I used to be a lecturer, I used to work in Africa on development programmes, but I am also a mother and I had responsibility for my father before he died. My life, like that of many women and quite a number of men is a patchwork of different responsibilities at different stages.

When the feminist movement started in America the book that became famous, and in many ways launched it, was by a woman called Betty Friedan. She started the book with the words "Is this all?". In America of the 1960s where she had the house, the home, the two children, the husband, the car and money, she asked "Is this all?" and wrote that she wanted to take part in the workforce and be out in the world of business, politics and commerce. If the women's movement is about anything, it is the right of women to have at different stages in their lives the choices that reflect their different interests and commitments. Let us be clear about this issue. For the vast majority of women that includes, for some time or for years — forever in some cases — a commitment to caring for children in the home and caring for relatives. As I stated, it is also the commitment of a significant, and growing, number of men.

Since caring is not monetarised in our economy, it has no economic value for the State. There is an element of political correctness gone wrong in what this says to a young family. As I stated to the Minister previously, the problem does not arise when the first baby is born because often people can cope. They can afford the €200 a week in crèche fees for one child and get him or her out to a child minder or a crèche at half past seven in the morning, commute to work, come back at 5 o'clock or 6 o'clock to collect the baby and then settle down for the evening. The difficulty arises when people have two or three children, particularly if, because of our astronomical house prices, they work in the Dublin area but live as far away as, for example, Tullamore in the Minister's constituency, Kinnegad or Enniscorthy. There are large numbers of people now living in the greater Dublin region and the Leinster region who are commuting to jobs in the Dublin area. When such a family has two or three children, how will they afford to pay €600 a week in child care — crèche fees, after-school services and pre-school services? A person would need to earn double the average industrial wage of approximately €34,000, which, incidentally, most women do not

earn, to pay the cost of all the child care that would enable the person to work full-time.

One of the benefits of the partnership process has been bringing forward arrangements that allow public servants to take various amounts of time off in recognition of their caring duties. However, by and large, the private sector does not acknowledge this development. There is an absolute ceiling for women in the private sector. Employers are fools to believe that if a woman starts her working life at 20 years of age and retires aged 60 or 65, it amounts potentially to a productive working life of between 40 and 45 years. Many employers will not acknowledge that for five to ten years of that period many women will be heavily involved with the care of a child or children and for many people some of the period will involve the care of elderly relatives. If taking parental leave was compulsory for men and if in our firms of solicitors and accountants the men who have children also had to take a little time out, which many men would welcome, we would see a revolution in employers' attitudes.

On Second Stage, the Minister responded by stating that I was decrying the effect of individualisation. I was doing so. My party has put forward detailed recommendations for a commission on taxation to look on a rolling basis at these issues in the tax system. Perhaps when Charlie McCreevy brought in individualisation, as the Minister stated in his reply, the weakness of our income tax system at that time was how heavily it bore on single people because in order to improve their position we had to give double increases to married one-earners and this used up scarce tax resources. People might say that the Minister's predecessor had a point in terms of debating tax policy for 2000, but this is 2007. Following seven years of much prosperity, the extra tax the married one-earner must shell out if he or she earns over €68,000 is now €6,000, which is a significant penalty.

The Minister further stated on Second Stage that if we want to go back on individualised tax bands, we will inevitably raise the relative burden on single earners for a given amount of tax relief and while he accepts that people may make life choices at different times in their lives, he is not sure if we can turn the clock back at this stage. It harks back to the Maggie Thatcher question — are we living in a society or in an economy? I live in a society. I want women and their partners or husbands not only to have children, but to have the time to enjoy being with and raising their families. We have heard the example of one of our scarce female colleagues in this House. Approximately one third of the Labour Party's parliamentary representation is female. The Progressive Democrats' female representation is approximately the same. Of the other parties, the Greens and Sinn Féin have no female Members and Fianna Fáil and Fine Gael have a couple of

female Members each. This is a woman-free zone, to all intents and purposes, as regards modern Ireland.

I am not saying the answer is easy, but the proposal being put to the Minister is a start. In that regard, there are two principles. The first is that he should not make the gap any bigger, which he has been doing without thinking about it and without realising the impact on women and on families with children.

Second, why not just raise the income tax credit for home carers? It has been frozen since it was introduced. That should be done. The Minister will possibly address it in his party's election manifesto. It should be in this Finance Bill, not saved up as an election goody.

The strains on families are enormous. The worst part of all of this shows again how fossilised thinking on taxation becomes when it is caught in that rarefied group of social partnership. Social partnership does not involve the Opposition in the Dáil.

Acting Chairman (Mr. McCormack): Deputy Burton is making a Second Stage speech.

Ms Burton: No. I am speaking about the amendment.

Acting Chairman: The Deputy is giving a Second Stage speech and should speak to the amendment.

Ms Burton: The amendment indicates that the credit for a worker paying income tax is €1,760, whereas the home carer's allowance is €770 for a single family in which a carer, usually the mother, stays at home. Most of us would not like the marriages of our friends and families to break up but if a married couple was to separate while retaining joint custody of their children, which is easily arranged in the courts, they would each receive a separated parents allowance of €1,760, in addition to a PAYE tax credit if they were in the labour force. Justice cuts both ways and given that the focus of the partnership process is on having women enter the paid work force, it is right for me, as a woman Deputy, to speak for the women and men who want an acknowledgement in our tax code of the care they give to their children.

When the Minister said on Second Stage there would be no turning the clock back on this amendment, he was wrong. He should reconsider the issue because there are options for reform. The Labour Party has put forward detailed proposals in that regard and this amendment would go some distance towards righting the balance in favour of families with children. If we are not in a position to nurture children, all the economic benefits in the world will be of no avail. I hope the Minister has had an opportunity to reconsider his refusal to turn the clock back in terms of giving families with one spouse at home a second

chance. He should at least put them in the same position as separated parents. Why should a married couple which stays together to care for children not receive the same tax advantages as a separated couple?

I understand why circumstances may have been different 20 years ago but time has progressed and we are in 2007. There are 300,000 single income families in this country, at least a third of whom are negatively affected by the Minister's tax rules. I hope, therefore, he will take the opportunity presented by this amendment to rectify the issue.

Mr. Boyle: The previous Minister for Finance heralded the introduction of tax individualisation as a great leap forward in his fiscal revolution but he failed to take account of the social implications of his decision. There is a history of failing to deal with women equitably in the taxation code. I have only to mention a former Fianna Fáil Minister for Finance who referred to women complaining about their treatment at the hands of the tax system as well-heeled and articulate. Not a lot has changed in the Government's attitude to the role of women in society or their treatment as economic instruments.

Tax individualisation has resulted in a large number of women entering the work force but the growth of service sector jobs with low pay and anti-social hours has also had implications for society. Many communities have seen the return of latch-key kids as a result of households which need to earn more than one income and a taxation system which tells couples they will be better treated if both partners work. Individualisation would make sense if we also integrated the tax and social welfare systems or if tax credits were refundable where discrepancies arose. That would allow a balancing mechanism for people who are treated differently. At the end of the day, the effect of making a distinction between those who work at home in an important social context and full blown economic actors is that we make different value judgments as a society.

The way individualisation was introduced by the then Minister, Mr. McCreevy, the resources provided to the policy and the gap that has since been allowed to increase has meant the problem cannot be resolved in one attempt. I favour the approach taken by Deputy Bruton of ameliorating the effects of the policy, at least in the short-term. However, I would like to go further because there is an onus on us to put in place a timetable for granting equality to those who perform an important social role and a consequent economic function for the State in terms of caring for children and family members. The ways by which those who are not part of the taxation system offer their labour on a day-to-day basis constitutes an alternative economy which goes unrecognised in the Bill before us. Given the Finance Bill is one of the more important matters of legis-

[Mr. Boyle.]

lation this House has to pass in a given year, this non-recognition represents a tremendous failure. Thousands of people are being dealt with in an inequitable manner because they are not visible in a traditional economic sense and the system would prefer they did not exist. We have a responsibility to acknowledge that they play an important role and to introduce taxation and social welfare systems which properly recognise them.

This is clearly an issue that mainly affects women, although it also affects men who chose to act as full-time carers or who would like that option if the taxation and social welfare systems were more equitable. The consequence of not acting will be the distribution of expenditure from the Department of Finance to other Departments in order to deal with social repercussions such as disadvantages in health and education. A measure of social justice is needed in our taxation code, along with an admission that a measure which was originally seen as a bold stroke has largely failed society. With regard to bringing women into the work force, those concerned have not benefitted because the accompanying supports, such as additional training, recognition of previous work experience and protective measures for families, have not been put in place. I fully support the aim of Deputy Bruton's amendment and hope that whoever is responsible for next year's budget will start the process of reversing the taxation system so that it properly recognises the role of full-time home carers.

Mr. Cowen: This amendment concerns the home carer tax credit of €770, which under section 466A of the Taxes Consolidation Act 1997 is granted to married couples where one spouse works at home to care for children, the aged or incapacitated persons. We discussed an identical amendment on Committee Stage which proposed that the home carer credit should be increased to €1,760, or the same as the maximum employee tax credit, commonly known as the PAYE credit, set out in section 3 of the Bill. In other words, the amendment would increase the value of the home carer tax credit by €990 per annum. The cost of increasing the home carer tax credit as proposed is estimated at €49.4 million in 2007 and €73.6 million in a full year. As I indicated in my Budget Statement last December, the total cost of the income tax and levy changes I made is more than €1.25 billion in a full year, which is almost 40% greater than the previous year's total. The increases in the employee tax credit and the personal tax credit, in addition to benefiting all workers, were intended to ensure all those on the minimum wage would be completely outside the tax net and they removed approximately 88,000 low income taxpayers from the tax net this year. This means almost two out of every five wage

earners or 846,000 will be outside the tax net in 2007, as compared with one third or 667,000 workers in 2004 and one quarter of the workforce or 380,000 persons in 1997. This is a highly significant development.

When one devises a budget and sets out spending plans, that is it for the year. While the amendment affords an opportunity to discuss such plans, there is no question of accepting an amendment that would incur an additional cost of €7.36 million in the current year. I do not subscribe to a number of the views expressed, including Deputy Boyle's reference to the need for social justice. This Administration has, through its taxation policies, provided a greater degree of social justice to low income earners than ever before with 40% outside the tax net altogether. Almost 500,000 people who paid tax under the rainbow Administration do not pay tax anymore because of the changes we have made and not all of them are low income earners. That is also a significant development in the context of a total workforce of more than 2 million with 600,000 new jobs having been created over the past decade. Some of those jobs resulted from changes we made to the tax code, including moving the burden of taxation away from work to capital and wealth. The Government parties have reduced the burden on income earners by one quarter and we have increased the total capital tax take from 5.7% to almost 16%. That is as it should be if one is to provide for greater social justice for working families. All working families know that but Members continue their efforts to table amendments such as this, which suggest that we have been remiss in looking after them when the position is quite the contrary.

Several income tax changes I introduced in this year's budget will benefit married one-earner couples. For the second year in a row such couples have received substantial increase in their credits and the standard rate band increased by €2,000 to €43,000. Personal employee tax credits were increased by €130 to €1,760 and €270 to €1,760, respectively. These changes ensure a married one-income couple in the PAYE system who received a home carer tax credit may earn up to €30,250 without any liability for income tax. The tax bill of a married one-income couple earning in excess of €43,000 will reduce in 2007 by an additional €970 per year as a result of the budget. People have examined the progressive nature of the budget changes, which have been benefited low income families more than high income families in percentage terms.

The latest data from the OECD, which was published last week, highlights that in 2006 a married one-income couple with two children in Ireland on the average production wage received more money in cash transfers from the State than they paid in income tax and social security contributions.

Mr. Boyle: VAT is our greatest tax.

Mr. Cowen: That is a significant change.

Mr. Boyle: But it does not take account of VAT.

Mr. Cowen: Ireland is unique because it is the only country in the OECD to have achieved this. The figures do not take account of the further improvements we made in the 2007 budget. Married one-earner couples on the average industrial wage in this State are uniquely placed compared with their counterparts in all other OECD countries in that they pay less in income tax and social security contributions than they receive in cash transfers and that is very significant.

As I mentioned on Committee Stage, there are other perspectives on this issue. While I do not agree with everything the OECD has to say on this area, Deputies will recall the organisation holds the view that the Government should abolish the home carer tax credit and consider moving to a fully individualised system of taxation to reduce both average and marginal effective tax rates on second earners in married couples. Female participation rates in the workforce are below the OECD average and the organisation suggests we need to further incentivise second earners in families, many of whom are women, to enter the labour market. I do not totally concur with that view.

As I outlined on earlier Stages of the legislation, the claim that individualisation was introduced in 1999 to increase the female labour supply is not the full story. The weakness of our income tax system, as Deputy Burton pointed out, was how heavily it bore on single people because to improve their position, double increases had to be given to married one income couples and this used up scarce tax resources. If we individualise tax bands, we will inevitably increase the relative burden on single earners for a given amount of tax relief. While I accept people may make life choices at different times, I am not sure that the clock can be turned back at this stage and nobody is suggesting that I should do so. It was correct to move towards this with caution and to recognise societal attitudes and circumstances had to be taken on board while, at the same time, ensuring we facilitated participation in the workforce to the maximum extent.

I do not accept there is a need to go down the road suggested by the Deputy because the tax package introduced in the budget was worth €1.25 billion. I made my decision and choices, as every Minister for Finance does, in the context of a good economic policy that enables the Minister of the day to consider tax reductions. While I do not accept the amendment, I recognise it gives an opportunity to Members to air their views on this matter. Given the overall budget packaged amounted to €1.25 billion, no Deputy has sug-

gested where the additional €7.36 million required for the amendment will come from. That is a matter for the Government and not the Opposition to worry about.

Mr. Bruton: I seriously disagree with the Minister's priorities. He said he found 25 times the cost of this concession in his tax package and he did not feel home carers were worthy of consideration in devising the package. Home carers have been left out every year since individualisation was introduced. The Minister did not weigh up the relative needs of home carers and their families and he did not have a great struggle with his conscience. Every year home carers have not received a shred from the Government parties. The carer's allowance was introduced under pressure from Fianna Fáil backbenchers, rightly so, because they recognised the proposal of the Minister's predecessor was unbalanced. The carer's tax allowance was then introduced and subsequently converted to the carer's tax credit. Not a single farthing has been found since to increase the carer's allowance. In the same period, the employee's tax credit increased by €1,100. There was no careful balancing of the needs of different family structures and needs. There was a complete blindness to this family unit, which is common among young people. As the figures about which I spoke show, they will inevitably face this huge pressure if they have one or two children. We must devise ways to deal with these pressure points in the family cycle. It is the same as in the later stages when trying to care for older people who perhaps need institutional care. We need to devise ways to accommodate them.

The Minister quoted glowingly an OECD report to show that one earner families are uniquely well placed in Ireland because they receive more in social benefits than they pay in tax. Let us not forget that compared to any other European country, we are in the ha'penny place when it comes to the provision of child care and support for families with medical costs. The means test figure for the medical card is below the minimum wage. One must earn below the minimum wage for one's family to be considered worthy of support with health expenses. There is virtually no support in respect of child care costs, other than the figure of €1,000 for which the Minister provided. We are not treating one earner families on an equitable basis in any way. The Minister is living in a completely separate universe if he believes statistics produced by the OECD prove we are far-seeing in the way we support young families. That is definitely not the case.

Mr. Boyle: I take issue with some of what the Minister said when he quoted the OECD report. He will find that everyone on this side of the House does not agree with the conclusion that

[Mr. Boyle.]

we should get rid of the home carer's credit, a recommendation made in the report.

The Minister spoke about net transfers in payments from the State taking income tax into account. The reality is that he has overseen not a change from income tax to capital tax but a change from income tax to spending taxes. As regards single income earner families, the effect of VAT negates whatever statistic the Minister quoted as much as anything else. The biggest amount we collect in tax is VAT.

Mr. Cowen: There are spending taxes in every OECD country. What is the Deputy on about?

Mr. Boyle: It accounts for quite a high proportion here. The tax take has also increased under the Minister. It has gone up a number of points. Therefore, he cannot have it both ways. He cannot say he has reduced taxes when overall taxes——

Mr. Cowen: The Deputy cannot have it both ways. That is his problem.

Mr. Boyle: I am not the Minister; I am not making these decisions.

Mr. Cowen: One can have it both ways if one is in opposition. We have established that much.

Mr. Boyle: I can point to the Minister's inconsistencies.

Mr. Cowen: We have established the situation.

Mr. Boyle: Perhaps the Minister will have the opportunity to do the same soon.

Mr. Cowen: I certainly will not try to have it both ways.

Acting Chairman: Please allow the Deputy to speak without interruption.

Mr. Boyle: I will give the Minister an opportunity soon.

Mr. Cowen: The Deputy will have to grow up if he comes over to this side of the House. That is the problem.

Mr. Boyle: I have grown up — both of us have at this stage.

The OECD report goes against others mentioned. For instance, the birth rate across OECD countries is very low. Ireland and France have the highest rates in the OECD at 1.9 per 1,000 women of child bearing age. Even that figure is below the replacement rate. The OECD seems to have conflicting policies in terms of economics and society. It seems to be stating we need to get more women into the workforce, yet the role of caring for families, whether by women or men,

seems to be something of a side show in many reports. One cannot have economic development and a declining birth rate, while at the same time trying to encourage the maximum number into the workforce without making any financial provision to give people the option of remaining at home to care for their families.

Ms Burton: From my observation, the Minister and Deputy Boyle are big boys. The Minister does not really get the point. I am sure he is as familiar as anybody else with people's life cycles. If a couple with children are both at work, they benefit from tax reductions of €6,000. Saying, in the abstract, that the tax wedge in Ireland is very narrow and so on is correct. Work started on this when the Labour Party was in government with Fianna Fáil and has been ongoing for approximately ten years. Doing this is not easy but the Minister is refusing to recognise that it is seven years since the former Minister, Charlie McCreevy, did this and the economy has changed, as have social patterns.

A considerable number of young couples must live long commuting distances from their places of work in order to buy affordable housing. The Tánaiste used to talk about the teacher married to the nurse and how it was critical that they should be able to afford a house. In west Dublin an affordable three bedroom apartment — not a house — from the Government's affordable homes agency is marketed as being affordable at €320,000 to €340,000, nearly nine times the average industrial wage. Using OECD figures, that is an extraordinary multiple of earnings. Young couples must pay an awful lot for housing or move great distances from locations of work and mass transport in order to find cheaper housing. They must then pay up to €200 per week per child for child care. The Minister is making family life impossible.

Let me be very clear. Men want to have it all. Why should women not want the same? They want to be able to do things which reflect their life choices and commitments, particularly in caring for families. There is nothing politically wrong with this. It is right politically and for our society in the long term. That is the part of the argument the Minister must recognise. This is not only about producing happy women workers for IBEC, it is also about producing people who will have opportunities to work and care for their families.

Mr. Cowen: The argument that the only way to assist married one earner couples in the tax system is through the home carer credit exclusively is flawed. As I said, a range of tax changes have helped such couples in the same way as they have helped other couples and single persons. We have transformed the situation in the sense that there is a much lower interest rate regime, far greater wage growth, far more people are at work

and outside the tax net. Some 80% of wage earners pay less than 20% of their wages in tax. That transformation has greatly increased disposable income. Married and working couples are now far better off under the tax code than ten years ago. As I said, 500,000 are outside the tax net altogether. The argument made by the Opposition seems to be that the only way to help married one earner couples is through the home carer tax credit. That argument is flawed. A series of measures in successive budgets have greatly improved the position.

The tax package was 40% greater in size than its predecessor. It helped married one earner couples in the same way as it helped others. The tax package for this year is worth €1.25 billion. If we continue with the right economic policies, there will be the prospect of further tax reforms in the future when all these matters can be considered.

Mr. Bruton: The Minister's final comment completely distorts the debate by stating the Opposition presumes that reforming the home care credit is the only way to tackle the needs of many young families. No one on this side of the House said that and no one believes it.

Mr. Cowen: The Deputy acknowledges no progress.

Mr. Bruton: The reality is that the Minister introduced this issue into the debate by quoting the OECD at great length to the effect that single income families and young families are treated uniquely well in Ireland. The Minister said this because he compared——

Mr. Cowen: For the record——

Acting Chairman: Deputy Bruton, without interruption.

Mr. Cowen: I apologise, but for the record——

Acting Chairman: Will the Deputy give way to the Minister?

Mr. Cowen:——under our tax code, a married single earner couple at the average industrial wage is placed uniquely among the OECD countries.

(Interruptions).

Mr. Cowen: I do not refer to single people but to a married couple with a single earner.

Acting Chairman: Deputy Bruton, to continue.

Mr. Bruton: That argument convinces me the Minister is living in a world of his own.

Ms Burton: He does not understand it.

Mr. Cowen: It is true.

Mr. Bruton: It is a world out of touch with the reality of young families——

Mr. Cowen: It does not suit the Deputy's argument.

Mr. Bruton: I imagine there are as many such families in Tullamore as there are in Dublin West, Dublin North-Central or Cork South-Central.

Mr. Cowen: People in France and Germany pay much higher tax rates.

Acting Chairman: Deputy Bruton should be allowed to continue.

Mr. Bruton: The reality facing many such young couples is that we lack proper social policies for dealing with child care, their health needs and their housing needs.

Mr. Cowen: There are such policies.

Mr. Bruton: Members should consider the manner in which, through lack of proper strategic planning, we have put people onto impossible treadmills of long commuting, high child care costs and lack of support in critical areas. Such an environment has been created for young families. The home care credit is one element of a much wider spectrum of policy in which we have been negligent regarding the importance of supporting families during the extremely difficult period they must face.

The planning structure has abandoned many such people. The Minister's quotation of the wonderful statistic from the OECD to the effect that they pay less in tax than they receive in some cash supports proves absolutely nothing in the context of trying to create an environment in which young couples have the opportunity and the appropriate support to allow their children to develop their potential.

Mr. Cowen: It proves we have a far more family-friendly taxation system than the Deputy is prepared to concede.

Mr. Bruton: It does not——

Mr. Cowen: It certainly does.

Mr. Bruton:——prove that in any way.

Ms Burton: Not for single income families.

Acting Chairman: The Minister should allow Deputy Bruton to speak.

Mr. Bruton: The Minister has been given a long opportunity to debate this point. Regardless of whether he has all of this data at his fingertips to

[Mr. Bruton.]

prove Ireland has been uniquely good to young families, one must be below the minimum wage to qualify for a medical card that would give such hard-pressed families access to a GP.

In the part of Dublin city that I represent, so-called affordable housing is not available to young families on low incomes because they do not have enough money to meet the payments even when it is affordable. The point at which the Minister's subventions take effect, namely, at €28,000 for a couple buying a house, is ludicrously low. The Minister is providing no support to families that are trying to get on the housing ladder. The Minister will acknowledge that if such families are forced to rent, only €14 a week in tax relief is available. However, if they happen to be on welfare, they would get 95% of their rent paid. We are not in any way being sympathetic to, or supportive of, the needs of such families that are creating the next generation.

This society should judge itself by asking whether it provided an environment in which such young people could develop to their full potential. However, we hand-trip them at every hand's turn. We have failed to learn from the errors of others that experienced similar rapid economic growth. We did not create the requisite planning environment or social planning to deliver to such people and have seriously undersold them. I fully agree that tackling the home carer's credit is not the be all and end all. However, it is highly symbolic of the manner in which thinking on the Government side of the House and among those beyond politics who introduced such thinking has neglected such an important element of social development, which must partner economic development.

Such major failings in public policy mean we cannot talk about enormous economic success. Ireland has experienced such failings and the sooner the Government faces up to them, the sooner a meaningful debate on how to address them can begin. There is no point in sticking one's head in the sand and quoting the OECD glowingly about statistics that are meaningless to the real, concrete family life stories that Members are trying to address.

I am bitterly disappointed by the Minister's response to this debate. He quoted statistics to the effect that 40% are outside the tax system. Such people are outside the tax system because they earn less than the minimum wage.

Mr. Cowen: How many of them were in the tax system when the Deputy was in office?

Acting Chairman: The Minister should not interrupt.

Mr. Bruton: This is the reason they are outside. Such people are not even earning the minimum wage.

Mr. Cowen: The Deputy never even introduced the minimum wage when he was in office.

Acting Chairman: The Minister should allow Deputy Bruton to speak without interruption.

Mr. Bruton: The Minister tries to come before the House and pretend——

Mr. Cowen: The House was heaving with socialists all over the place.

Mr. Bruton: ——that this wonderful social innovation, that people——

Ms Burton: The minimum wage is the maximum wage for many people. This is what the Government has done.

Acting Chairman: Deputy Burton, allow Deputy Bruton to speak without interruption.

Mr. Cowen: Deputies Bruton and Burton were in a Government with an unemployment rate of 10%.

Ms Burton: The Minister's minimum wage has become the maximum for many workers.

Acting Chairman: Deputy Bruton, without interruption.

Mr. Cowen: The Deputies represent a Government that presided over 10% unemployment.

Ms Burton: The unemployment rate was 18% when we entered office.

Acting Chairman: Deputy Bruton, without interruption.

Ms Burton: The Government's minimum wage constitutes the maximum for too many families. That is what is wrong with it.

Acting Chairman: Deputy Burton should allow Deputy Bruton to speak without interruption.

Mr. Bruton: A dose of economic and social reality is required. Members must reconsider——

Ms Burton: I refer to €9 an hour.

Mr. Bruton: ——the manner in which those families that bear the burden of the so-called Celtic tiger are being supported. They are the ones who are making the huge investment in the housing capital that must be done in such a rapid period. They are the ones who are being abandoned in respect of their child care needs. They are the ones who are being obliged to undertake long commutes and who are separated from their families, which would have provided the traditional support to help them through those early

years. We have sold short many of these young families and should not pretend otherwise.

Amendment put and declared lost.

Mr. Cowen: I move amendment No. 10:

In page 15, to delete lines 32 to 40 and substitute the following:

“(2) Subject to this section, where an individual for a year of assessment proves that in the year of assessment he or she defrayed health expenses incurred for the provision of health care, the individual shall be entitled, for the purpose of ascertaining the amount of the income on which he or she is to be charged to income tax, to have a deduction made from his or her total income of the amount proved to have been so defrayed.”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 11 and 12 cannot be moved as they overlap with amendment No. 10 and are addressed to the same part of the Bill. Given the decision on amendment No. 10, amendments Nos. 11 and 12 must fall and will not be debated.

Amendments Nos. 11 and 12 not moved.

Ms Burton: I move amendment No. 13:

In page 21, between lines 1 and 2, to insert the following:

“14.—The Minister for Finance may by regulations provide that the tax relief for childminding shall be available to persons who have care of children in accordance with conditions prescribed by such regulations, irrespective of the number of such children.”.

I raised this issue with the Minister on Committee Stage. It is a technical amendment to deal with the issue of people providing, in the main, part-time child care to more than three children. The regulations made by the Minister specify three children. While I do not know whether the Minister has had time or has taken the interest to have this issue examined, it has been pointed out to me that for many families child care is about trying to bridge different needs at different times. Nowadays, one of the key issues is the provision of after-school care services, particularly when the mother is working and is obliged to commute. In the case of lengthy commutes such as those previously discussed, she may not return home until 6.30 p.m. Consequently, people often need a bridging after-school care service, lasting for one hour to two and a half hours. Someone who provided such a service on a home minder's basis is unable to do so if more than three children are involved.

This amendment should not pose any great problem for the Minister. Members should bear in mind that although the Minister introduced a childminder's provision last year, he restricted it to €10,000 and consequently the take-up was extremely poor. Most full-time workers in child care earn far more. The Minister referred to the minimum wage. While it has been helpful, the problem with a minimum wage is that it may become a maximum wage. The trade union movement, which opposed the minimum wage for a long time, has always been aware of this point. As is the case at present, this can affect an entire sector and of the 2 million people at work, 666,000 or more earn the minimum wage or are below the tax threshold.

This amendment seeks flexibility to take into account those women who may be home carers and who are doing some childminding to supplement their income. Did the Minister or his officials take the trouble to check out the position? The Labour Party was asked to raise this issue because a number of childminders had this experience.

Acting Chairman: Will the Deputy move the adjournment?

Ms Burton: Yes. I know the Minister was disappointed at the take-up.

Acting Chairman: The Deputy is being asked to end the session.

Ms Burton: This measure would improve it.

Debate adjourned.

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

Ceisteanna — Questions (Resumed).

Priority Questions.

Fiscal Policy.

80. **Mr. Timmins** asked the Minister for Defence if he will visit troops serving overseas on St. Patrick's Day; and if he will make a statement on the matter. [8853/07]

Minister for Defence (Mr. O'Dea): I have no plans to visit Irish troops serving overseas on St. Patrick's Day. However, the general officers commanding the home brigades for our missions in Liberia, Lebanon and Kosovo, the main missions in which we have troops deployed, will visit the troops in these missions on St. Patrick's Day, as is the norm and tradition.

As Deputies will be aware, I recently returned from visiting Irish personnel of the 34th Infantry

[Mr. O'Dea.]

Group serving with the United Nations Interim Force in Lebanon, UNIFIL. The primary purpose of my visit was to see at first hand the work of members of the Defence Forces serving with UNIFIL and convey to them, on behalf of the Government and the people, the deep appreciation felt regarding the outstanding manner in which they perform their duties in this very challenging mission.

My visit to Lebanon was arranged to coincide as near as practicable with the St. Patrick's Day festival. I paid a similar visit to personnel serving with the United Nations mission in Liberia at the same time last year. Such visits serve to boost the morale of Defence Forces personnel serving abroad, especially at the time of our national day celebrations.

Mr. Timmins: I know the Minister was abroad recently. However, it is a pity he will not be abroad on St. Patrick's Day, our national day of commemoration. Traditionally, the Minister for Defence has travelled abroad to meet troops. The Minister probably wants to attend the parade in Limerick on the day. It is important that of all Ministers, the Minister for Defence should be the one to travel abroad.

Mr. O'Dea: The practice I have adopted is that the general officers visit the troops serving in the various missions during St. Patrick's week. So as not to coincide, I try to visit one of the missions as near as possible to that week. Last year we travelled to Liberia and this year to Lebanon. The troops seem to appreciate us doing it this way. As far as the St. Patrick's Day celebrations are concerned, this year I will visit troops who were in Lebanon and will travel abroad on behalf of the country.

Mr. Timmins: Where will the Minister visit them?

Mr. O'Dea: I will visit troops at Sarsfield Barracks in Limerick and may be able to arrange visits beyond this, if time allows.

Mr. Costello: Will the Minister arrange a visit to Lebanon on St. Patrick's Day by Opposition spokespersons?

Overseas Missions.

81. **Mr. Costello** asked the Minister for Defence the outcome of his discussions with the Lebanese authorities regarding the denaturalisation, deportation and prosecution of the chief suspect in the murder of Privates Thomas Barrett and Derek Smallhorne in 1980 in Lebanon; and if he will make a statement on the matter.

[8768/07]

Mr. O'Dea: I visited Lebanon during the period 27 February to 1 March. During the visit I met the Lebanese Minister for Defence, Elias Murr. Among the issues we discussed was the killing of Privates Thomas Barrett and Derek Smallhorne while serving with the United Nations Interim Force in Lebanon, UNIFIL, in 1980 and the efforts to bring the alleged perpetrator of this crime to justice. The measures open to the Irish authorities to bring the alleged perpetrator of this crime to justice were examined in detail in the Department of Defence in conjunction with the Department of Foreign Affairs, the Attorney General's office and the Office of the Director of Public Prosecutions. The Attorney General advised that no provisions in Irish law provided a basis for Ireland to pursue a prosecution against the alleged perpetrator. The Office of the Director of Public Prosecutions also examined all the available evidence in the case and concluded that it could not pursue a prosecution against the alleged perpetrator.

The country with primary jurisdiction in this case is Lebanon. The Department of Defence and the Department of Foreign Affairs are also in contact with the authorities in the United States where the alleged perpetrator resides as a naturalised US citizen. The United States is investigating the circumstances surrounding the deaths of Privates Barrett and Smallhorne to see whether there is sufficient evidence which may enable it to take a case against the alleged perpetrator. If the US authorities can mount a case in the United States for the denaturalisation of the alleged perpetrator, the person in question could be returned to Lebanon, in which case we would seek to have the Lebanese authorities bring the alleged perpetrator to justice. During my meeting last week with the Lebanese Minister for Defence I sought the assistance of the Lebanese authorities in pursuing the case. Mr. Murr assured me the Lebanese authorities would assist in every possible way should the alleged perpetrator be denaturalised and deported from the United States to Lebanon.

We continue with our very best efforts in this case. It has been more than 25 years since this tragic event happened and the families deserve justice. They are not forgotten. I am assiduously pursuing every avenue possible.

Mr. Costello: I thank the Minister for raising the issue during his recent visit to Lebanon. As the House is aware, the manner in which Privates Barrett and Smallhorne were ambushed, kidnapped and killed in cold blood amounted to one of the most barbaric acts ever to have taken place involving Irish peacekeeping troops while serving abroad. In 2000 a campaign was initiated by PDFORRA to try to have the gentleman concerned denaturalised, extradited and prosecuted. The Minister raised the matter in 2005 and again this year. What talks did he specifically have on

this matter with the Lebanese authorities and what was their response? Are they in favour of extradition and a prosecution taking place?

What has been the response of the US authorities? The Minister suggested they would raise the matter at the United Nations. Have they agreed to do so? Are they prepared to denaturalise a US citizen and have him extradited? Did they give any indication that they were prepared to do so?

I understand the Attorney General's advice was that the person concerned could be prosecuted under the Geneva Conventions. The individual concerned was a member of the South Lebanese Army at the time and responsible for a crime against humanity and an international war crime.

What talks has the Minister had with the United Nations on this matter? To what extent has the matter been progressed since the question of extradition was initially raised? What steps have been taken since the person concerned was identified in the United States and the matter was raised publically by PDFORRA? Where are we at this time?

Mr. O'Dea: Regarding the attitude of the Lebanese authorities, I raised the matter with the relevant Minister in Lebanon, namely, the Minister for Defence who is also the Deputy Prime Minister. I put it to him that there was a possibility that the individual concerned may be denaturalised by the US authorities which must go to court to do so. If he were denaturalised, he would no longer retain his US citizenship and be deported. We presume he would be deported to Lebanon, of which he was originally a citizen. I asked the Minister for Defence if in those circumstances the Lebanese authorities would be prepared to prosecute him in respect of the incident involving Privates Barrett and Smallhorne but he could not provide a categorical assurance, as it would be a matter for the prosecuting authorities in Lebanon to decide. However, he assured me he would be personally interested in seeing justice done in this case and that either he or his successor would liaise with the Government and be open to any suggestions we would make. The Lebanese Government is being very co-operative.

With regard to the United States, my understanding is that the type of case that can be taken by the authorities with such a scenario would be to denaturalise the individual in question. I am not absolutely sure about the grounds for denaturalisation, but from conversations we have had with the American authorities, I believe they will proceed on the grounds that the person was not exactly truthful in his initial application. The FBI is pursuing the matter currently. We have been in touch with the American authorities on a number of occasions about this and I understand the ongoing process may take some time.

Although I recognise the right of everybody to raise the issue and it is clearly a matter of concern to the families and myself, the United States authorities have more or less indicated to us that the less publicly said about it, the better. A gentleman who is free to come and go is residing in a certain part of the United States, which is a free country. If he gets wind that there is too much further down the line, he may take flight and disappear.

Proceedings are ongoing by the United States authorities, specifically the FBI, with a view to taking proceedings to denaturalise this individual. If this is successful, other processes will follow. In anticipation of this I have spoke to the Lebanese authorities, which I have found to be most co-operative.

Mr. Costello: It is 27 years since the killings took place in the 1980s and that gentleman has really been living in the most peaceful circumstances since. The case has been raised on a number of occasions in the past seven years and he certainly has not taken flight. The main requirement would be for us to make every effort at this time because time is of the essence. The 27-year period has been very long for the bereaved families in Cork and Dublin.

Could we get some commitment that our ambassadors to the United States, the United Nations and Lebanon would continuously push the issue and keep it in the limelight? It may be another couple of years before the matter is raised again. As I stated previously, time is of the essence.

Mr. O'Dea: I recognise that 27 years is a very long time but we should bear some issues in mind. This gentleman has not been openly identified for the past 27 years, as the identification was more recent. We have researched every aspect of our law and held the most extensive discussions to see if we could do anything as a country to seek his extradition and put him on trial here. We have been advised again and again by the Attorney General, and afterwards by the DPP, that there is no provision for us to do so. We are basically relying on the US Government, a third party, whose police authorities have told me they are doing everything possible to mount a case for denaturalisation.

If Deputy Costello feels it would be helpful, I will certainly have a word with the ambassador to ask him to again speak to his American counterpart in an effort to expedite the process. As I understand, it is a slow process and although I am assured the Americans are doing everything possible, I will ask the ambassador to speak to the US counterpart if the Deputy so wishes.

Defence Forces Equipment.

82. **Aengus Ó Snodaigh** asked the Minister for Defence if he will make a statement detailing the

[Aengus Ó Snodaigh.]

types of special building measures and contingency response plans required for safety reasons where military materials are transported by planes. [8954/07]

Mr. O'Dea: As Minister for Defence, I have no responsibility for the transport of military material by plane, other than that transported by or on behalf of the Defence Forces. Weapons and ammunition for the Defence Forces, which may be intended for transportation by plane, are stored in dedicated armouries at Casement Aerodrome. These are separate to stores used for other materials and are secured by CCTV and high security doors.

The use of and inherent risks associated with all defence buildings are considered as part of the assessment for proposed building projects and the Department complies with recognised national and international standards, codes and practices for building, design and construction. Particular attention is paid to buildings in which hazardous materials are housed or used, such as ammunition and explosive depots, ordnance stores and fuel stores. Special measures are taken in the design and construction of such buildings commensurate with the risks identified.

When dangerous goods are transported by Air Corps aircraft overseas, they are listed in the diplomatic clearance application of the destination country. This information is used so as to ensure that, in the event of an in-flight emergency, the rescue and recovery services are alerted to the presence of said dangerous goods. Likewise, if dangerous goods are arriving at Casement Aerodrome, the Air Corps crash rescue service is alerted by Air Corps operations section, which receives notification through the diplomatic clearance form as to the presence and type of such goods.

In addition, the Air Corps has a full-time senior officer dedicated to the maintenance of a proactive aviation safety programme, including the monitoring of compliance with such a programme. I am satisfied the necessary safety measures are in place in the Defence Forces for the transportation of military materials.

Aengus Ó Snodaigh: I thank the Minister for his reassurance on the transportation of materials. Is the Minister indicating the Department has absolutely no role in the transport of armaments through the country by companies producing, transporting or exporting weaponry? Is the Department informed of such shipments in or out of the country in any way or does it have any role in emergency planning, considering the amount of weapons being transported through Shannon, some of which are explosive?

Last year I asked questions on what were termed "dangerous goods" being transported from Canada through Shannon to Bulgaria. Do

the military authorities lend any advice to the Irish Aviation Authority and the airport authorities on freight craft carrying such materials, and what procedures and protections should be followed? Is there advice on the separation of the civilian population using the Shannon or Dublin airports and military goods? Such separation might involve blast deflection walls etc., used in the presence of goods of explosive nature or where there is a possibility of a major event.

Mr. O'Dea: The answer to the Deputy's first question is "no". Our only responsibility relates to Army material transported by the Army or on behalf of the Army by civil aircraft. That is where our responsibility ends. The responsibility for the matters referred to by the Deputy lies with the Department of Transport.

However, we have a responsibility in the event of an emergency. As Minister for Defence, I am head of the emergency planning task force, on which there is a later question. My job as chairman is to co-ordinate the response to various projected emergencies.

One such emergency would of course be an accident involving an aeroplane at an airport because of the presence of explosives or as a result of a crash etc. We have very detailed plans to deal with such a contingency, and we have exercised those plans on a number of occasions. I personally attended one of the exercises at Dublin Airport about 12 months ago and I attended an exercise in Shannon much more recently, although I cannot remember the exact date. That was quite an extensive exercise, which went on for most of a day.

On advice given to the aviation authorities, the Department of Transport is a member of the emergency task force, which I chair. There is clearly much interaction between members of the emergency task force, which meets every four or five weeks. A back-up group to the emergency task force consists of officials from various Departments and there is much interaction there. If the Department of Transport or any others responsible for such matters wish to consult with our people, they can do so either at a meeting of the emergency task force or at a meeting of the back-up committee.

Aengus Ó Snodaigh: Is the Minister happy with the plans in place for an emergency? For example, in Shannon there has been a number of incidents in the past number of years, with some involving a number of factories in Shannon being evacuated, and others involving fire brigade units from all around the region, not only those in Shannon Airport. The US refused to disclose what was on the military planes involved.

Mr. O'Dea: The emergency planning task force, of which I am chairman, is never completely happy with contingency arrangements. It is for this reason that exercises are conducted and

the task force meets regularly. In light of experience and new methods of terrorism, we are improving plans consistently.

A number of simulated exercises at Dublin Airport and Shannon Airport were audited by the relevant European authorities and found to be first class, but this does not mean we can become complacent. We are constantly improving airport security and I have instructed the relevant people to conduct more exercises in the near future to determine what else can be learned. While we are never fully happy, we are always improving and our contingency arrangements are as good as those found anywhere.

Permanent Defence Force.

83. **Mr. Timmins** asked the Minister for Defence his views on the contents of an article in a newspaper (details supplied); and if he will make a statement on the matter. [8854/07]

Mr. O'Dea: The article to which the Deputy refers is the report of an interview with the Defence Forces' Chief of Staff, Lieutenant General Jim Sreenan, that appeared in *The Irish Times* on Wednesday, 27 December 2006. The interview was wide-ranging and the Chief of Staff gave his views on a number of current matters of interest to the Defence Forces, including their preparation for Ireland's involvement in the "Nordic" battle group in 2008, the question of hours at sea for Naval Service personnel, the triple lock mechanism, the threat to Ireland from Islamic extremists, current overseas missions and the changing nature of the work involved, the possibility of Defence Forces involvement in a future UN mission to Darfur, the effects of the Army hearing loss controversy on the image of the Defence Forces, the 90th anniversary commemorations of 1916 and the future use of members of the Reserve Defence Forces on overseas missions.

The overall impression conveyed by the interview was of a modern, highly motivated, well trained and professional Permanent Defence Force fully equipped to deliver a high quality service to the Government and people of Ireland and to take on whatever tasks may be asked of it at home or overseas within the parameters and constraints set out in the White Paper on Defence.

The overarching objective of the White Paper was to ensure that the State has available at all times flexible, well equipped and well trained defence forces, including an appropriate reserve, to meet the roles laid down by Government. The Chief of Staff has made a significant contribution to delivering this capability and his commitment is evident from the interview.

I have just returned from visiting our troops in Lebanon, accompanied by the Chief of Staff, and I am pleased to report that I saw highly trained, well equipped and motivated soldiers carrying

out their peacekeeping tasks in a professional and competent manner. As a former member of the Defence Forces, Deputy Timmins will be delighted by the improvements that have occurred in defence in accordance with the White Paper and in light of the changed defence and security environment.

Mr. Timmins: Did the Minister have any difficulty with the interview and, if so, what were the issues?

Mr. O'Dea: I had no difficulty with the interview *per se*. The Deputy probably knows better than I that the Chief of Staff has a distinguished record and I would be sorry if any shadow was cast over it by the actions of someone who leaked a letter sent by me to the Chief of Staff. There is a steady stream of correspondence between a Minister for Defence and a Chief of Staff.

As in any democracy, Army officers in Ireland speak on operational matters in general and do not comment on policy matters. Policy is the remit of the Government, which is answerable to the Houses of the Oireachtas and the people. When a senior member of the Army is interviewed in the public domain, there is a possibility that today's clever media will drag him or her into saying something that should not be said, namely, something that casts a judgment on some aspect of Government policy. I am glad to say the Chief of Staff avoided that situation, but it was timely to write through him to the officers of the Army to remind them of the position in this regard. My letter contained no personal reference to the Chief of Staff. As the Deputy knows, if the Minister wants to communicate with Army officers, the proper way to do so is to send a letter to the Chief of Staff and ask him or her to circulate it. We have a responsibility to ensure that the situation obtaining since the foundation of the State is adhered to. Basically, I asked anyone who speaks in the public domain to stick to operational matters rather than policy.

Mr. Timmins: Does the Minister vet all articles written by members of the Defence Forces or is he of the opinion that he should do so? He is concerned that a part of the letter ended up with a national newspaper. Does he know how this happened and does he intend to follow up on the matter?

Mr. F. McGrath: The Minister should vet them all.

Mr. O'Dea: I have no idea about how this occurred. Once one writes a letter to the Chief of Staff and asks him to circulate it, it becomes difficult to follow the trail. I do not vet the statements of Army officers in advance and I have no desire to do so. Occasionally, I take the opportunity to remind officers of their obligations, namely, that the Army is neutral. It has maintained a tradition

[Mr. O'Dea.]

of neutrality since the foundation of the State and has never commented on policy regardless of which Government is in power. I hope this situation is maintained in future.

Mr. Timmins: I have a supplementary question. Has the Minister written many of the letters to which he referred and, if so, what were their themes? Had he reason to write to the Chief of Staff previously?

Mr. O'Dea: There is a steady stream of correspondence between a Minister for Defence and the Chief of Staff. While I address many matters therein, I have had occasion to remind people of their responsibilities, which has been the practice of every holder of this portfolio since the foundation of the State.

Overseas Missions.

84. **Mr. Gregory** asked the Minister for Defence if he will meet the two survivors of the Niamba ambush and attempt to resolve the remaining outstanding issues of concern to them. [9187/07]

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

I will not take up the time of the House by going over the circumstances again, but there are two areas of controversy, namely, where Trooper Browne died and what he did to contribute to the survival of Private Kenny. The report concludes that prior to Trooper Browne's escape from the ambush site, he fired his weapon at the Balubas who were intent on beating Private Kenny to death, thereby distracting them and saving his life.

Colonel Behan's research of the available reports, consultation, interviews and direct evidence shows that there is no absolute certainty achievable in regard to these two matters. However, all the material assembled by Colonel Behan, including the statements of the interviews with Mr. Kenny and Mr. Fitzpatrick, will be added to the unit history and other associated papers held at the Military Archives, thereby creating the fullest and clearest record possible of this tragic event.

Since the completion of the report, Mr. Kenny and Mr. Fitzpatrick have asked me to hold an independent inquiry on the matter, but I do not believe that any further inquiry or investigation will resolve the facts of this case. Rather than focusing further on the specific circumstances in

dispute, I would prefer to focus on how best the contribution of Mr. Kenny and Mr. Fitzpatrick can be suitably recognised and honoured. I would like to advise the House that I will be meeting each of the men tomorrow.

The Chief of Staff has proposed that appropriate public recognition of Mr. Kenny and Mr. Fitzpatrick be arranged on the day of an overseas parade where both could receive an appropriate presentation, such as a plaque or scroll. The UNIFIL review of troops, which is scheduled for Cathal Brugha Barracks at the end of April, would appear to be a suitable venue and event. A liaison officer has been appointed to keep Mr. Kenny and Mr. Fitzpatrick informed of developments with this proposal.

I would like to take this opportunity to recognise and acknowledge that Mr. Kenny, particularly in light of the serious injuries he sustained, and Mr. Fitzpatrick survived an horrific encounter with hostile forces, displaying courage, fortitude and tenacity to survive until finally rescued. I commend them on the selfless service they have given their country.

Mr. Gregory: I thank the Minister for agreeing to meet the two survivors and for his compliments on their tenacity and courage. It was the largest

number of lives lost in the history of the Defence Forces while serving abroad. It has to be true to say that, unfortunately, the Irish contingent was ill-equipped and ill-prepared for what lay ahead in the Congo. The survival of Privates Kenny and Fitzpatrick in the horrific events of the ambush was a measure of their courage, willpower and tenacity, as the Minister said. However, they have never been given adequate recognition for their heroic survival. The Minister has done more than any other in the pursuit of justice in the case, but there are outstanding issues of concern which must be fully and finally resolved. He will agree that it is unacceptable that one or either of these brave two survivors should find it necessary to protest outside Leinster House. That has been the case in recent weeks. Part of my reason for asking the Minister to meet them was to prevent this continuing and resolve the outstanding issues involved. I am glad he has agreed to do so.

In so far as I understand it — he will tell the Minister tomorrow, first-hand — Private Kenny's sole wish is that the official record should accurately reflect what happened to him and how he survived. He is looking for nothing more nor less than this. The Minister will be able to assure him that that will be the case and that his account of what happened to him will be recorded in the official record from now on. Unfortunately, that has not been the case for a variety of reasons. Private Fitzpatrick, on the other hand, wants and is entitled to due recognition for what the Minister has referred in the Dáil, namely, his tenacity and courage in his survival in that horrific

3 o'clock

ambush. I hope that when the Minister meets Private Fitzpatrick tomorrow he will be able to resolve that issue of recognition. I believe strongly that for far too long, for reasons I will not go into, including some, perhaps, I do not fully understand, these two brave men have not been given due recognition for their courage in their survival in the horrors of Niemba. I hope this is the final phase and that on this occasion the outstanding issues of concern will be resolved and that they will finally receive the recognition due to them.

Mr. F. McGrath: Hear, hear.

Mr. O'Dea: I thank Deputy Gregory for his kind remarks. I came to this issue with an open mind. Several of my predecessors in office had been asked about it and took the advice of the Army that the matter was closed. I reopened it. We had a full inquiry, as a result of which certain conclusions have been reached, which were not arrived at previously. I take the Deputy's point about Private Kenny wanting to have the record altered to include his account of events. I am confident I will be able to assure him that we shall be able to do this. As yet, I am not sure what Private Fitzpatrick wants to talk to me about. However, I have invited him and he has agreed to come. I shall meet both of them tomorrow and try to resolve the outstanding issues to the very best of my ability in so far as this is within my power. I do not want to see anyone protesting outside Leinster House, particularly an old soldier.

Other Questions.

National Emergency Co-ordination Centre.

85. **Mr. Mulcahy** asked the Minister for Defence the progress made on the provision of a national emergency co-ordinating centre; the location of same; and if he will make a statement on the matter. [8634/07]

Mr. O'Dea: I am pleased to inform the Deputy that significant progress has been made in the establishment of a national emergency co-ordination centre. The centre is located in Agriculture House, Kildare Street. The building work is now complete and the centre will be furnished and ready to open within the next two to three weeks. The technical and communications needs of the centre are being addressed and this aspect of the work should also be finalised in the very near future.

The primary purpose of the centre will be to provide a dedicated, multi-functional facility in which Ministers and-or senior officials may convene to co-ordinate the response in the event of a major emergency.

Mr. Mulcahy: As I understand it, this is a communications centre in dealing with major emergencies, but it is not built as a bunker or shelter designed to withstand an actual physical attack. When was the decision made to establish such a centre and why was this particular location chosen?

Mr. O'Dea: The Deputy is right in saying it is not a bunker. There are no physical protection measures in place such as one might see in an underground bunker. The decision was made by the Government following a recommendation made in the environmental resources management consultancy report. To the best of my knowledge, the group concerned reported to the Government in 2003. In 2005 the Government approved the establishment of a national emergency co-ordination centre and asked the inter-departmental working group on emergency planning to consider the matter, including its location. The reason this location was chosen was that among the criteria was that the centre would have to be secure, easily accessible and good communications facilities. We were very fortunate to secure a part of Agriculture House, Kildare Street, close to the centre of Government, just up the road from Leinster House. We are in the process of installing robust communications systems. There will also be facilities for an incident room, meeting rooms and other essential services.

Mr. Timmins: Will the centre be permanently manned or will it operate on an on-call basis? If so, is there an agreed timeframe for getting the group together in order that it would be able to react to an incident? There was a minor issue some months ago — a burst water main on the N11 — which caused pandemonium for several hours. Will the Minister say whether his group learned anything from that incident, because there was a similar occurrence on the northern side of the M50 a couple of years ago, following an accident when traffic on the entire motorway came to a standstill for a few hours?

Mr. O'Dea: The centre will be run by the Office of Emergency Planning located within the Department of Defence. My understanding is that a few people will be located there on a permanent basis. In the event of an emergency we will immediately contact all those involved in the emergency task force and get them into position as quickly as possible in order that they may respond. That is how it will work. There will also be other functions. There will be facilities for video conferencing, if some individuals are not available etc. Technologically, the centre will be advanced.

Mr. Timmins: What about traffic congestion on the N11?

Mr. O'Dea: My apologies to the Deputy. We discussed the matter at the emergency task force meeting. I hope to have another meeting of the task force shortly at which we shall receive a specific report on the incident.

Mr. Mulcahy: My reason for raising the issue is that the public wants to be assured that there is such a centre and that there will be effective communications in the event of a national emergency. Trucks breaking down on our main roads constitutes an emergency, but thank God — touch wood — there has not been a major terrorist attack in this city for a long time, or a major disaster at sea or in the air. Will there be information programmes to ensure the public will be fully aware of the centre and that it is operational? It might be an idea to issue an invitation to all Members of the Oireachtas and even perhaps county managers to tour the centre when it is fully operational. Opposition Members may laugh, but, frankly, it would be good for public confidence if Members of the Oireachtas were to visit the centre and be shown the full mechanics of how it would operate.

Mr. Timmins: The Minister can bring the Dublin-based Fianna Fáil Deputies to see it during the general election campaign.

Mr. O'Dea: I agree with my colleague, Deputy Mulcahy, that there is a need to increase public awareness of the existence of the co-ordination centre and the emergency planning task force. This country is as ready as it can be to deal with any emergency that may occur, including a nuclear accident or terrorist attack. The Department intends to launch a public information campaign involving television advertisements, etc, aimed at every house in the country, to explain in ordinary layman's language how emergency planning works in this country. It has completed a tender process and contracted a company to undertake the campaign, which is ready to roll. Deputy Timmins will be delighted to hear that material containing my photograph will not be sent to every house in the country as part of the emergency planning campaign.

Mr. Timmins: Was that decision taken on foot of PR advice?

Mr. O'Dea: An essential aspect of the campaign will involve informing the public about the location, existence and function of the national co-ordination centre. I am interested in Deputy Mulcahy's suggestion that Members of the Oireachtas should be invited to the centre to see it for themselves. I will talk to the appropriate people about that suggestion, which is a good one.

Mr. O'Connor: Hear, hear.

Mr. Costello: If the centre were to be relocated in Limerick, the Minister's photograph could be included in the awareness material. How often does the emergency planning task force meet? Does it meet on a regular basis, even though the national emergency co-ordination centre is not yet up and running? Does it have a permanent staff? Does the Minister propose to establish a hotline to enable contact to be made by the public? While I do not expect people to be able to telephone the centre to say that Martians have arrived, the work of the centre should involve a two-way process.

Mr. O'Dea: The task force meets every five weeks, on average. I envisage that a hotline, staffed by people using a bank of telephone facilities, will be made available to the public in the event of an emergency.

Defence Forces Recruitment.

86. **Ms B. Moynihan-Cronin** asked the Minister for Defence if there is provision for a person who applied unsuccessfully for admission to the Permanent Defence Forces to reapply; and if he will make a statement on the matter. [8887/07]

Mr. O'Dea: The day-to-day administration of recruitment to the Defence Forces is the responsibility of the Chief of Staff of the Defence Forces. One can enter the Permanent Defence Force through the cadetship competition, the apprenticeship competition, the general service enlistment process or the direct entry competitions which are held to fill vacancies in specialist areas. If an unsuccessful applicant reapplies for a position in the Permanent Defence Force, he or she will be considered within the normal eligibility criteria. The number of applications received each year for positions in the Permanent Defence Force usually far exceeds the number of positions available annually. The nature of the recruitment process, which includes a competitive interview, means that many applicants who meet the eligibility criteria are not successful.

I intend to maintain the Government's established policy of providing for ongoing recruitment to the Defence Forces. Continued recruitment into the Permanent Defence Force will maintain its strength at the level set out in the White Paper as being necessary to meet military needs — 10,500 Permanent Defence Force members at all ranks. Information on careers in the Defence Forces can be obtained on their website, *www.military.ie*.

Mr. Costello: I thank the Minister for his reply. Many people from the north inner city of Dublin, which I represent, contact me after their applications to join the Defence Forces are unsuccessful. While I do not suggest they are discriminated against, their applications seem to result in an inordinate lack of success. It seems to me that the

Army should be more anxious to get more staff from this area. The Garda is keen to recruit from the north inner city, if possible. The Army does not seem to have a terribly positive attitude to those whose origin, location or postal address is in Dublin 1, in particular.

The Minister responded to my question about whether people can reapply to join the Defence Forces by saying of course they can reapply. Is there any chance of second applications being successful, however? Can the Minister tell me what percentage of people who reapply are successful? If a further application is made by a person who was not successful in the first instance, it is likely that he or she will not be successful on the second occasion? It is rather unsatisfactory that my constituents are experiencing such circumstances.

Mr. O'Dea: I do not have figures pertaining to the number of people who make second applications. I can get that information for the Deputy. As of 2 March last, some 1,154 applications had been made to join the Defence Forces. Just 66 of those applications were found to be unsuitable. If one's application is deemed to be unsuitable, one does not get past first base. One might be deemed unsuitable for any of three reasons. One might not reach the specific height requirement of 5 ft. 2 in., one might not meet the prescribed medical or fitness standards or one might not get the necessary security clearance. A small proportion — between a quarter and a third — of those who are deemed to be suitable under those three categories are then successful following the competitive interview process. There are many applicants for every available position in the Army.

The question of unsuitability arises when candidates do not meet the height requirement, do not pass the physical test or do not get security clearance. If candidates do not meet any one of those criteria, they will not be successful. If one receives correspondence telling one that one has been deemed to be unsuitable, or if one is not selected following the interview process, one can ask for further feedback. If one contacts the barracks to which one applied in the first instance, one will be given the feedback that the authorities are allowed to supply. If one has been rejected in the past on the basis of a lack of suitability, but one now feels one meets the relevant criteria because something has changed for some reason, of course one can reapply — there is no problem about that.

Mr. Costello: I have no problem with the height requirement and the medical test. I would like to comment on the third ground of unsuitability, however. I understand that the Army will deem one to be unsuitable if it learns that one got into trouble with the law in a minor way when one was in one's teens, even if one's minor infringement would not give rise to any security concerns.

Are there any proposals to re-examine what constitutes unsuitability on the basis of security matters? We should ensure that this provision is not all-encompassing in a general way. People who were vulnerable at a particular time and came to the attention of the Garda on foot of a minor infringement should be reassessed in consultation with the local Garda station.

Mr. O'Dea: Under certain provisions in the Defence Forces' regulations, certain categories of people are deemed to be unsuitable from a security perspective. I can give the Deputy a copy of the regulations if he wishes. The regulations stipulate that a person who has been convicted of a serious criminal offence by the Special Criminal Court, or by a civil court, are not eligible for enlistment in the Reserve Defence Forces on security grounds. The Deputy asked about young people who had a brush with the law at some time in the past. I have encountered such cases in my own city. Applications made by such people are judged on a case-by-case basis. Security clearance is decided on by the Garda in conjunction with military intelligence. As far as I know — I will have to check — local gardaí are consulted as part of that process, although not directly by the Army. I presume this goes to a certain section of Garda headquarters which consults the local Garda to ascertain the position regarding this individual. The person is then deemed to be either suitable or unsuitable on security grounds. If there is any way to make the system more transparent while at the same time not undermining the policy which underlies such a system, I would be prepared to consider it.

Mr. Mulcahy: Whereas I accept what Deputy Costello says, I wish to put on the record of the House that nobody has ever complained to me in more than 20 years of public life in this city that they believe they had been hard done by with regard to an application to the Defence Forces. I am not saying it does not happen but I reiterate that no complaint has ever been made to me.

I am pleased to hear the Minister's reply. A valid point has been made about transparency.

An Leas-Cheann Comhairle: The Deputy should put a question to the Minister as this is Question Time.

Mr. Mulcahy: Will the Minister agree that if a period of ten or 15 years had elapsed between a minor offence such as a road traffic matter and a person being refused entry to the Defence Forces, that at the very least there should be some transparent system, subject to security requirements, so the person is made aware of his credit rating, so to speak? If a person fails a credit test with the Irish Credit Bureau, he or she can look up the information on the credit impediment.

Mr. O'Dea: The same applies for applicants to the Garda Síochána and they must also undergo a security check. The system is exactly equivalent for applicants to the Army except that military intelligence is involved even though I imagine this involvement is peripheral and merely a formality. The Garda record of an applicant is what is taken into account.

The suggestion made by Deputy Costello and Deputy Mulcahy seems to be sensible. I will have a chat with the relevant authorities. A person who has committed a minor offence 15 or 20 years ago should not be debarred on security grounds. As Minister for Defence I would not regard such a person as a security risk and I admit I have had a few complaints in my constituency, mainly from people who want to join the Garda Síochána and one or two who want to join the Army.

Mr. Costello: I note the Minister has also had complaints.

Mr. O'Dea: We will not wrangle about it. Viewed objectively it seems rather harsh that somebody who has had a minor brush with the law several years ago which might not even have resulted in a conviction or else merely the application of the Probation Act, are told out of the blue they are unsuitable to join the Defence Forces even though they have turned their lives around or there is no other blemish on their character. I will engage in some discussions about that matter.

87. **Mr. O'Connor** asked the Minister for Defence the numbers the Defence Forces expect to recruit in 2007, across all ranks and services; and if he will make a statement on the matter. [8645/07]

Mr. O'Dea: The strength of the Permanent Defence Force on 31 January 2007, the latest date for which detailed figures are available, as advised by the military authorities was 10,426.

The current projected figure for recruitment to the Permanent Defence Force in 2007 is in the region of 560 general service recruits and 40 apprentices. The number of cadets to be recruited is currently under consideration and is expected to be in the region of 45. In addition, direct entry competitions, held to fill a small number of vacancies in specialist appointments, are currently open.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army.

It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment to the Permanent Defence Force will continue to maintain the strength at the level set out in the White Paper as required to meet military needs.

Mr. O'Connor: I thank the Minister for looking after my questions so well. I often muse that in other circumstances I might have ended up in the Defence Forces if I had been accepted because my Dad was a wartime soldier—

Mr. Costello: That would be a security risk.

Mr. O'Connor: Yes, I could have been. My maternal Grandad was a soldier and my paternal grandfather while he was not in the armed forces was killed at sea by a German bomb.

The purpose of my question is to recognise that the world is now a different and more dangerous place, certainly more so than when we were growing up. Ireland now has a superb reputation throughout the world as a super economy and it has defence responsibilities. Is the Minister satisfied that all Ireland's commitments both at home and overseas can be met within the current strength of the Permanent Defence Force? Is this a good or bad year for recruitment?

Mr. O'Dea: I am satisfied the Army is at sufficient strength as outlined in the White Paper to satisfy all our overseas commitments. However, Ireland has a standing commitment to deploy up to 10% of its standing Army overseas at any one time, being a total of approximately 850 troops. The current number is 808 which must be as near to the maximum as we have ever reached since we entered into that commitment. Nevertheless, the largest contingent abroad consists of 325 troops in Liberia and most of those troops will be returning home later this year. Our commitment in Lebanon runs to about 165 or 166 troops and is until next July or August at which point the Government will review the position and those troops may well be coming home. The situation in Kosovo is that following the general election and a recent meeting of the GAERC, of the European Union Defence Ministers, it is envisaged that downsizing of the United Nations mission in Kosovo is about to commence and personnel will be returning home.

This is an average year for recruitment. We want to maintain numbers. The standing Army figure on an average monthly basis is approximately 10,500, between all the different branches. There are currently vacancies in the Naval Service and the Air Corps but they are dealt with in more detail in the next question.

Mr. Timmins: Some issues arise from the Minister's reply. Will the Minister indicate whether he has any idea whether the term in Lebanon will be extended or the commitment of troops will be increased, based on the assumption that the return from Liberia would allow an opportunity to supply more troops to Lebanon? Were additional troops or an extension of the period of commitment requested during the Minister's visit to Lebanon?

The Minister referred to the recruitment of 40 apprentices. The apprenticeship school was closed several years ago. My understanding is that this has caused some difficulty. Has the Minister any reason to review the decision to close the apprenticeship school with a view to re-opening it at the Curragh Camp? What are his views on this matter? Will he agree to consider the impact of the closing of the apprenticeship school on the Defence Forces?

Mr. O'Dea: I will certainly consider the matter. I have had no complaints in that regard from the military. I understand the recruitment of apprentices is taking place as normal and as is needed.

In answer to Deputy Timmins with regard to Lebanon, I did not receive any request when I was there to either extend the period of the Irish troops being there or to expand the force. The United Nations presence in Lebanon will certainly extend beyond next August. Troops will be returning from Liberia and possibly from Kosovo in the near future. However, there are plenty of other trouble spots in the world and plenty of other possible requests. No formal request has been made but there is no shortage of places which will need the presence of Irish troops with their magnificent experience and expertise in peacekeeping.

As Deputies will be aware, we were in Lebanon for a very long time. We decided in the light of requests, particularly for Irish troops to return there, to make a commitment, despite the fact that we were stretched in our foreign deployments. We made that commitment and went in. We did not have the facilities to provide a full unit but we went in by agreement with a Finnish contingent involved in both reconstruction and ordnance and explosives clearance work. As Deputy Timmins will know, while the troops are there, they are at the disposal of the force commander who can allocate other tasks to them.

The Government decided that we would go in for a period of 12 months. That period will expire in August or September, or possibly October. Expanding the mission, remaining or returning home would require a Government decision at the time. I am sure the Government, whatever Government is in office, will make the right decision based on the circumstances prevailing in Lebanon at the time and on the level of interaction with the Lebanese.

From what I saw during my trip to Lebanon, I am sure work on the tasks in which we are involved as the protection detail for the Finnish contingent, namely, reconstruction tasks and ordnance clearance work, will almost be finished by the time we are due to come home in September or October. The Government will have to consider the matter afresh at that point.

Mr. O'Connor: When the Minister was in Lebanon, did he meet anyone from Tallaght?

More seriously, how many applications for enlistment are before the Permanent Defence Force? Does the Minister have any sense of the upper age limit applying across the services?

Mr. O'Dea: I met people from all over the country. I cannot recall specifically whether any of them was from Tallaght. If I have occasion to visit there again, I will make representations on Deputy O'Connor's behalf. There were 1,154 applicants for enlistment to the Permanent Defence Force, of whom 66 have been found to be unsuitable. With regard to the upper age limits, an applicant for a cadetship must be under 28 years; an applicant for general service recruitment — ordinary troops — must be under 25 and an applicant for an apprenticeship must be under 20.

Mr. Costello: The Minister might arrange a trip to Lebanon for Deputy O'Connor in order that he can check whether there is anyone from Tallaght there. In a departure from protocol, I extend a welcome to our distinguished guests in the Visitors Gallery.

With regard to the Minister's reference to the recruitment of specialist personnel, will he elaborate on the remarks he made in Lebanon that he would seek to recruit engineers, doctors and others to the Reserve Defence Force in the manner that it operates in Finland and other Scandinavian countries? Traditionally, we have had difficulty in attracting skilled professionals into the Permanent Defence Force. Is the Minister considering this approach?

Mr. O'Dea: We have direct entry competitions for professionals such as doctors, dentists, engineers and so on. The point I tried to make in Lebanon — perhaps I did not make it articulately enough — was that there was a fundamental difference between the Irish Army and the Finnish army which is largely a conscript army. People are called up as and when it needs them. Some 80% consists of reservists who can be called up as and when they are needed. If the Finnish army is undertaking a specific operation overseas which, let us say, involves reconstruction, as is the case in Lebanon, it can advertise directly for engineers, architects, carpenters or others involved in construction. People who are on record as being members of the reserve can apply for these positions. Therefore, the Finnish army can recruit more or less directly for such positions. The Finnish commander of the joint Irish-Finnish brigade told me that there were approximately 600,000 members of the reserve in Finland, which means they have a wide pool on which to call.

The point I was making in regard to specialists was that we intended, within the lifetime of the White Paper, to 2010, to allow members of the reserve to serve abroad. The way we may do this is by focusing on persons such as doctors, drivers,

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cooks — those with a particular skill — and letting them volunteer to serve abroad in foreign missions as members of the reserve. The main issue we must resolve is the need to provide security of employment for the people concerned in order that they will be able to serve abroad for a certain period and still have a job when they return.

Defence Forces Strength.

88. **Mr. McCormack** asked the Minister for Defence the current strength of the Army; and if he will make a statement on the matter. [8689/07]

94. **Mr. English** asked the Minister for Defence the current strength of the Air Corps; and if he will make a statement on the matter. [8690/07]

102. **Mr. Stanton** asked the Minister for Defence the vacancies in the Naval Service; the establishment of the Naval Service and the strength of same; and if he will make a statement on the matter. [8916/07]

122. **Ms Enright** asked the Minister for Defence the current strength of the Naval Service; and if he will make a statement on the matter. [8691/07]

299. **Mr. Durkan** asked the Minister for Defence if it is intended to increase the strength of the Naval Service with a view to catering for increased responsibilities in respect of air-sea rescue and coastal surveillance to combat the importation of drugs; and if he will make a statement on the matter. [9147/07]

305. **Mr. Durkan** asked the Minister for Defence if it is intended to increase the strength of any or all of the Defence Forces in view of the likely demands for overseas deployment in the future; and if he will make a statement on the matter. [9153/07]

Mr. O'Dea: I propose to take Questions Nos. 88, 94, 102, 122, 299 and 305 together.

The White Paper on Defence of 2000 provides for a Permanent Defence Force strength of 10,500, comprising 8,426 for the Army, 1,144 for the Naval Service and 930 for the Air Corps. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment to the Permanent Defence Force will continue to maintain the strength at the level set out in the White Paper as required to meet military needs. The Defence Forces continue to adopt a proactive approach to all aspects of recruiting.

The strength of the Permanent Defence Force on 31 January, the latest date for which detailed figures are available, as advised by the military

authorities, was 10,426. This comprises 8,492 in the Army, 859 in the Air Corps and 1,075 in the Naval Service. There were, therefore, 69 vacancies in the Naval Service at that date. A detailed breakdown of the numbers in the Army, Naval Service and Air Corps by rank are in the form of a tabular statement which I propose to circulate to the Deputy. The Permanent Defence Force manages recruit intakes so as to keep its annualised monthly average strength at or around 10,500.

The White Paper on Defence provides for an allocation of up to 850 Permanent Defence Force personnel to be deployed overseas at any one time through the United Nations Standby Arrangements System, UNSAS. While this may be exceeded for short periods, deployments above this level are not sustainable on an ongoing basis within existing resources. Any commitments to EU or UN missions will be met within this context. There are 808 Permanent Defence Force personnel deployed overseas. This figure includes 165 personnel deployed to UNIFIL in Lebanon.

I am satisfied the current strength is adequate to meet all needs arising at home and overseas.

Mr. Timmins: One of the issues I have raised with the Minister is the concept of increasing the retirement age of the officer corps. This is particularly applicable those at the rank of lieutenant-colonel, a high percentage of whom are serving overseas. With the increased commitments of the Defence Forces, there may be a shortage of that rank at home. In addition, much expertise has been acquired at that stage of service. We are considering increasing the public service retirement age, given that life expectancy is higher. Those serving at the rank of commandant must retire at 56 years and retire on full pension. Therefore, there is not a huge cost saving. Does the Minister agree it is regrettable that this expertise is lost?

Owing to the recruitment policy of the Defence Forces with regard to cadetships in the early 1970s, a number of officers are caught at certain ranks. It is not a huge number. Rather, it is a blip that will last a number of years. Will the Minister consider reviewing the age limit? Will he seek to identify areas where the personnel concerned could work? The monetary cost involved would be minimal.

Mr. O'Dea: I accept the Deputy's point but it is not just a question of cost. Similar arguments are often made with regard to experienced members of the detective branch of the Garda Síochána. When an officer reaches a certain age, he or she knows where to look when a crime is committed. Nevertheless, such officers must retire at that age and their expertise is lost. There are certain upper retirement ages in the Army officer class because outstanding young people are coming through at the moment. I met out-

standing people of the rank of captain and lieutenant in the Lebanon who had an expectation of achieving a certain rank by a certain age, which is their entitlement. We cannot increase the age limits of any ranks at the moment because to do so would slow the process even more.

I take Deputy Timmins's point about the ageing of the population and the position in the Civil Service. I have seen several cases of young Army officers, highly educated and full of zeal and enthusiasm, who left the Army and we lost their expertise because the promotional prospects were not sufficiently good. Age limits are continually under review but I have no plans at present to make any changes in that regard.

Mr. Timmins: I agree with the Minister to the extent that when I suggested a review of the age limit it was not in the context of blocking promotion for lieutenants or captains because it is very important they have a career path which is not blocked by people being kept on. Could a streaming mechanism be put in place for people caught in this age trap? It would only have to last for four or five years and would not have an impact on the promotional opportunities of those behind them.

Mr. O'Dea: I will look into whether it can be done and will talk to the relevant people.

Mr. Costello: Will the Minister not reconsider the numbers in the Permanent Defence Force? I am aware the White Paper indicated a number of 10,500 but it made provision for that to be increased. We have substantial United Nations commitments but we could only send 155 members to the Lebanon because any more would have exceeded the 10% limit about which we spoke. We also take part in battle groups so does the Minister not feel that, given the current requirements of our Permanent Defence Force abroad, we could usefully look again at reviewing the upper limit?

Mr. O'Dea: The current number is based on the White Paper. We decided to reduce the numbers in the Army by approximately 1,000 and to put the savings made into better training and equipment, which we have done. It was envisaged that the situation would continue for the duration of the White Paper until the end of 2009 and there are no plans to change the maximum strength of the Army until that point.

Mr. Gormley: The Irish population has grown significantly because of immigration. Dr. Tom Clonan, a man who always makes sense, said an effective Army should always be drawn from the population. Does the Minister agree that, with our population now quite diverse, we need people from different backgrounds for the Army to be effective? What are the plans to increase the complement of people from different back-

grounds in the Army? In the context of a rising population would it not make sense to head in that direction?

Mr. O'Dea: People from different backgrounds can join the Army — one does not have to be an Irish citizen.

Mr. Gormley: According to Dr. Clonan the situation is very bad.

Mr. O'Dea: At the moment that is the case. However, some changes have recently been made to the cadet competition which will open the door to refugees, nationals of EEA states and nationals of any other state who have been lawfully present in Ireland for five years, among others. If somebody who is not an Irish citizen applies to become a cadet it requires special clearance from the Minister but, unequivocally, I have no objection to the idea and would not hesitate to clear them, provided they met the other criteria. I am conscious of the need to ensure the officer ranks of the Army reflect the population as closely as possible and we are working to that end.

Written Answers follow Adjournment Debate.

Message from Seanad Éireann.

An Leas-Cheann Comhairle: Seanad Éireann has passed the Criminal Law (Sexual Offences) (Amendment) Bill 2007 without amendment.

Messages from Select Committees.

An Leas-Cheann Comhairle: The Select Committee on European Affairs has completed its consideration of the European Communities Bill 2006 and has made amendments thereto.

The Select Committee on Health and Children has completed its consideration of the Health Bill 2006 and has made amendments thereto.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ring — the available funding under the Access II programme and the status of an application for funds by an organisation (details supplied); (2) Deputy Hayes — the need for the Minister to resolve issues concerning the CAT scanner at South Tipperary General Hospital; (3) Deputy Deenihan — the problems with the trauma-orthopaedic services at Kerry General Hospital, Tralee, County Kerry; (4) Deputy Healy — the need for the location of an emergency ambulance service in the town of Carrick-on-Suir; (5) Deputy O'Dowd — the plans for a school in County Louth; (6) Deputy Cowley — the need for the Minister to provide adequate

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education for an autistic boy in County Mayo; (7) Deputy Costello — the need for the Minister for Justice, Equality and Law Reform to introduce legislation to ban trafficking in people; (8) Deputy Crawford — the need for the Minister to provide the necessary funds to restore the regional and county roads in County Monaghan; (9) Deputy Neville — the construction of a new school at Coláiste Chiaráin, Croom, County Limerick; (10) Deputy Ó Snodaigh — the need for the Minister to address the longest waiting list in the country for addicts in Ballyfermot, Dublin 10, looking to access methadone treatment programmes; (11) Deputy Cassidy — the progress to date with regard to the provision of a new headquarters for the Department of Education and Science in Mullingar; (12) Deputy Michael D. Higgins — the need for the Minister to review the legislation in view of the most recent action of the Broadcasting Commission of Ireland and its interpretation of section 10(3) of the Radio and Television Act 1988; and (13) Deputy Cooper-Flynn — the reason the criteria for primary medical certificate and disabled driver's tax concessions exclude applicants with arm amputations.

The matters raised by Deputies Cassidy, Hayes, Michael D. Higgins and Crawford have been selected for discussion.

Finance Bill 2007: Report Stage (Resumed).

Debate resumed on amendment No. 13:

In page 21, between lines 1 and 2, to insert the following:

“14.—The Minister for Finance may by regulations provide that the tax relief for childminding shall be available to persons who have care of children in accordance with conditions prescribed by such regulations, irrespective of the number of such children.”.

—(Deputy Burton).

Ms Burton: I had asked the Minister to give consideration to the Labour Party amendment in light of the discussion we had.

Minister for Finance (Mr. Cowen): Deputy Burton raised this matter on Committee Stage two weeks ago and I said I would reflect on it. The relief to which she referred was introduced last year and restricted to a person minding up to three children, not their own, in the minder's own home. As I understand the Deputy, her proposal is aimed at extending the exemption to persons minding larger numbers of children of school going age and on Committee Stage she raised the possibility of minding up to eight children after school for a short number of hours, perhaps even in a school setting.

It is worth recalling the main aim of this relief, which is a simple form of tax exemption. The

scheme affords people operating informal childminding arrangements, which of their nature are very small scale, the opportunity to regularise their tax position and benefit from the exemption. It also offers the possibility of relief to those who might consider providing such services in the future. The main purpose, therefore, is to underpin the supply of childminding places in the informal sector.

In our previous discussion I explained that I did not want to blur the distinction between the formal, larger scale and regulated part of the child care sector and the informal part, to which this tax exemption applies. It is important to maintain this distinction and, accordingly, minding larger numbers of children, even for limited periods, does not sit easily with the informal model. Furthermore I would be concerned at extending the relief beyond three children because of the various safety issues which would arise. The consultations my officials have had since Committee Stage with the Office of the Minister for Children fully confirm and reinforce those concerns.

I appreciate the Deputy said she had no objection to notification to the Health Service Executive and the consequent regulation of such situations. To avail of the tax exemption, however, a simple notification to the county child care committee is all that is required. This ensures that the childminder has access to information on training. This type of notification would not be appropriate once the number of children being cared for exceeds three.

As the Deputy will be aware, under the Child-care Act 1991, certain categories of childminders are legally obliged to be registered with the Health Service Executive and are subject to a considerable level of scrutiny and regulation. The Child Care (Amendment) Bill 2006, which is currently before the Oireachtas, will, when enacted, allow for a more extensive level of regulation in this area. The trend is, therefore, towards extending regulation. However, while the facilities provided in the Child Care (Amendment) Bill 2006 will introduce such regulations, I understand that this is unlikely to happen in the short term. Without such regulation and in view of the child safety issues involved, I do not believe it would be appropriate at this stage to consider introducing an extension of the childminding tax exemption scheme as proposed by the Deputy. I have some sympathy with the idea she has put forward and I would be prepared to have this issue re-examined when the regulations are in place. Nevertheless, and as already stated, the Deputy's proposals do not sit easily within the existing informal model. For these reasons, I cannot accept her amendment at this time.

Amendment, by leave, withdrawn.

Amendments Nos. 14 and 15 not moved.

Ms Burton: I move amendment No. 16:

In page 21, between lines 1 and 2, to insert the following:

“14.—Where an employer provides a childcare facility directly to an employee, or pays the childcare costs of an employee to a third party, the provision or payment shall not constitute a taxable benefit in kind.”.

Will the Minister outline his response to this amendment?

Mr. Cowen: I pointed out on Committee Stage that existing law already provides an exemption from an employee benefit-in-kind charge where employers provide free or subsidised child care for their employees. The exemption applies where child care facilities are made available solely in-house by the employer, jointly by the employer with other participants, by other persons in circumstances where the employer is wholly or partly responsible for financing or managing the child care service or by other persons in circumstances where the employer is wholly or partially responsible for capital expenditure on the construction or refurbishment of the premises. In order for the exemption to apply, the employer must be involved in the provision of the facilities or their management or funding.

Deputy Burton expressed concern on Committee Stage that the relief is not available to small and medium enterprises, SMEs, by virtue of their size. However, while an individual small or medium enterprise might not be able to facilitate the provision of child care facilities on its own, the legislation allows it to join with other small employers to provide co-located facilities, contributing proportionately to costs and jointly providing the child care service. In this way, SMEs can collectively address the differences of scale in the provision of facilities. In my view, the Deputy's concerns are already addressed in existing legislation. The amendment regarding the provision of child care services by employers is already provided for in tax legislation and is, therefore, unnecessary.

The Deputy raises a second issue in seeking that employers be permitted to purchase child care for their employees from third parties. As pointed out on Committee Stage, a core requirement of the current exemption is that employers must be involved in the provision, management or funding of facilities. Apart from this, the main difficulty with the Deputy's suggestion is the potential cost to the Exchequer in that it could give rise to what is known as salary sacrifice on the part of employees. The latter would involve employers paying the cost of child care in return for employees forgoing an equivalent amount of income. In effect, employees rather than employers would end up bearing the cost of the child care.

The provision would result in a win-win situation for employers and employees but this would be at the expense of the Exchequer and the social insurance fund. Employers would avoid employers' PRSI of 10.75% on the salary forgone, while employees would obtain relief from income tax at the marginal rate and also from health contributions. Such a provision is more likely to be of benefit to better paid employees who could afford to enter into salary sacrifice arrangements. It would, in fact, be inequitable to those employees who were not in a position to participate in such a scheme. The provision would have no impact on the supply of child care places and could lead to some displacement. There would also be a knock-on effect on the cost of child care because people being subsidised, possibly by the Exchequer, might be prepared to pay even more for the service. Ultimately, such a provision, if introduced, would be likely to lead to pressure for full tax relief for all those paying their own child care costs, with the associated costs being borne by the Exchequer.

As the Deputy is aware, current Government policy is designed to increase the supply of child care places and not to use resources to grant tax relief in respect of child care costs *per se*. In these circumstances, I am, therefore, unable to accept her amendment.

Ms Burton: I thank the Minister for his reply. I am not sure whether he appreciates that there are two different scenarios for employees. Those who work for large companies or in the public sector often have quite attractive arrangements available to them on foot of employer-supplied child care provision. While not all employees may want workplace crèches or crèches associated with the workplace, nonetheless companies are making significant assistance available to employees, either in workplace crèches or those near the workplace, through the use of firms that supply child care services.

The difficulty regarding small and medium firms in which there may not be a significant number of female employees or women with children is that they often do little to contribute in terms of making child care accessible or available. Earlier, we discussed the difficulties parents experience in respect of child care. Let us consider the position of lone parents on the west side of Dublin who wish to return to work, in particular, or education. The issue of child care is critical to these individuals. Although they live in the Dublin area, unless they have transport — lone parents might well not have access to transport — these people are obliged to make long commutes by public transport. If they do not have access to affordable child care, it makes their participation in the workforce difficult. While some women want to spend time caring for their children, particularly if they have two or more, equally, quite a number of mothers would like the

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opportunity to avail of part-time work if appropriate child care facilities were available. At present, the situation in that regard is mixed. While, in theory, there are many extra child care places available, in practice, these places are often extremely expensive. Large companies and public sector organisations are in a position to organise child care facilities but, by and large, SMEs cannot do so.

I accept what the Minister said about companies providing child care on a group basis. I am interested in discovering whether he can provide a large number of examples in that regard because I cannot think of a great many. There may be a great deal of community provision of child care in his constituency. However, in constituencies such as that which I represent, namely, Dublin West, where there is a huge range of employers, community child care provision is heavily oversubscribed and places are often allocated on the basis of people being referred by other community services as appropriate prospective clients.

I am speaking about a real gap for women who are probably on the minimum wage, about which the Minister spoke proudly. Unfortunately, for many on low wages the minimum wage has become the maximum wage. If one is on the minimum wage on a full-time or part-time basis, child care is expensive. If one works for a large employer, whether a company or the public service, the employer, if so minded, may make provision for child care. Thankfully, some employers are so minded. As part of the social partnership process trade unions have been to the fore in encouraging employers to provide extra child care facilities. However, there is a group of people who are on the minimum wage at the lower end of the labour market and working part time, for whom affordable child care within a realistic geographic area is difficult to access. Proposals such as this would assist them. Unfortunately, child care provision is very much a patchwork quilt. There will never be one child care arrangement that will suit everybody, nor should there be because families have diverse needs, demands and lifestyles and varying numbers of children. What applies to parents with just one baby is not suitable for those with two or more children.

Despite what the Minister stated about the Finance Bill, a great leap forward must be made on child care. My party has brought forward comprehensive costed proposals, for instance, for a pre-school year, which would certainly massively ease the burden on parents, particularly mothers who may want to do some work. The Minister could be much more inventive in making child care accessible for parents who want to work on a full-time or, more usually, part-time basis. Certainly, the supply of child care facilities is limited in my constituency.

Mr. Bruton: The development of child care provision is an issue to which we need to give a great deal more thought. The Department of Justice, Equality and Law Reform operates a scheme of capital grants which have had a certain impact. However, given the requirement, a vast gap remains. The difficulty is that unless child care projects are supported on the basis of their running costs also which occurs in a small minority of cases, families will face substantial payments of perhaps €200 a week.

We need to look at this issue from two sides. There must be a straightforward recognition that the annual €1,000 payment for those under six years is too broad-based and not related to child care costs. We need to recognise child care costs where they are incurred by a family as deserving of support and provide credits for vouched expenses in order that Minister can start to open up more accessible and affordable child care facilities to families.

The Minister pointed out how costly relief for both the employer and the employee would be to the Exchequer. One possibility would be to provide incentives for employers in developing the supply side and to provide assistance for families through straightforward supports against vouched expenses. Perhaps employers would have a role in this regard. As Deputy Burton stated, not everyone wants child care facilities in their place of employment. A survey I conducted in my constituency some years ago surprised me by revealing how small a number — less than 10% — wanted such facilities; virtually all wanted child care facilities either in their community or a home setting. Therefore, this is not the preferred option of most parents. Nonetheless, employer provided child care facilities could be one element of the structure we are lacking.

Perhaps the amendment will not receive the full support of the Minister but he might indicate there is scope for opening up dialogue on how employers might contribute to the development of child care facilities as part of a broader remuneration package recognising that employees have other responsibilities that must be accommodated in the workplace.

Mr. Cowen: As the House will be aware, organised child care facilities in the sense they have developed is a relatively recent phenomenon. We have come from a position where we had virtually no places six or seven years ago. As Deputy Bruton stated, if employer provided child care facilities are to be an increasing feature of how child care is delivered, attitudinal shifts will be required on the part of employers. Incentivising them does not get away from the fact that there are some who are interested in the salary sacrifice in providing the benefits that would accrue to them without taking on, as Deputy Bruton stated, the wider corporate responsibility of helping employees to obtain child care facilities close to

their place of work with the obvious added convenience. As I stated, it is a relatively recent societal issue when one looks at how employers have viewed their responsibilities to date and a change is required.

When the public policy objective is primarily to increase the supply of child care places, it requires employers to be involved in the management, provision or financing of places. Otherwise, they are simply looking for a monetary solution which suits them and could well suit employees but does not suit the Exchequer and which may not add to the supply of child care places. Through such an assist mechanism for a stratum of employees who have sufficient income to consider it, it may displace others who have provided child care places in the first place. That is the reason there is a need for direct involvement by employers in order to meet the overriding public policy objective which is to provide extra places. Given the figure of 10% Deputy Bruton found in his constituency survey, let us hope more employers will see the benefit in becoming more directly involved. If they see their responsibility as being broader than the profit and loss account, they will certainly have far more satisfied and committed employees. In fact, it would enhance their profitability when account is taken of the capital allowances available in meeting the cost of the child care provision. These are issues which require an attitudinal change. We need to challenge employers.

From a standing start, the Equal Opportunities Childcare Programme 2000-2006, an EU co-funded programme, has exceeded all targets to date. More than 32,000 places have been created. A further 24,500 have been supported with grant aid allocations, amounting to almost €500 million in the past six years, a significant commitment by the Government.

The new national child care strategy announced in budget 2006 is a multiannual one. The Government was well aware of the difficulties being faced by many parents and families in securing affordable child care. To this end, we have increased the choices and options available to parents. We have developed a five-year strategy which is being implemented at a cumulative cost of €2.65 billion over five years. This is a significant commitment of resources to address the supply and cost of child care places and involves the following. The early child care supplement will benefit over 280,000 families. The period of maternity leave has been increased, with a four-week extension for both paid and unpaid maternity leave introduced in 2006 and a further four-week extension for both paid and unpaid maternity leave this year, bringing the duration of paid maternity leave up to 26 weeks and unpaid maternity leave to 16 weeks. A major new multi-annual national child care investment programme has been put in place and the Office of the Minister for Children under the Minister

of State with responsibility for children, Deputy Brian Lenihan, has been given overall responsibility in this area. The national child care investment programme will support the creation of an additional 50,000 child care places between 2006 and 2010. To date, more than 900 capital grant applications amounting to over €170 million have been received and a total of 17,000 child care workers will be trained over the next five years to complement the roll-out of these new places. Last year, we allocated €94 million for child care places, which supported the creation of more than 8,500 new places and enhanced almost 2,600 existing places. This year, we further increased the allocation by 50%, or €48 million, to a total of €142 million, which will fund additional child care places over the course of the year. That is a fair indication of the commitment this Government is making to continue increasing and enhancing child care services.

Ms Burton: I am disappointed with the attitude taken by the Minister and surprised he is not more familiar with the burden parents carry in terms of child care costs. It is increasingly the reality for young couples that both parents have to work in order to pay their mortgage. The cost of child care is prohibitive and the availability of places is limited, particular for people at the low wage end of the economy.

To qualify for an affordable house purchase in Dublin, it is necessary to earn €46,000 per year. The Minister boasted about low wages but that figure is equivalent to the combined annual income of a couple earning the minimum wage. Child care can represent an additional burden of as much as the cost of the mortgage. The Minister was able to rehearse a variety of statistics but parents on the ground perceive child care as a nightmarish issue. While an absolute consensus does not exist, many parents would like to be able to avail of one year's leave during the first year of a baby's life. I assume such leave would normally be taken by the mother so that she can be with her baby. If a national system of pre-school education was in place for children aged between three and a half and four and a half years, the gap would be two years.

I do not think employers are playing their full part on this matter. We may have been blinded by the partnership structure, which largely represents trade union members in the public sector and large private firms. While I am delighted that progress has been made in these areas, significant numbers of families are left without realistic access to child care at a reasonable price. If these families want to keep a roof over their heads or buy a house, both parents have to join the workforce. It is a complex social tapestry involving a market-led economy which does not make allowance for families on issues such as child care.

I am disappointed that the bulk of the equal opportunities programme is oriented towards

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offering tax breaks to those who invest in child care. As is the case in respect of nursing homes, we offer tax relief on the bricks and mortar of child care facilities but have not gotten around to the caring side. We are great at offering tax breaks for constructing hotels, child care facilities, private nursing homes and sheltered housing. This modest amendment proposes that we help a particular group of people who are affected by the lack of access to good quality and reasonably priced child care. I find the Minister's lack of response very disappointing.

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 17 and 18 are related and may be taken together.

Ms Burton: I move amendment No. 17:

In page 21, between lines 1 and 2, to insert the following:

“14.—The provisions of the Principal Act regarding travel benefit in kind shall be extended to make provision for disregarding the benefit of monthly and quarterly tickets provided by an employer.”.

The purpose of this amendment is to make it as easy as possible for employees to use public transport. The Minister indicated on Committee Stage that he thought the arrangements in that regard had become more flexible. That may be due to the repeated announcements by the Government regarding the €42 million budget for integrated ticketing.

Where the public transport arrangements work, which is usually in larger public and private sector organisations, they are undoubtedly beneficial but people who work part-time or atypical hours are much more restricted. I recently met somebody who encountered problems in this regard after taking parental leave from the public service during the summer months. If the Minister wants to encourage people to use public transport, he has to enable those with atypical working arrangements to derive the same benefits from purchasing tickets on a monthly or quarterly basis as employees, such as the staff of Leinster House, who can take advantage of the current scheme. The objective of my amendment is to extend the current scheme, which works well, to people with different travel or work arrangements or who take parental leave during the summer.

Integrated ticketing was promised four or five years ago and was to be delivered in full last year. The budget for the project has increased from €19 million to €42 million and is continuing to increase. It is like a bus or train in that it has never arrived at the station; I do not know if we will ever see the completion of the project unless there is a change of Government because I do not

believe the political will exists to progress it. In the meantime, the travel scheme I propose would encourage people to use public transport. The Minister could be more flexible. I appreciate additional administration would result for the Revenue but this could be done with a little imagination. I do not know what would be the breakdown on a gender basis but female workers might benefit in that they are more often engaged in part-time and atypical work because of child care commitments. I commend the amendment to the Minister.

Mr. Bruton: The issue of travel patterns needs to be addressed. We have allowed ourselves to slip into unsustainable patterns of growth and much of that is driven by the planning system and the failure to integrate public transport systems with the significant growth in housing over the past decade, with 600,000 new houses being built. There was not a commensurate expansion in public transport to provide options for all these householders. The increase in public transport investment must be complemented with schemes such as those proposed in the amendments. One disappointing element of what happened over the past five years in Dublin city is that, although the Government clearly recognised public transport constituted a core issue, the provision of additional buses, which was the quickest solution to the public transport needs of the city, was ignored.

Dublin Bus languished for five years without new buses. Competitors who were supposed to add capacity to the bus network in Dublin were not invited to tender and the system did not square up to the challenge. As a result, car ownership has increased significantly and the Kyoto thresholds have been exceeded. Transport has broken the pattern the Government hoped would be followed. The lack of joined up thinking has led to a failure to create incentives, infrastructures and integrated ticketing throughout the public transport system. This is an area of serious disappointment in the execution of a joined up policy by Government and it needs to be addressed seriously.

Inevitably it is being forced on the Government by impending problems. A penalty of €270 million will have to be paid to meet our Kyoto commitments. How much better it would be to use that money for productive investment in transport infrastructure. The proposal in the amendment represents joined up thinking on how to incentivise people to make better choices in commuting and I support them for that reason.

Mr. Boyle: I support the amendments and I tabled similar amendments on previous Finance Bills. We not only need to examine the current system in the context of workers with irregular employment patterns, but a number of other barriers also need to be examined. The time

limits, whether monthly or annual, must be addressed. The greatest impediment in the take up of the scheme is that it does not recognise multi-modal transport adequately. Very few people can get from A to B using one form of transport and they are often forced to use a private car. A system that recognises people in the greater Dublin area who might use a combination of suburban rail, Luas, DART and Dublin Bus is needed. The current system does not provide for that.

It is unusual that allowances similar to those proposed are provided for other tax reliefs, such as that relating to medical expenses. A system is also in place for the waste charges which, while cumbersome, allows the Department to collect bin tags and so on to grant the relief. I fail to see why a system cannot be put in place to encourage greater use of public transport whereby the various tickets used for public transport could be compiled so that individuals could seek a cumulative tax relief as long as it would benefit people in their employment. A lack of imagination in this policy area is stunting the Government in bringing forward the initiatives needed. As a result, Ireland's transport emissions have increased by 7% in the past year. If the Government was doing something right regarding public transport, such statistics would not result. It is time for a bolder initiative and the amendments go some way towards meeting that policy goal.

Mr. Cowen: With regard to the Deputy's first amendment, I pointed out on Committee Stage that tax law provides an exemption for an employee benefit-in-kind tax charge where employers provide their employees with monthly or annual travel passes. For the exemption to apply, the employer must bear the cost of the travel pass. Subsequent to the introduction of the scheme, representations were made to Revenue to ascertain whether employers could provide the free passes within existing employment costs and following consideration of the matter, Revenue approved arrangements known as a salary sacrifice, whereby employees could renegotiate their remuneration package to accept a reduction in salary and obtain a travel pass of equal value in return. To ensure the renegotiated arrangements are genuine, they must last for at least 12 months.

Under the salary sacrifice arrangements, the employer is regarded as incurring the cost of the travel pass and, accordingly, the exemption applies. The arrangement was set out in tax briefing No. 41, copies of which can be made available for Members who wish to view it, and it is also well publicised by transport companies. The 12-month period in the salary sacrifice has given rise to the assumption that only annual tickets may be used in the scheme. The legislation provides for both monthly and annual passes to be used. In general, where salary sacrifice is in place, it would be more effective from a cost angle for employees

and from an administrative angle for employers to use annual rather than monthly passes. Quarterly tickets do not come under the remit of the scheme, as transport companies do not provide them in general.

When the travel pass scheme was introduced, representations were made by my Department to Dublin Bus in respect of those with atypical employment patterns to ascertain whether an appropriate ticket scheme could be introduced. Due to the variances in work patterns, the company indicated it would not be administratively possible to address these needs. However, individuals with atypical work patterns may be supplied with annual or monthly passes and use them throughout the relevant period, irrespective of their work pattern. The amendment is, accordingly, unnecessary.

With regard to amendment No. 18, travel passes incurred by an employee in the performance of the duties of his or her employment are deductible for tax purposes and, therefore, the amendment is also unnecessary. However, if the Deputy is seeking to extend the current provision to cover the cost of travelling to work, which is not regarded as being in the performance of an individual's duties, this would have a serious cost implication for the Exchequer and I oppose the amendment on that ground.

Ms Burton: According to the Minister, unless integrated ticketing is introduced, there will not be scope for flexibility within the system, particularly in the greater Dublin region. I do not know how long the integrated ticketing project will take but the different parties to it seem to be locked in mortal combat. CIE and Dublin Bus are proceeding with their own scheme. A sum of €40 million has been allocated for the integrated ticketing project over the lifetime of the next national development plan. God knows when we will see it.

The Minister spoke about atypical employment but I do not know if he understands the point. If somebody commutes by train, which we want him or her to do, and works only two or three days per week, the Minister is basically saying he or she should buy a yearly ticket. However, does he understand the implications of that from a cost basis for somebody in low paid employment? The same applies to somebody taking the summer off on parental leave.

I know bus and rail companies are in business to make money but if we really want to encourage people to switch to public transport, the Government must do more to encourage public transport providers to have as many attractive packages as possible to get people to use public transport. Somebody may only work a couple of days per week because he or she job shares — I meet people on the train all the time whose work patterns reflect these scenarios — and it seems unfair that he or she must buy a yearly ticket.

Mr. Boyle: In light of his response to these amendments, the Minister is not prepared to meet the cost of extending this scheme but is willing to spend €270 million to buy our way out of Kyoto commitments. The Minister has real choices. We offer subsidies in a range of areas to encourage people to engage in certain behaviour. Would it not be a more beneficial environmental use of Exchequer money to target it in this way than to spend it elsewhere?

Mr. Cowen: As Deputy Boyle knows, purchasing carbon credits is a totally legitimate means by which one can meet one's international obligations under the Kyoto Protocol. It is not buying them out.

Mr. Boyle: It is buying them out.

Mr. Cowen: It is legitimate and is one of a number of approaches the Government is adopting. The new climate change strategy, which will be announced by the Minister and the Government shortly, will confirm all of those issues. We are making considerable progress in a range of areas and we will continue to do so. This continual attempt to denigrate the purchasing of carbon credits as if——

Mr. Boyle: What else is the Minister doing?

An Ceann Comhairle: I ask Deputy Boyle to allow the Minister to speak. He has two minutes in which to respond to a number of Members.

Mr. Cowen:——it was not legitimate is incorrect. It is totally legitimate and within the protocol. Many countries do so.

The Department checked out whether any more flexibility could be obtained and what was possible. Administratively, it is not possible. The Government made the inquires some time ago with the transport companies to see if it was possible to deal with the situation about which the Deputy spoke where people work two, three or four days per week. There are so many variances that, unfortunately, they have not found it possible to find a solution. Presumably, they would find a solution if they could do so in an administratively consistent way given that there is business to be obtained.

The provisions under the current scheme mean the amendments are not required given that tickets are available on a less than yearly basis — that is, on a monthly, not a quarterly, basis — for people who use the scheme and on a salary sacrifice basis. Revenue has accommodated that aspect. For example, it would not be prepared to accommodate a salary sacrifice arrangement in regard to child care. It has seen the benefit of providing for a salary sacrifice arrangement. Atypical work patterns cannot be overcome administratively in terms of the requirement

sought in the amendments. Therefore, we are not in a position to accommodate them.

Amendment put and declared lost.

Amendment No. 18 not moved.

Mr. Bruton: I move amendment No. 19:

In page 21, between lines 1 and 2, to insert the following:

“14.—The Principal Act is amended in section 779 by inserting the following new subsection:

“(3) A person, none of whose taxable income is chargeable at the higher rate, who makes a pension contribution within the limit set out in this section, shall be entitled to receive a tax credit contributed to the pension scheme equivalent to relief at the higher rate.”.”.

This issue was discussed on Committee Stage but there was not a meeting of minds on it. However, a broad consensus was emerging that the issue of tax relief in regard to pensions is a serious one looming on the horizon. It contains some very serious inequities in the way in which taxpayers' money is distributed.

The reality is that the cost to the Exchequer of pension tax relief is running to approximately €3.5 billion per year. It is now more than the total spent on social welfare pensions. We know from studies that less than half the workforce is in these schemes. Half of the people at work derive no benefit from this very substantial pool. Among that 50% who derive no benefit are people on lower pay. That is not surprising because the incentives built into the tax scheme to support people on low pay putting money into pension funds is minuscule. They can only qualify for 20% up to a maximum cap on their incomes. They are capped in every way but most seriously on the affordability front. Many people on low incomes simply do not have the scope to set aside money and even if they find the scope, they only get a fraction of the relief available to much better off people.

There is also the unlimited capacity of firms to support the pension costs of chosen employees. The caps the Minister has introduced have been set at exceptionally high levels. Most of us, including Deputy Boyle, got these figures by way of parliamentary question but they came out again on Committee Stage. The scale of pension funds some individuals had accumulated — running to tens of millions of euros — was quite astonishing. Each year the State provides tax relief for the accumulated income. No tax is paid on the accumulating income in these huge funds. When the data become available and is published by the Revenue Commissioners, as I understand will happen in the next 12 months or so, there

will be much outrage about the inequity in terms of how this money is distributed.

The considerable growth in this undoubtedly follows on from the introduction by the Minister's predecessor, Charlie McCreevy, of hugely generous increases in the level of provision available for people to put money into pensions. I am sure it was well-intentioned at that time. The then Minister believed there was a need to promote more pension saving and that was a legitimate objective. However, the very inequitable system of support which has emerged and the extent to which taxpayers' euros are going to small numbers of people in huge quantities while those most deserving of support in the pensions area are getting very little will not be acceptable to people when it comes to light.

I am disappointed the Minister's review of tax did not include a serious look at this issue. We must rebalance the taxpayers' contribution to funding pensions in a way which is much fairer. I do not pretend my amendment is the be all and end all in terms of what needs to be done.

I recognise the Government is committed to a Green Paper in this area but, to a large extent, I believe that is because this was an issue on which, in the last round of discussions on the partnership agreement, there was not a meeting of minds and serious engagement on how we would resolve it. I do not know the dynamic of how this came about. The rumour was that the Department of Finance was particularly disinterested in engaging in this area. I do not know whether that is true.

The existing system lacks fairness in the way it is constructed. Members will be obliged to retrofit it with fairness and this will require changes. Such changes cannot happen suddenly and must be planned and thought through. No Opposition Member is in a position to master the complexities involved to be able to do so, given the large number of groups with concerns that must be considered. However, as a symbolic first step in the required direction, those who put money aside and are below the tax threshold or who only pay at the standard rate should, at a minimum, receive the same level of credit or subsidy towards their pension as those who are much better off. That is the purpose of the amendment.

While this would merely constitute the start of a reform process in this regard, such a process must be embarked upon. It would put into sharper relief the position of Members on pensions. Those of us who are privileged to work in the public service have extremely generous pension rights compared to many of those who work in the private sector. Members have been particular beneficiaries in this regard. There must be greater balance in the manner in which this entire issue is dealt with in terms of public policy. There is a substantial job of work to be done to reform pension policy. While I am aware the Minister for Social and Family Affairs has published his views on some of the steps that must be taken, I have

brought forward one among a number of measures that must be considered.

The Minister should view this proposal as a change that should be made now. Although it would not constitute the end of the route, it could not be regarded, by any stretch of the imagination, as an inequitable or unfair element of a change to be made now. However, I fear the Minister will respond by stating there is no point in making an *ad hoc* change. The *ad hoc* change I suggest is that reasonably well-off individuals would not be treated better than those on low incomes in respect of the support provided towards their pension contributions. When persons on low incomes put aside €1 in their pension fund, the State should match it with nearly €1. I understand the ceiling relief figure is 46%.

I do not want the Minister, for whatever reason, to respond that such a move should not be made as it could prejudice other matters. It certainly would not prejudice anything and would be simply a minimalist change to recognise what is happening. It would be, as the catechism used to say, a firm resolve to amend. Was that the phrase Members were obliged to learn? I cannot recall the exact phrase and my act of contrition has become somewhat rusty. The Minister should accept the amendment.

Ms Burton: The Minister must have been surprised to receive several hundred applications from people with very large individual pension funds. I refer to the small self-administered pension funds referred to as being small because they apply to an individual, not because they are small in size. However, hundreds exceeded the Minister's €5 million limit. If I recall the figures, he told Members that for someone earning a gross income of approximately €300,000, a pension fund of €5 million would be appropriate and possibly necessary. He provided certain figures for Members that I would appreciate receiving from him again.

There is a highly attractive set of arrangements for those who are directors or owners of companies. The position of such persons in respect of tax becomes highly attractive if they put aside large amounts or their companies make significant contributions to their pension funds. This is because from a tax perspective the State encourages the building up of funds of up to €5 million for personal pension schemes. In the main, people in ordinary employment cannot avail of such funds or schemes. This is certainly true for those at the bottom of the scale.

Deputy Bruton's amendment refers to persons on or below the 20% rate of tax and proposes that the tax structure should be modified to give pension inducements to all, not simply to those few in the golden circle at the top of the pyramid. The Minister told Members on Committee Stage of individuals who had accumulated pension funds of €10 million, €20 million and in a couple

[Ms Burton.]

of cases, if I recall correctly, sums far in excess of €20 million. The ordinary person will consider that this attractive regime is for the benefit of very wealthy individuals, particularly when one bears in mind that the pension funds of the individuals concerned are most unlikely to include their principal private residence. This scheme probably applies to those who have a net worth of €100 million or more.

From the reform perspective, this constitutes an argument for an alternative Government. The former Minister for Finance, Mr. McCreevy, introduced significant changes in respect of pensions and pension regulations. He made no bones about the fact that they were to benefit those whom he met at the races, in the tent at the Galway Races and so on. It was not for those to whom the Taoiseach referred last week as Joe and Mary Bloggs who, apparently, can share the same consultant in the Mater Hospital as Mr. Desmond or various other extremely wealthy people. The former Minister was clear that the changes were intended to benefit those at the top.

Members have had a discussion on how to reform the tax system on an ongoing basis. The Labour Party has proposed the establishment of a standing commission on taxation, as all parties in the House agree that it is an absolutely desirable element of public policy to encourage people to save and provide for a pension. All agree on this point, as they do that the PRSI system, or the superannuation system for those in State employment, should provide a contributory mechanism, whereby people can build up pension entitlements. Thereafter, however, their approaches differ. The Fianna Fáil provision is entirely lopsided and meant for those at the top. The more money one has or the bigger one's company, the greater the contribution that can be made to one's pension fund and the bigger the tax break one receives. The cap introduced by the Minister last year was extremely limited. One key reform item for an alternative Government would be to offer reform in respect of pensions.

The SSIA scheme has demonstrated a considerable appetite for saving. This is because people have become more prosperous and, more particularly, because the Government gave a significant bonus for every euro saved. The same would be true with regard to pensions. It is extremely difficult to understand why people on modest incomes who can only spend a limited amount of their income and make contributions of €1,000 per year towards their pension fund will only receive tax relief of €200 or 20%, while the relief on a €5 million contribution made to someone's pension fund by his or her company comes to 41%.

This is one of the hidden stories, with many of the other incentives introduced or widened by the Minister's predecessor. Pension schemes date back to time immemorial. The former Minister

for Finance, Mr. McCreevy, opened the flood-gates and made the schemes much more attractive to those in the very top income and wealth ranges.

As I stated previously to the Minister, many women who left the workforce have no pension entitlements. Many young people who work in the construction industry do not build up any pension contributions. The Minister should reform this area. I hope when there is a change of Government, this will be one of the key issues for a new Government to tackle in a reform agenda.

Mr. Boyle: I welcome the tabling of this amendment by Deputy Bruton on Committee and Report Stages. It is important in the context of the Finance Bill that we initiate this debate which takes place outside the House but painfully slowly. There is no doubt that there are great inequities within the pension system, both in the scale of the State pension and the level of private pension provision.

The best means of encouraging private pension provision is through tax reliefs. Deputy Bruton, in moving the amendment, and Deputy Burton illustrated the major inequalities in the system. I welcome the amendment in that it would introduce a degree of equity in the short term. I also agree we need to initiate major change in how we encourage private pension provision. We received a report from the Pensions Board and anticipate a Green Paper. My party has contributed to this debate. A matching contribution scheme would have a greater take-up and degree of equity than the system of tax relief on private pensions.

In asking my parliamentary question last November, I was specific about the information I required. I sought information only on those who had made applications to the Department for pensions funds to be considered and awarded subsequent to the placing of the €5 million cap in the budget of 2006. The information the Minister gave me then which he outlined on Committee Stage was that 116 people had applied, of whom 74 or 75 had been given permission. This figure may have risen above 80 at the time we dealt with Committee Stage. The general information was that the average pension fund of the group of 75 was €8 million; the highest pension fund was €20 million. The Minister subsequently highlighted that personal pension funds which were larger than €20 million may have been in the system prior to the application of the €5 million cap. It would be helpful if he outlined the information on how many pension funds are in existence which the State supports by way of private tax relief which are more than €20 million and what is the size of those pension funds. The benefit payable on a sum of €20 million amounts to approximately €5 million on the part of the State.

The Minister also gave figures on Committee Stage that a pension fund of €5 million for someone retiring at the age of 65 years would produce an annual pension of approximately €110,000. Even at the lower cap, this is three times the average industrial wage. Why do we have a pension policy which gives such State support to such pensions when at the lower end of the scale we have such uncertainty and so many people have no private pension cover whatsoever?

It is clear this system is in need of drastic reform. I am confident that when the Minister for Social and Family Affairs releases his Green Paper, he will suggest and promote a matching contribution scheme instead of matching tax relief. I do not know what prior consultations he had with the Minister for Finance or what agreement he is likely to reach with him but we cannot continue in this way and must act in an more equitable manner. That said, the amendment proposed by Deputy Bruton would deal with the system we will have in place after the budget and the Finance Bill. It will not change during the next 12 months. If we have an opportunity to change it now in the short term to make it more equitable, the House should grasp it.

Mr. Cowen: The amendment was also proposed on Committee Stage and is concerned with contributions to occupational pension schemes by those on lower incomes. It seeks a tax credit to be contributed by the Exchequer to the individual's pension scheme equivalent to relief at the higher rate of tax of 41%. I take it this tax credit would be instead of relief the individual may receive at the standard rate assuming he or she is in the tax net.

The proposal is similar to a recommendation made in the national pensions review by the Pensions Board published last year. It provides a good base for the Government's consideration of the overall pensions position. As was stated, we are committed to the publication of a Green Paper on pensions policy. My Department will have an input into the Green Paper which will outline the major policy choices and challenges facing us in the pensions area. Important issues such as the appropriate incentives to encourage greater supplementary pension coverage among the lower paid are best left for consideration in the context of the Green Paper, given the extremely serious policy issues involved.

Deputy Bruton suggested this would be a minimalist approach at this stage. I understand his line of argument in taking up the recommendations of the national pensions review. It is important to point out that it is difficult to give an accurate response to the question of what it would cost to provide tax relief at the higher tax rate to all taxpayers making pension contributions. This is for a number of reasons. Relevant data are not available for each individual contributor to a pension scheme, particularly occupational pensions

schemes, to enable a precise estimate of the cost of the proposed amendment. In addition to the cost of providing tax relief at the higher rate in respect of contributions by existing contributors to pension schemes, the cost would increase if the higher rate of tax relief encouraged new contributors to pension schemes, which it is hoped it would. Having stated all this, I have no doubt the cost of this proposal would be hundreds of millions of euro.

A similar proposal to the proposed amendment to the Finance Bill was brought forward by the Pensions Board in its national pensions review report published last year as a means of enhancing the attractiveness of a system of voluntary pension provision. This proposal and others are being examined and considered by my Department as part of our input to the Green Paper on pensions policy which we are committed to publishing within the next few months.

The Government's position on pension reform is reflected in the statement issued in August by my colleague, the Minister for Social and Family Affairs, when the report of the Pensions Board on supplementary pensions, Special Savings for Retirement, was published. This statement recognised the many challenges in pension coverage, while also making it clear that no pension system was worthwhile unless it was sustainable. The statement also highlighted the need for an examination of pensions policy to recognise the number of persons aged 65 years which is projected to double from the current level of approximately 464,000 to almost 1 million by 2030. The public cost of providing for those in this age group will rise from 13% of GNP to more than 17%, apart from other pressures or enhancements to social welfare or public services. More than four workers contribute to the support of every pensioner. This will fall to 2.7 per pensioner in 20 years and less than 1.5 workers per pensioner in 50 years. People live longer and healthier lives. This in itself must inevitably mean a longer working life is possible and that over time a higher pension age may become the norm.

The financial and economic sustainability of the pension system is extremely important in the context of future decisions the Government may take in this area. Changing demographic trends in coming years will present a number of significant inter-related challenges which can only be addressed if the economy remains competitive and improves its long-term growth potential. It is vital that policy development in this area is underpinned by a comprehensive assessment of the impact on competitiveness and macro-economic performance in order that the right mix of policies can be developed for the long term.

As I have stated, we are committed to publishing this Green Paper outlining the major policy choices and challenges in this area. It will take account of the views of the social partners

5 o'clock

[Mr. Cowen.]

and is being progressed by my colleague, the Minister for Social and Family Affairs. The Government is also committed to responding to the consultations arising from the Green Paper within 12 months of the ratification of the Towards 2016 social partnership agreement by developing a comprehensive framework for addressing the pensions agenda over the long term.

In the analysis carried out by the national pensions policy initiative and accepted by the Pensions Board in its national pensions review report last year, it is estimated that 70% of the workforce aged between 30 and 65 will need supplementary pensions by 2013 in order to meet the 50% replacement income target set by the NPPI. For the NPPI target group aged between 30 and 65, the pension coverage level in the fourth quarter of 2005, according to the CSO's Quarterly National Household Survey, is close to 62% currently.

With regard to the review of reliefs I undertook on becoming Minister for Finance, I acted immediately in respect of a report I received, with policy issues arising from studies. To answer the Deputy's question, of the 116 applications — not hundreds of applications — for personal fund thresholds, eight are above €20 million.

I introduced limits in last year's Finance Bill. One can argue about the level of pension fund limits, or the tax-free lump sum limit I set in last year's Finance Act. It is not an exact science and at the end of the day, the figure chosen was a matter of judgment. Some would think it fine, others might think it too generous or restrictive. As I stated on Committee Stage, given increased longevity rates, a pension fund of €5 million less a lump sum of €1.25 million would give a male retiring at age 60 an annual pension of approximately €110,000 and a male retiring at 65 an annual pension of approximately €135,000. This is viewed against a background of over 100,000 individuals expected to have incomes in excess of that figure of €100,000 this year alone.

The other point is that these pensions are fully taxable. The public policy objective behind people who have a larger disposable income, who would regard pension provisions as an option, is to defer unlimited consumption now to the future, where the taxable pension becomes part of the consumption pattern at a later stage. It makes sense in terms of sustainability of long-term growth rates to have such a policy objective.

When some of these issues came to my attention I acted immediately. The rules I brought in apply to all the circumstances and as they cannot deal with matters retrospectively, they deal with the situation from now. I closed off excessive funding for pensions, limited the amount which can be drawn from pension products by way of tax-free lump sums and restricted the capacity of

individuals to use approved retirement funds as purely long-term tax-exempt vehicles.

Taking the specific points made, I do not believe in view of all that detail and advanced policy work in place, we need to take on board all of these issues so that we obtain a sustainable position going forward, recognising the demographics and the need for supplementary provision. I will accept the need to ensure, where possible, that people on lower incomes can regard pension provision as an option if we want to retain a voluntary system. If people are considering a mandatory system, different considerations will clearly apply.

We should consider how that will play out in terms of the competitiveness and macro-economic performance of the country in future, which is an issue requiring a very detailed actuarial assessment currently being undertaken. It is not that the Department of Finance is indifferent about these issues, quite the contrary. The Department has a specific role to play to ensure sustainability issues are fully understood, contemplated and taken into account. I do not state this simply for the purpose of intimating this is a matter for prevarication, but rather to ensure we get it right.

Deputy Bruton has put down this amendment for the purpose of this discussion and he would advise me to go ahead in this specific area. Given the social commitments we have on how we will handle the matter, there is a need to put it on the table so everyone can understand the issues and reach some decisions. The Government will have to take the ultimate decisions in the absence of unanimity and a full meeting of minds. Everybody should be aware of the range of options, and the Green Paper process will enable us to do so. We can then return to the issue sooner rather than later with a comprehensive response.

Mr. Bruton: I will make a couple of comments in response to the Minister. Of course we need to be aware of macro-stability and competitiveness in doing this but let us not pretend that we are not spending €3.5 billion in this field already. The issue which should first be addressed is how equitable is the way we are spending that amount of money. That does not involve any issues of macro-economic stability.

The Minister has stated that the ceilings he set involved a pension of €135,000 for someone aged 65, which is much more than the social welfare pension. The reality is that the taxpayer has probably contributed to at least 75% of that pension, taking into account the tax relief on the way in and the reliefs in the years of accumulation. I do not have the actuarial figure but it will certainly build to over 75% by the time the pension is taken out.

It is not as if the taxpayer is not deeply involved, as it will fund these very substantial pensions at the top end to an enormous extent,

far greater than people at the other end. To argue that the Minister has acted immediately is somewhat of an exaggeration. He has stated he will stop some poppies growing to a certain extraordinary height, but he has not acted immediately to bring some equity into what is happening. The measure I am suggesting would start to bring some measure of equity into the arrangements as of now.

The Minister is making out that this will be horrendously expensive, running to hundreds of millions of euro. His own colleagues estimated this some years ago at €75 million.

Mr. Cowen: There has clearly been a revised figure based on much more information.

Mr. Bruton: There certainly has. Perhaps the Minister could send me the information so we could see it.

Mr. Cowen: It would explain why one should perhaps be cautious.

Mr. Bruton: It would be interesting to see the information the Minister will send.

Mr. Cowen: We cannot make an accurate assessment.

Mr. Bruton: The Department was willing to make an assessment, very different from the figures being suggested now. If the momentum which ought to be behind this issue existed on the Minister's side of the House, it would be developed to a degree where we would have very accurate Estimates and we would know exactly what is involved.

I am disappointed that there appears to be a slackening of momentum in this area. The action took place on a very small part of the agenda of reform. Come what may, this process must accelerate very dramatically once the Green Paper is out, as we really need to get to grips with the matter.

Mr. Boyle: I warn the Minister to be wary of demographic projections. Our current increase in population was not predicted by anyone 20 years ago and with regard to the dependency ratio, that we are now a country with an increasing population with net inward migration and the highest birth rate in Europe gives some hope the ratio will change and lessen. It may not be of the apocalyptic levels quoted by the Minister.

Mr. Cowen: Apocalyptic assessments are more in the Deputy's expertise than mine.

Mr. Boyle: The Minister is learning fast. In any case I would also warn against the forecasting record of the Department in many respects.

Mr. Cowen: Would the Deputy?

Mr. Boyle: They have tended to be wrong with many projections in the past.

Mr. Cowen: By what percentage?

Mr. Boyle: We can discuss issues such as the granting of medical cards to people over 70, for example. When it comes to demography, the Department of Finance does not have a very good record. I know there has been an improvement in recent times.

Mr. Cowen: The Deputy will find the Department of Social and Family Affairs made that forecast.

Mr. Boyle: I hope to see improvements in future. The Minister must know that this issue arises regularly at the Committee of Public Accounts. The forecasting section of the Department has been wildly wrong previously, although often on the right side of positive in terms of economic growth. However, if the forecast is wrong, it is wrong.

Mr. Cowen: One cannot hide success.

Mr. Boyle: The Minister is confusing two sets of figures, as my question was specifically on the number of people who applied after the imposition of the €5 million cap. There are more people in the system with personal pensions. While the answer given to me only referred to one person, namely, the person with the largest personal pension fund of €20 million, the Minister mentioned eight people. We need more rounded figures as to who the people are and the size of their pension funds because they entered the system before the introduction of the cap. The parliamentary answer I received in November was specific and referred to the person with the largest personal plan.

Mr. Cowen: At that stage, but certificates have since increased. The most up to date——

Mr. Boyle: Is the Minister stating that of the dozen people in respect of whom subsequent decisions were made, seven were granted personal pension plans of €20 million by the Department in the interim?

Mr. Cowen: No. There are 116 individuals, 81 personal fund threshold certificates have been issued, five people have funds valued higher than €20 million, 35 cases remain under inquiry and three——

Mr. Boyle: At the time of the answer, there were——

An Leas-Cheann Comhairle: The Deputy has used his two minutes.

Mr. Boyle: It is important for the record that the Minister clarify this point. As my parliamentary answer referred to 74 decisions to be made by December, there seem to be no fewer than six other cases, at least four of which involve pension plans of more than €20 million. That seems to be what the Minister is confirming.

Mr. Cowen: The position was accurate at the time. I am giving the Deputy the updated position.

Mr. Boyle: Will the Minister confirm whether the additional €20 million pension funds were made subsequent to my November question? It seems to be the case.

Mr. Cowen: No. The personal fund threshold certificates have issued.

Mr. Boyle: I could put it in simplistic terms. When I received the answer, one person had a personal pension plan of €20 million, the largest granted at the time. As there are now five such plans, the certificates must have been granted subsequently.

Mr. Cowen: Yes.

Debate adjourned.

Visit of Lithuanian Delegation.

An Leas-Cheann Comhairle: On behalf of the House, I wish to offer a warm and sincere welcome to the Minister for Education and Science of the Republic of Lithuania, Ms Roma Žakaitienė. I express the hope that she will find her visit enjoyable, successful and to our mutual benefit.

Finance Bill 2007: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 19:

In page 21, between lines 1 and 2, to insert the following:

“14.—The Principal Act is amended in section 779 by inserting the following new subsection:

“(3) A person, none of whose taxable income is chargeable at the higher rate, who makes a pension contribution within the limit set out in this section, shall be entitled to receive a tax credit contributed to the pension scheme equivalent to relief at the higher rate.”.”

—(Deputy Bruton).

Ms Burton: To help Deputies, could the Minister supply the House with the current figures for all of the pension funds under the small self-administered pension schemes as discussed on Committee Stage? Regarding exemption certificates, could the Minister supply the House with

the figures in bands of €5 million? The €1 million to €5 million band would be the relevant one because of the legislation. For example, are there pension funds under the new or old regime in excess of, for example, €50 million? We would like to see the full picture relating to these special schemes, which are only available to the exceptionally wealthy.

Every party in the House wants to encourage people to provide for their pensions. I do not know whether the Minister's colleague, the Minister for Social and Family Affairs, is suggesting mandatory pensions, but the key objective of workers younger than 35 years of age is to provide homes for themselves. Such a worker must fund an average loan of €200,000 plus outside Dublin or €300,000 plus in the Dublin area. I do not know how the Government could make pension provisions mandatory among that age group.

An Leas-Cheann Comhairle: The Deputy has used her two minutes.

Ms Burton: Deputy Bruton's point was that if some of the benefits received by the very wealthy through the Minister and his predecessor's schemes were made available to people on lower incomes through attractive schemes, we might start to see a higher level of desired pension provision.

Minister for Finance (Mr. Cowen): The 116 funds are pre-budget 2006. We are discussing the historical position, that is, the level of the funds were recorded on budget day and they were not created thereafter. I can arrange to provide the bands information.

The SSIA scheme was an attempt to inculcate a savings culture and to determine how to develop simplified schemes. It worked well and, at the time, received the support of everyone in the House. Many people took up the offer. The SSIA's have proven successful in terms of making people aware of what is possible and their provisions were quite generous.

Having re-established saving as a part of modern life, the next step is to try to find a pension path for people who have traditionally not regarded pensions as being for them. Many had good reasons for this attitude, such as spending their limited incomes on day-to-day requirements and being unable to consider the next day. Those involved in pension provisions or who can consider them as options have a greater degree of discretionary income. It is tax relieved on the way in and the lump sum is fully taxed on the way out. It is a fair taxation mechanism. It is a good public policy objective to ensure that people are not totally dependent on State-provided pensions when they reach retirement age. As this is not the experience for more than half of the population, we must address the issue.

If I have this responsibility after the election and in the context of social partnership, the detailed work of the pensions board and ongoing work, I would be anxious to make decisions based on the available information and to have those with an interest in this matter to make their opinions known through a Green Paper process, which is the transparent way of addressing complicated matters and long-term policy issues. I have listened to Deputies, but I am not in a position to accept the amendment, given the advanced state of the work.

Mr. Bruton: I am disappointed by the Minister's attitude. None the less, we will need to return to this issue regardless of who is on that side of the House. Far-reaching decisions must be made to create a fairer and more equitable system. I do not know who will be over there to do this work, but someone must do it in the not-too-distant future.

Amendment put and declared lost.

Amendments Nos. 20 to 23, inclusive, not moved.

Mr. Boyle: I move amendment No. 24:

In page 45, line 21, after "agency" to insert the following:

"Recycling cannot be taken to mean the end disposal of waste, in particular through incineration."

I suspect this will be the last amendment we deal with before the guillotine is invoked. I did not get an opportunity to speak on this issue on Committee Stage. There was, unfortunately, conflicting business in the Chamber at the time. I was seeking a clearer definition and that recycling be included in the section relating to BES, particularly since the Minister has seen fit to include recycling companies and other types of environmental enterprises in future BES. I have a fear that is shared by many in the environmental movement that there is a need for a clear definition of recycling.

We hear much talk, for instance, of recycling targets being met. However, much of our recycling material is exported in enormous quantities to countries such as China with a consequent large carbon footprint. It is also of concern that waste management companies which present themselves as recycling concerns are, in effect, waste disposal companies. If the Minister is willing to include companies engaged in the practice of recycling, then we need to be very clear as to what that practice involves. One particular loose interpretation of recycling refers to incineration.

It is Government policy to set up a chain of at least eight incinerators around the country and the Environmental Protection Agency, of all

bodies, describes incineration as "waste to energy". There was a recent vote in the European Parliament on the current draft waste directive. This reclassifies incineration not as a recovery method, in which case it might be termed recycling, and wants instead to have it defined as a disposal method. That is the trend of thinking at European Parliament level at least, although some officials in the Department of the Environment, Heritage and Local Government believe this is a mistake which might be corrected before the eventual directive is formally agreed upon. Nonetheless, our legislation should also reflect the essence of recycling being material that is taken out of the waste stream but not disposed of in other ways.

The wording of the amendment is fairly modest and, as such, the Minister should be inclined to accept it. I have put on record my support for BES and their continuation. However, there is a need to refine the initiative more and the recent study did not tell us half of what we need to know about their effectiveness. As a means of encouraging indigenous industry, it is as good a fiscal measure as any that exists. I know of no better instrument that may be introduced, at least in the short term. If, out of all the environmental initiatives that exist, recycling industries are to be brought into that genre, I would like "recycling" properly defined and I hope the Minister is inclined towards accepting a wording of this type.

Ms Burton: Restrictions on the amount of the capital sums, as regards BES, came as a surprise. One of the problems for small to medium sized business, SMEs, is the lack of capitalisation. I do not know whether it is a matter of the capital a company will get or whether the Minister is more attracted by the personal tax relief for investors, but I was struck by the fact that he included recycling under the BES heading and there were references to environmentally efficient projects. There is a category of people in Ireland who do installations of various products that lead either to reduced carbon usage or improvements in relation to areas such as solar heating systems, wind energy and so on. However, the scheme as it is designed cuts out a number of people who have been working in this area but still fall outside its remit. I find this surprising because the key issue for these small and medium-sized businesses is for them to get a great deal more capital in order to grow.

The Minister will appreciate that administration costs for BES charged by firms of accountants and solicitors who sell them are extremely high. It is akin to insurance products in this country. The cost of many of the tax-based schemes in terms of the middlemen, accountants, tax lawyers and so on who provide them, are very high. I wonder what type of survey the Minister did. Even the chambers of commerce were rather surprised by what he introduced. Rather than

[Ms Burton.]

seeking to grow the capital fund, he seemed to dwell more on the personal tax attractiveness of the schemes he put forward for people who might be investing. As we did not have an opportunity on Committee Stage, perhaps this is an opportunity for the House to explore the Minister's thinking in this regard and for him to explain who precisely he was targeting. I meet a good many business people involved in the provision and installation of more efficient and new types of energy services. As far as I can make out, however, they seem to be outside the remit of this scheme. I am interested in the Minister's comments.

Mr. Cowen: The background to the decisions we made as regards BES and the seed capital scheme that was up for renewal was the Small Business Forum and much of the work it undertook under the chairmanship of Mr. Joe Macri. The forum came forward with very specific recommendations which were discussed with me and the Department of Enterprise, Trade and Employment. I was broadly supportive of the recommendations from that Department. We were anxious to facilitate the directing of capital funds and private capital to these specific areas of building and growing SMEs. It is in line with our industrial policy, makes eminent sense and was in line with the recommendations of groups set up for the purposes of advising Government as to how we might be able to assist small business in a whole range of areas. I am glad to say all those recommendations are in the process of being implemented.

What was put forward was an *à la carte* list of demands from every possible source. A very detailed internal dialogue took place within the Small Business Forum to focus on what specific strategic issues could be addressed by Government in assisting the forum to develop its businesses and propel the economy forward in terms

of the supplying of products and services, while providing job creation opportunities for the future.

Deputy Boyle's amendment relates to one of the proposed changes being made to the BES and related seed capital schemes in section 19 of the Bill, whereby certain recycling activities are being brought within the scope of the schemes. It seeks to ensure that the end disposal of waste, in particular such as by way of incineration, will not qualify. As I pointed out, when responding to this proposal at the Select Committee on Finance and the Public Service, the activity mentioned in the amendment, that is, the end disposal of waste, and whether the disposal is done by way of incineration or otherwise, is outside the ambit of what is being provided for in section 19. The amendment is, in our opinion, therefore, unnecessary.

Section 19 spells out what the term "recycling activities in relation to waste material" means. A key requirement is that the waste material must be treated or processed in a way that results in the production of value-added material that is reusable. The section goes on to list various types of waste material that may be processed. The measure is specifically and solely targeted at recycling of waste and not its disposal. As I have indicated, it requires the recycling process to produce from the waste resultant material that is of more value and is capable of being reused. Waste disposal, obviously, cannot qualify.

An Leas-Cheann Comhairle: As it is now 5.30 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: "That the amendments set down by the Minister for Finance and not disposed of, including those in respect of which recommittal would in the normal course be required, are hereby made to the Bill, that Fourth Stage is hereby completed and that the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 65; Níl, 49.

Tá

Ahern, Dermot.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.

Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.

Tá—continued

McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.

O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, Pat.
Bruton, Richard.
Burton, Joan.
Coveney, Simon.
Crawford, Seymour.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
English, Damien.
Enright, Olwyn.
Gogarty, Paul.
Gormley, John.
Hayes, Tom.
Healy, Seamus.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.

McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Séamus.
Perry, John.
Quinn, Ruairí.
Ring, Michael.
Ryan, Eamon.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

**Education (Miscellaneous Provisions) Bill 2007:
Order for Report Stage.**

Minister for Education and Science (Ms Hanafin): I move: "That Report Stage be taken now."

Question put and agreed to.

**Education (Miscellaneous Provisions) Bill 2007:
Report and Final Stages.**

An Ceann Comhairle: Amendment No. 1 is out of order while amendment No. 2 arises out of committee proceedings.

Amendment No. 1 not moved.

Ms O'Sullivan: I move amendment No. 2:

In page 4, between lines 12 and 13, to insert the following:

"(i) in paragraph (b), by deleting "to be prescribed" and substituting "in excess of 14 days or such longer period as may be prescribed,".

The Minister on Committee Stage indicated to me that what I am trying to achieve in this amendment can be done by regulation. I am not proposing to press this amendment.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendment No. 3 in the name of Deputy Crowe arises out of committee proceedings. As Deputy Crowe is not present, amendments Nos. 3 and 4 cannot be considered.

Amendments Nos. 3 and 4 not moved.

Mr. Gogarty: I move amendment No. 5:

In page 4, between lines 25 and 26, to insert the following:

[Mr. Gogarty.]

“(b) by substituting the following subsection for subsection (2):

“(2) For the purposes of the hearing and determination of an appeal under this section, the Minister shall appoint one or more than one committee (in this section referred to as an ‘appeals committee’) each of which shall include in its membership an inspector and such other persons as the Minister considers appropriate including teachers and-or representatives from recognised teachers unions and a representative chosen from a panel of parents and-or representatives from recognised parent bodies.”.

I do not propose to take up too much time with this amendment. This is a very good Bill. Other aspects of the Education Act 1998 need to be examined. I ask for the Minister’s opinion as to whether there should be prescription of members of committees. Parents and representatives from recognised parents’ bodies, such as the National Parents’ Council Post-Primary, may already be requested under the Minister’s remit but, if not, I ask her to consider that it be a written condition.

Minister for Education and Science (Ms Hanafin): Section 29 already provides for the membership of an appeals committee to include an inspector and such other persons as the Minister deems to be appropriate. I do not believe that it is right to be too prescriptive because one then has people in a representative capacity rather than having the best person for the job. It would be important to ensure the qualities the person would bring to such a board would include a good background in education and a broad range of experience. As with all the appointments I have made, I can assure the Deputy that the appropriate experience, skills and qualities will be considered when people are being appointed. I do not believe it is a good idea to be too prescriptive in the nature of those people.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 6, 7 and 11 are related and may be discussed together.

Ms O’Sullivan: I move amendment No. 6:

In page 4, line 31, to delete “, scale and persistence” and substitute “and scale”.

We debated the issue on Committee Stage. The scale and the persistence of behaviour should not be dealt with jointly on appeal. A particular form of behaviour may only happen once but it may be of such scale that it merits either suspension or expulsion. For example, if the behaviour of the child was of a criminal nature or if it was so serious that it caused significant concern to the

school, it might be appropriate to suspend the child. On the other hand, persistent but not serious behaviour might not merit suspension. In order to be clear and to allow those dealing with the legislation to make the appropriate decision, we need to separate scale and persistence from each other.

In amendment No. 7, I deal specifically with behaviour prohibited by the civil or criminal law which we need to separate from what might be relatively low scale bad behaviour but which nonetheless is persistent. It is to separate the seriousness from the persistence of behaviour that the amendments are proposed.

Ms Hanafin: On Committee Stage I stated I would consider the grouping of the words “nature, scale and persistence”. I inquired into the matter and the advice is that whereas one must consider the nature, scale and persistence if any one of these elements is not present, the expulsion or the appeal either way can be considered on the basis of the other two elements or any one of the other two elements. It is not as if the three must be present.

I accept the Deputy’s point. There could be a once-off incident where the scale is very serious and which, therefore, merited the action taken by the school. That would be upheld without the behaviour being persistent. Equally, I do not want to have a situation where somebody would be expelled just because the behaviour is persistent, although of a very low level. I understand the other elements would also have to be considered. Just because the three words are together does not mean they cannot be considered and accepted separately and in isolation.

The violent nature and seriousness of the incident that takes place has to be considered by the appeals board but it must also consider a number of other matters, including the code of behaviour in the school. The code of behaviour must indicate clearly what the approach will be to behavioural issues and specify what action the board will take as a result of various types of behaviour. As the Deputy will know from studying the legislation, the appeals board must also consider what efforts the school made, the reasonableness of any efforts made and all the other issues we discussed previously with regard to the health, safety and welfare of teachers and staff, and the rights and needs, including educational needs, of the individual child.

Taken as a whole, because a number of issues are being set out and there is a range of factors that the board must consider, the issues we are trying to address are covered in this section which is very well balanced. As I indicated, I checked the question of the grouping of the words “nature, scale and persistence”. I am satisfied the three factors do not have to be present but, equally, no one factor on its own would be sufficient to be taken into consideration, for

example, if behaviour had persistence but not scale.

Mr. Gogarty: I would like more clarity from the Minister. Does she accept that the term “have regard to” leaves a certain degree of flexibility?

Ms Hanafin: It is a legal phrase meaning the board “must take into account”.

Mr. Gogarty: Yes. It is not tied.

Ms Hanafin: These are each of the elements it must consider when hearing an appeal.

Ms O’Sullivan: Did the Minister consider including the word “or”, in order that the Bill would read “nature or scale or persistence”? I suggested previously the inclusion of the term “and-or”, in order that the Bill would read “nature and-or scale and-or persistence”, might solve the problem and address my concerns. Did the Minister consider this possibility before Report Stage?

Ms Hanafin: The word “or” could give rise to the very situation Deputy O’Sullivan stated she would not want, namely, that the board might only consider one element. The word “and” could mean all three or, equally, that the board would have to consider each of the three. I was assured that by having the three words, the board could consider the three but, equally, if one of them did not apply, it would not preclude the board from acting on the basis of either of the other two.

Amendment, by leave, withdrawn.

Ms O’Sullivan: I move amendment No. 7:

In page 4, between lines 34 and 35, to insert the following:

“(b) whether the behaviour of the student constituted behaviour prohibited by the civil or criminal law, or both, and if so, the seriousness of the infringement,

(c) the persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the board.”.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 8 to 10, inclusive, are related and may be discussed together.

Ms O’Sullivan: I move amendment No. 8:

In page 4, line 43, after “peers,” to insert the following:

“subject to the requirement that the Minister shall remain responsible for securing as far as practicable the educational rights of the

individual student in the event of a decision under subsection (1)(a) or (b) being upheld.”.

This amendment is very important to the Bill because what we and the Minister are trying to achieve is a balance between the rights of all of the students in the classroom or school, including the rights of the child who is subject to either suspension or expulsion. In the amendment I am seeking to ensure the rights of that child are fully upheld in any decisions made and, particularly, that the Minister’s responsibility with regard to the education of children excluded from school is fully incorporated in the legislation.

Children have a constitutional right to education. I understand there may be situations where it is appropriate to either suspend or expel them but somebody must be responsible for their continuing with their education in an appropriate setting. The Minister has told us and it is a fact that the National Educational Welfare Board has a role in this regard. She indicated to us on Committee Stage that the school was obliged to inform — she might clarify this point — the board if it was excluding a child from the school. Not enough consideration has been given, in the context of the recommendations of the task force on student behaviour, to the rights and needs of these children who may well have serious learning difficulties or social issues that need to be addressed and who are entitled to an education. The Minister has indicated that they would go to another school in most cases and that they are entitled to home tuition grants if they have nowhere else to go. The task force has strongly recommended that there should be alternative provision for children who are not appropriately placed in schools and may well thrive in an alternative setting.

I know of young people who have not in any way fitted in at school. When they moved to, say, a Youthreach or Youth Encounter project, they were very successful when provided with a different approach and method and, as would be usual in such settings, a lower ratio of young people to adults. I want to ensure the rights of these children are protected. In the context of implementation of the task force’s recommendations, this is one of the first being implemented. The recommendations need to be implemented in a balanced way in order that these young people will be catered for. That is the reason I propose amendment No. 8.

Amendment No. 10 is also included in this grouping. It seeks to substitute the term “welfare and other legal entitlements” for the word “welfare”. I had in mind the rights of all children to an education, the rights of the other children in the class and the rights of the teacher.

My main concern is with amendment No. 8 which concerns the rights of the child being excluded from school. The Minister said it sometimes works when a child is taken out of the

[Ms O'Sullivan.]

school where he or she has been in trouble and makes a fresh start in another. However, in my experience, it does not always work in that co-operative way. What actually happens is that certain schools are quite happy to exclude and expel children and that they expect certain other schools to take up the more difficult challenges presented by such pupils.

In return, however, they do not take in a child expelled from the other school and will find many reasons that school should cater for all the children with difficulties and particular learning needs. All schools must have the right to expel children who cause problems but, in reality, a certain school in a town or city is expected to take in children with difficulties, which is not fair. Every school needs to have a reasonable balance, both socially and in terms of children with learning difficulties. I look forward to the Minister's response as to how we will provide for the educational needs of these young people.

Mr. Gogarty: I concur with everything Deputy O'Sullivan said. In the debate on Second Stage, I said that some outside body was necessary, such as an enhanced Youthreach or a new centre based on the model to which I referred in Sydney, New South Wales, where there is a looser arrangement and pupils enjoy one to one or one to two tuition. If Youthreach can do that, it would be great but if it cannot we need something else. The task force report was very clear on that point.

The Minister of State at the Department of Health and Children, Deputy Brian Lenihan, answered a question of mine about the National Educational Welfare Board. He clearly expressed the Government's disagreement with the Rochford report on staffing the National Educational Welfare Board, saying there were already enough resources in place so that the report's recommendations for a full complement of approximately 20 staff and total funding of €28 million were not necessary.

The National Educational Welfare Board is the only body to have a role in placing a student who has been expelled. A disruptive child requires much more hands-on intervention than that required for a child playing truant from school. Amendment No. 11, which relates to violent behaviour, proposes that solutions be tailored to the needs of the individual child who has committed assaults or cannot return to a school environment for some of the reasons I outlined on Second Stage.

People must be present for the child and that must involve the National Educational Welfare Board. Amendment No. 9 does not tie the Minister's hands by saying she must directly look after the needs of the child concerned. Rather it recog-

nises that it is the role of the National Educational Welfare Board but that, if it is not doing its job because of incompetence or the fact that it is not resourced, then the buck stops with the Department of Education and Science and the Minister. I have confidence in the Minister's commitment to ensure the educational needs of a child are met and it does not put any additional onus on her to write such a provision into the legislation.

Mr. P. McGrath: I support the amendments. I echo the sentiments of many speakers present and many outside the House who are concerned at the haste with which this Bill is being put through. There is huge disappointment among those involved in the VEC system that commitments made by the Minister on this subject are not being followed through in the Bill. She promised she would institute a root and branch reform of section 29 but, while it goes a small way towards that, the Bill falls far short of the commitments given by the Minister.

I echo the points made by Deputy O'Sullivan on the difficulties in schools at the moment. There are major problems with disruptive and unruly students and others who may not be very disruptive but bully others and make ordinary children's lives very difficult. I recently came across a case of a little girl who started school last September. From day two she has had difficulties with a particular pupil who harasses and intimidates her to the extent that she has cried at school every day since then, a long time ago now. That is an appalling situation. To some extent the response seems to be to advise the girl to move to another school, instead of the bully. It is imperative we deal with those who are the cause of trouble, who interrupt the education of so many other children. This Bill will remedy the situation in part but many in the system would say it will make life even more difficult.

There are serious concerns that the powers being given to change dates and timescales in section 4 are excessive. Deputy O'Sullivan made reference to the fact that, in some areas, the vocational school was the destination for any child with whom other schools could not cope. That is not a fair way to allocate such children. There must be a system whereby they can be allocated across all schools and all schools must take responsibility for a variety of pupils. The situation should not arise where a child who cannot get in anywhere else must go to the vocational school.

The experience of the scheme among VECs across the country has been very negative. They are concerned at the willingness of both members of the appeals committee and officials of the Department of Education and Science to strictly apply procedural requirements to members of boards of management of VECs who are respondents to appeal cases, while patently failing to apply the same strictures to themselves. I will put

on the record two examples. The appeals administration section of the Department of Education and Science gave advice to a VEC that it was in order to hold a particular decision over for a meeting of the committee for one extra day. Subsequently the same section of the Department of Education and Science decided that this advice was in error and used the very fact that the VEC had delayed by one day to admit an appeal against the same VEC in which the Department decided in favour of the appellant.

This legislation states there is to be a particular number of days in which to comply with procedures. It allows the Secretary General of the Department, however, to change the goalposts in respect of timescales to suit the Department. However, the VECs and other bodies must toe the line. Is that fair?

The second matter I wish to raise relates to the fact that the Department of Education and Science exceeded the statutory time limits and extensions set out in the 1998 Act. When the relevant VEC queried this, the response received was that the delay, which rendered the entire decision flawed and irregular, arose due to human error on the part of the Department. Therefore, human errors can occur in the Department and these can result in its not complying with the standards and regulations. However, if VECs miss deadlines, decisions will go against them. Which organisations are obliged to deal with these enormous difficulties on a daily basis and ensure that all pupils receive a fair standard of education? The answer is that VECs, local secondary schools, etc., are responsible for doing so. The Department wants to take the responsibility upon itself and shift the goalposts as it suits. It wants the other organisations to which I refer to comply with the relevant standards or be taken to task for not doing so. That is not good enough.

Did the Minister consider establishing an independent appeals board in respect of this matter? Would it not be worthwhile putting in place such an independent body because it could hear complaints in respect of schools taking in children and so on? Would such a body not be in a better position to hear such appeals? There is an extensive appeals system across the entire public service. The Ombudsman cannot deal with VECs because they do not come within her remit. There are appeals offices in the Departments of Social and Family Affairs and Agriculture and Food. Why not put in place an independent appeals system or a mechanism such as the Employment Appeals Tribunal to deal with complaints in this area? People could rest assured that an appeals body such as that to which I refer would examine complaints on an independent basis and build up a huge repertoire of expertise on foot of dealing with problems of this nature throughout the country. We would eventually develop a system that would be entirely fair and represent the best interests of all children.

Some VECs are of the view that the existing system is not geared towards natural justice. They also believe that, because they are State institutions, they are being subjected to heavy-handed treatment in respect of this matter.

I ask the Minister to take on board the points I have made. I am concerned about the undue haste with which this matter is being dealt. I am also concerned that the Minister did not live up to the commitments given to the VECs in respect of it. Will she consider, even at this late stage, the possibility of establishing an independent body to deal with such complaints that may arise in order that natural justice will eventually win out?

Ms Hanafin: I wish to focus first on the amendments. I note that Fine Gael did not table any Report Stage amendments.

Mr. English: That was as a result of a technical error.

Ms Hanafin: The various amendments to the Education Act 1998 that are contained in the Bill were presented to the partners and discussed with them. All of the latter indicated some pleasure in respect of these amendments.

The Bill arises out of the report of the task force on student behaviour in second level schools, which was published less than 12 months ago. Since then, the behaviour support task force has been established. This body invited every school in the country to meet its representatives and it has taken submissions from schools. It is now actively working with schools in all sectors and with varying gender mixes throughout the country. Progress is being made on a number of the recommendations — of which this Bill is one — contained in the report of the task force on student behaviour.

The Bill contains an amendment to section 29 of the Education Act 1998, in which provision is made for the establishment of an appeals committee. That is what we have been discussing since Second Stage. This Bill outlines the factors that the appeals committee should take into consideration when an appeal against an expulsion is being considered. It was felt that the balance was wrong and leaned too much in favour of the rights of the individual rather than those of other children, as well as their health, safety and welfare and that of school staff. In seeking to redress the balance, we set about laying down the criteria that would have to be considered by an appeals committee when considering an appeal before it. As Deputy O'Sullivan correctly stated, the rights of an individual student cannot be ignored when an appeal is being considered. It must be remembered that students do, after all, have constitutional rights. The Bill is aimed at trying to strike the appropriate balance between the educational rights of individual students and those of entire school communities. It is also designed to try to promote a positive learning environment.

[Ms Hanafin.]

Under the new section 29 being inserted into the 1998 Act, an appeals committee must give consideration to “the reasonableness of any efforts made by the school to enable the student to whom the appeal relates ... to participate in and benefit from education”. Students remain very much to the fore. The new section 29 also states that the committee must have regard to “the educational interests of the student concerned and the desirability of enabling the student as far as practicable to participate in and benefit from education with his or her peers”. We are, quite rightly, stating that individual students cannot be ignored. I am glad that some element of balance is being restored to the debate in respect of the such students.

Deputy O’Sullivan asked me to clarify the position regarding when a child is about to be expelled from a school. This relates to the point Deputy Gogarty made in respect of the National Educational Welfare Board coming on stream. The Education (Welfare) Act specifically states:

Where the board of management of a recognised school or a person acting on its behalf is of the opinion that a student should be expelled from that school it shall, before so expelling the student, notify the educational welfare officer to whom functions under this Act have been assigned . . .

As soon, therefore, as an opinion is formed that a child must be expelled, the National Educational Welfare Board must be notified. The Act also states that “A student shall not be expelled from a school before the passing of 20 school days following the receipt of a notification”. Therefore, the National Educational Welfare Board has 20 school days between the notification of expulsion and that expulsion taking place to find an alternative placement for the child involved.

Mr. Gogarty: What will happen if an alternative placement is not found?

Ms Hanafin: Under section 27 of the Education (Welfare) Act, the National Educational Welfare Board has an obligation to make other arrangements, as it deems appropriate, if it cannot enrol a child in another school. Undoubtedly, there are some schools that are too willing to get rid of students and that expect other schools to take them. I hope that schools will engage in a form of reciprocal co-operation in respect of this matter.

Ms O’Sullivan: The Minister might be left hoping. It does not always happen in reality.

Ms Hanafin: I accept that. However, that is the value of the other education provision which is available and which we are mapping at present. Some of this provision comes directly within the remit of the Department of Education and Science. However, there are institutions that do

not come within the Department’s remit which are doing very good work and which are providing a service to young people. Having identified where the gaps lie, we will be seeking not only to expand Youthreach but also to cater for the needs of members of that younger age group that are vulnerable.

As I stated previously, I would be very anxious that no child should be rejected from a second level school because it is far too early to reject them at that age. Such a child should at least complete first year in a second level school to give him or her the opportunity to participate fully in mainstream education and then see in second and third year if it is not working out for them or that type of system does not suit them. That is part and parcel of what we are doing with the alternative provision.

Returning to the matter in the amendment, the National Educational Welfare Board has a statutory obligation to support the child, work with the parents, find an alternative provision and then monitor the progress of the child’s education. In light of what Deputy Gogarty stated, the National Educational Welfare Board does good work but keeping a child in school obviously involves the co-operation of so many different people. It is not just a matter of the education welfare officer’s role at the end. That is why there are 460 home-school-community liaison officers, with a further 80 being recruited at present, to work with parents and families and to ensure attendance.

In that light, one can also throw in the school completion co-ordinators who are organising school activities and out of school activities and, importantly, working on the transition between primary and secondary, particularly in disadvantaged schools. This is working well; they are now making the transition because they are more comfortable with it. I see the work of the National Educational Welfare Board, in the context of encouraging people in school which is what we are discussing, as part of a much bigger picture in which we reckon there are approximately 600 people who have some direct remit in this regard now working.

The rights of the individual are still protected in the legislation. It is a balance against the rights of all the others to learn as well, which is the one element that was missing from the Education Act until we came up with this amendment to section 29. The National Educational Welfare Board has the statutory obligation to ensure that suitable provision is found for the child. For those reasons, I cannot accept the amendments.

Ms O’Sullivan: A couple of points arise from what the Minister stated. First, she said at one stage that the partners in education were consulted about these proposed amendments. I received an e-mail from Fionnuala Kilfeather of the National Parents’ Council-Primary, which indicates that it was not consulted. While this may

be a misunderstanding, the e-mail ends by stating that the Minister, under legislation, is required to review the operation of appeal in section 29 of the Education Act 1998 in consultation with the partners in education and that this consultation did not take place. It is a serious matter if that consultation did not take place. Perhaps it is a misunderstanding.

While we are speaking predominantly about secondary schools, a particular consideration is that children are also expelled from primary schools. Statistics I received on section 29 appeals show there were 12 expulsions from primary schools in 2005 and seven up to the end of November 2006. We must be particularly concerned about the effect of expulsions from primary schools on young children.

My other question relates to what Deputy Gogarty said. What happens in cases where the school does not inform the National Educational Welfare Board? Is the onus then on the parents to find out their rights in that regard? In some of these cases, the parents would not be well informed. I want to ensure that the National Educational Welfare Board is always informed because schools are not proactive in that area. I am still concerned that these children will be left with no school to attend. There is a strong onus on us to ensure that we cater for their educational needs in this legislation.

Mr. Gogarty: I will not take up too much time. I take on board what the Minister stated. I thank her for the lesson on the Education (Welfare) Act 2000. It is good to get a reminder, but the point is that Act is the legislation under which the National Educational Welfare Board will work and the trouble is that the board states it needs its full complement of staff in order to carry out its job under the remit of that Act. In that respect, notwithstanding that in certain types of schools there are home-school-community liaison officers and school completion staff, it is still the education welfare officer who holds the statutory obligation.

I concur with Deputy O'Sullivan's question on whether the school informs the National Educational Welfare Board and if the parents are aware of their rights. I ask for a response in that regard.

I stress that amendment No. 9 seeks to insert a requirement that the Minister or her Department would monitor the efforts being made by the National Educational Welfare Board and that if, after a reasonable period, nothing has happened or no alternative suitable arrangements have been put in place, a direct departmental or ministerial intervention would take place to ensure that happens.

While I again acknowledge that this Bill is about protecting the rights of the teachers and the students as much as the ones who are causing the violence or disruptive behaviour that gets

them expelled, there is still an obligation to educate such children. One cannot leave the matter hanging for a period of a year at the end of which the child's educational requirements will be greater and his or her life opportunities will be diminished.

I will be quite blunt, although it is not the correct period in which to say it. The more children who end up out of the system early and end up having kids, who, in turn, end up out of the system and having kids, the more the situation worsens. It is about early intervention, as I stated on Second Stage and previously. It is most important to nip the problem in the bud as quickly as possible and give children a chance to meet their educational requirements. The buck must stop with the Minister if the National Educational Welfare Board cannot or will not do its job.

Ms Hanafin: Staffing for the National Educational Welfare Board will increase by 15, as I already announced.

Mr. Gogarty: Some 200 to go.

Ms Hanafin: There will be further increases next year and the following year.

To reassure the Deputies about the Education (Welfare) Act 2000, the Bill, in subsection (4A), states that the appeals committee can uphold a complaint in relation to a permanent exclusion of a student from a school if the student or the parent of the student can show that subsection (1) or (4) of section 24 of the 2000 Act has not been complied with, which is the bit of the Education (Welfare) Act 2000 that refers to a school notifying the National Educational Welfare Board. In other words, if a student or a parent can show that the school has not fulfilled its obligations in telling the National Educational Welfare Board that it intends to expel a student, the appeals committee can automatically act in favour of the student. That is written into the legislation.

Ms O'Sullivan: Would the appeals committee inform the parents of the rights of the student in that regard?

Ms Hanafin: The appeals committee can find in favour of the student.

Mr. Gogarty: That is just as bad in one sense because it is a technicality.

Ms Hanafin: It is not because it puts the onus on the school to fulfil its obligations under the Education (Welfare) Act 2000 because it knows they will lose if it does not tell the parent and students what are their rights under that Act.

Ms O'Sullivan: I wonder would the appeals committee be aware of all that. The Minister had better issue them a briefing note.

Ms Hanafin: On briefing, the National Parents' Council-Primary was invited to attend the briefing and it did not attend. I understand the officials spoke to Fionnuala Kilfeather about it.

Mr. Gogarty: That is on the record now.

Amendment put and declared lost.

Mr. Gogarty: I move amendment No. 9:

In page 4, line 43, after "peers," to insert the following:

"subject to the requirement that the Minister and-or her Department shall monitor the efforts being made by the National Educational Welfare Board to secure as far as practicable the educational rights of the individual student in the event of a decision under subsection (1)(a) or (b) being upheld, and will intervene if these rights have not been addressed within a reasonable period of time,".

Amendment put and declared lost.

Ms O'Sullivan: I move amendment No. 10:

In page 5, line 5, to delete "and welfare" and substitute ", welfare and other legal entitlements".

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Gogarty: I move amendment No. 11:

In page 5, line 28, to delete "relevant." and substitute the following:

"relevant, including whether or not violent behaviour against another pupil or teacher was the cause of the expulsion, in which case the committee will generally not recommend the reinstatement of such pupils, save for exceptional situations where there was no previous history of violence or threatening behaviour and where clear provocation, on the testimony of credible witnesses, was known to have occurred.".

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Ms O'Sullivan: I move amendment No. 12:

In page 5, between lines 28 and 29, to insert the following:

"(4A) In hearing and determining an appeal under this section against a decision to which subsection (1)(c) applies an appeals committee shall have regard to regulations under section 33(g), which the Minister shall

make within 6 months from the enactment of the *Education (Miscellaneous Provisions) Act 2007*."

This amendment deals with regulations under section 33 of the principal Act on enrolment of children into schools. I am seeking to ensure that the Minister will introduce regulations under this section because I am concerned that, although schools are putting in place enrolment policies as required by legislation, some policies are succeeding in excluding certain children.

I am aware the Minister is also concerned about this issue because she has referred on several occasions to schools cherry-picking students or finding ways to avoid accepting certain children. In some cases, they manage to avoid refusing children outright by suggesting they might be better catered for down the road. However, other schools find ways of excluding children through their enrolment policies. A case was brought to my attention in which a Traveller child was excluded from a school even though vacancies existed. The child was excluded on the basis of the school's enrolment policy, although I do not know the exact content of that policy. I am concerned that schools are able to write enrolment policies which exclude certain children. My amendment provides that the Minister shall make regulations within six months of the enactment of this Bill.

As I noted on Committee Stage, no Minister has ever used the power available to him or her to make regulations. The former Minister for Education and Science, Deputy Noel Dempsey, suggested using that power in the context of a problem which arose in my constituency with regard certain second level schools which were not as inclusive in enrolling children as we might have hoped. He initiated a process whereby the principals of all the schools concerned were obliged to introduce a system that would ensure all children had a place. That process was not particularly effective during its first year of operation but has since improved and some other schools outside the city have also been included. Thankfully, children in Limerick have been facilitated in finding places, but considerable work had to be done to reach that point. I supported the then Minister's suggestion about introducing regulations because I believed it would prevent schools from avoiding their obligations, particularly regarding children with special needs or from certain addresses.

The problems which arose in Limerick also affect other parts of the country but the system in place in Limerick has not been established elsewhere. Children continue to be excluded by the way in which enrolment policies are written. The Minister could specify enrolment criteria in regulations, although I do not say she should write the enrolment policies for schools because a degree of flexibility should be permitted.

The section which provided for regulations to be made by a Minister was not included in the Act for nothing. While I am aware the Act is cross-referenced with the Education (Welfare) Act 2000 and has to comply with equality legislation, that does not remove the need to introduce regulations under section 33.

Ms Enright: I support Deputy O'Sullivan's amendment. The Minister recognises the serious nature of this issue and I do not deny it will not be easy to address. Problems in respect of enrolment arise at both primary and post-primary level, particularly in areas of rapid growth. In some cases, groups of schools form unofficial committees to address accommodation crises by operating enrolment policies based on age, so that older children can be accommodated first. While such policies are being implemented out of necessity and for the right reasons, they might be found to be officially improper. In a sense, these policies assist the Department by providing a basis for making decisions on whether children can attend schools.

If the Department were more interactive on this issue, it could solve problems such as cherry-picking. As new types of schools are developed, these problems may become more apparent in some schools than in others. For various reasons, certain types of schools can automatically exclude children.

While I support the notion of giving schools flexibility in their enrolment policies, guidelines are important. Difficulties can also arise when schools change their policies at short notice. The best example of this are secondary schools which, by changing enrolment policies at short notice to address capacity issues, affect children who attended adjacent primary schools in the expectation of automatically progressing to the secondary school concerned. The result is that a student in sixth class may discover the secondary school he or she plans to attend is full and operating a lottery for places. Of all the ways of deciding on enrolment, a lottery is probably the least favourable. Clearly, such issues only arise in towns where choice is available. That problem should be addressed, although it should also be recognised that the schools concerned are not changing their policies merely to exclude students from particular backgrounds.

By introducing regulations, the Minister could put the onus on schools to operate proper enrolment policies and, for that reason, I support Deputy O'Sullivan's amendments.

Mr. Gogarty: I come from a constituency in which students are being blocked at second level because the traditional parish boundaries no longer make sense. A rapidly expanding part of Lucan with a high concentration of foreign national and Traveller children does not have a second level school. Challenges arise throughout

the area in finding second level places. The Minister has stated in reply to parliamentary questions that it is all right for children to travel five miles by bus to the nearest available school but people should be able to walk to school in suburban areas.

The amendment seeks to address specific issues and I support it. Ministerial regulations could be introduced but I am not sure whether a six-month timeframe would tie one down too much. In response to similar amendments previously, the Minister has stated her dislike for being tied down to set periods. However, I hope she takes the spirit of the amendment on board.

Ms Hanafin: The cherry-picking of students is an issue in a number of schools in different areas. Each of us has experienced this regarding children with special needs, Travellers and immigrant children. However, it should be borne in mind that all schools are not only obliged to have an enrolment policy but they are also obliged to conform with all other legislation such as that dealing with equality and they cannot discriminate against individuals. I am absolutely appalled that a girl could be excluded from a school because she is a Traveller and that the school could get away with it because that is blatant discrimination. Where cases have been taken by Travellers to the Equality Authority, they have been successful and they have ensured they cannot be discriminated against.

However, this practice is subtle. I recently came across a case where a boy wanted to attend the school his two brothers attend and he qualifies on the basis of being a sibling and a son of a past pupil. Geography did not enter the equation but he has special needs and his mother is being directed to send him to another school locally, which happens to do extraordinary work with children with special needs. While his mother has not been refused a place, she is being guided in the right direction. I would love her to take a case because it would stand up on the basis of that information. However, I indicated previously that my Department is conducting an audit through its regional offices in different areas to establish what is happening in schools so that we have proof rather than anecdotal evidence that they are refusing children on whatever basis and to examine their enrolment policies and whether they address special needs, ethnicity and so on. That would provide proper information.

The danger of introducing regulations is that they would apply to every school, even though this might not be a problem in every school. The age issue is a legitimate concern. It is compulsory to attend school between the ages of six and 16 and, therefore, a school is not obliged to take a child until he or she is six.

Ms Enright: The schools are afraid what they are doing is illegal, even though they are doing it

[Ms Enright.]

for all the right reasons because all the local schools come together.

Ms Hanafin: They are probably covered by the provision whereby a child does not have to be taken until he or she is aged six. Traditionally, children attend school from an early age in Ireland. In small rural schools, they are sometimes taken in on their fourth birthday to ensure the numbers are maintained.

When the school enrolment issue arose, my predecessor, Deputy Noel Dempsey, took an initiative in Limerick, which has worked well, particularly this year. It probably took a year or so to bed down but 97% of students obtained their first choice school and more than 90% obtained a school in their top three. That is a significant success rate. The response to this issue was locally based and the problem was solved. Where problems arise, we may be able to address them in a similar manner rather than coming the heavy hand with regulations that will apply to all schools.

Under section 33(g) of the Education Act 1998, I am obliged to consult all the education partners, including the national association of parents, the school management association, trades unions and the staff associations. While recognising consultation is needed, the complex issues involved in going down this road and the policy issues and practices that must be examined, it is too prescriptive to state it must be done within a time-frame. However, I share Members' concerns and I am keeping an active eye on this issue. Once the evidence has been gathered during the audit by our regional offices, I will be able to determine more directly what action should be taken on this and, therefore, I do not propose to accept the amendment.

Ms O'Sullivan: What will be the timescale of the audit and how extensive will it be? As the Minister stated, this is not an issue in some schools but it is a major problem in others. While regulations would not be required in most areas, they would be required where it is an issue. I am concerned that the audit be conducted speedily; it should address the areas where discrimination is a problem and action should be taken, if required. I hate to see this drift into a two-tier education system where certain schools are expected to take all the children with learning difficulties while the remainder can sail along and state they are academic schools in which excellent leaving certificate results are achieved and appear in third level entry lists published in the newspapers. However, they do not provide for children with special needs for whom passing the leaving certificate would be a major achievement.

Ms Enright: The Minister outlined a case she has come across and we teased out the issue of

schools failing to formally issue refusals and passing the students on to another school on Second and Committee Stages. I have re-examined this issue and recently I had a discussion with a group of parents who also raised the matter. I do not know whether the legislation addresses this effectively but the Minister referred to the possibility of conducting an information campaign. Parents are not aware as they should be that if they do not receive a formal refusal from a school regarding a child's application to attend, the appeals committee will consider it a refusal if 21 days have lapsed without a reply. That is a live issue, which needs to be addressed. There is little point in people having rights if they are not aware that they can enforce them. While an appeal may solve the problem and it would be beneficial from a time perspective, perhaps the Minister could address that issue.

Ms Hanafin: If an application is made in writing, a formal letter decreeing acceptance or refusal should issue. If the application is put on the long finger by the school and a formal reply is not issued, the appeals committee will deem that to be a refusal. I accept the point that parents should be aware of that and I will examine how information about this can be disseminated.

As Deputy O'Sullivan said, regulations will not be required everywhere but if I make regulations on a national basis, they will apply everywhere. We need to be careful about what is most appropriate in different areas to address this issue.

A number of regions were identified for the examination of different issues. For example, one regional office is examining the position of children with special needs, another is examining enrolment policies while another is examining the treatment of immigrant children. I am not sure when the work will be completed because they must examine the resources being provided to schools as well the policy of schools and so on. That is a good way of identifying the schools, for example, with all the language teachers and the resource teachers, particularly at second level, where there is not a general allocation *per se*. As soon as I have that information, I will make a determination. However, I assure the Deputies that the audit cannot be allowed to drift because schools should not be permitted to get away with this policy. The most sinister aspect of this is the underhand way in which they are operating. If schools were upfront about what they were doing, parents would be not as worried about this issue. However, people feel rejected and they have no come back because they do not receive a formal refusal with which they can work.

Amendment put and declared lost.

Ms O'Sullivan: I move amendment No. 13:

In page 6, lines 1 and 2, to delete “the Secretary General may stipulate, as” and substitute “it shall be”.

I will not press the amendment because the Minister was quite persuasive on Committee Stage when she said that, if included, a school might obstruct a hearing. I had intended it for the benefit of the child. However, she made a fair point.

Amendment, by leave, withdrawn.

Ms O’Sullivan: I move amendment No. 14:

In page 6, line 40, to delete “may” and substitute “shall”.

An appeal committee may refuse to hear, or continue to hear, an appeal under this section if it is of the opinion that the appeal is vexatious, frivolous, an abuse of the process or without substance or foundation. I wish to replace the word “may” with “shall”. If the committee considers the appeal is vexatious, frivolous or an abuse of the process, it should not continue with it.

Ms Hanafin: In some of the amendments we are looking for more flexibility but in this one, we are trying to take it away. The word “may” at least allows the appeal to continue if there is a belief there might be an issue worthy of consideration bearing in mind facilitation will have taken place before the matter ever gets to appeal. The committee might consider a number of elements of the appeal are vexatious but that there might be one which is worthy of pursuing. This allows that flexibility.

Amendment, by leave, withdrawn.

Ms O’Sullivan: I move amendment No. 15:

In page 7, between lines 40 and 41, to insert the following:

“(a) in section 24(4), by inserting after “officer”, but the board of the school may if it considers that the circumstances underlying the proposal to expel the student so warrant, forthwith suspend the student without further notice for the period between notification of the educational welfare officer and the carrying out of the expulsion”.

There is a 20 day period in which the student cannot be expelled. That may create difficulty for a school where a very serious incident has occurred — for example, where a teacher or another student has been assaulted. It is difficult to consider that a school would have to keep the student in the school for that 20 day period. In some ways this may seem very harsh but I am talking about the extreme situation where the behaviour is violent and perhaps unlawful and about the difficulties for the school in that situation. There may be difficulties for the

student who has been assaulted attending school if the individual who assaulted him or her is still in the school.

The Minister indicated other measures can be taken. However, I have resubmitted the amendment to ensure the other measures which can be taken are appropriate in terms of protecting the school in those extreme situations.

Mr. Gogarty: I would like clarification more than anything. Perhaps the Minister has some examples but I cannot see a situation where a student who has been expelled would sit in a classroom in a school. Perhaps the student would end up in a separate room or remain at home until the expulsion is effected. Are there cases in which schools experience difficulties in that 20 day period before the expulsion is effected? If so, what are the other measures which can be taken?

Ms Hanafin: This is another one of those occasions where there is cross-reference to the Education (Welfare) Act which states, in the context of a student being expelled and the 20 day period kicking into play, it is without prejudice to the right of a board of management to take such other reasonable measures as it considers appropriate to ensure that good order and discipline are maintained in the school concerned and that the safety of students is secured. The thinking behind the 20 day period is obviously to allow the National Educational Welfare Board an opportunity to find alternative provision for the student and that his or her rights are upheld.

The Education (Welfare) Act also ensures the rights of the school, the safety of the students, etc, must also be considered. If, for the safety of students or in light of a very severe incident, the school decides it will not hold on to the child for 20 days pending the expulsion, then it can take further action.

Ms O’Sullivan: I am a bit concerned that the language in the Education (Welfare) Act is fairly vague. It allows measures to be taken pending expulsion. That might be difficult for the school. What measures can it take? In an extreme case, stating that measures can be taken is a bit vague. In the amendment I propose, it would be quite clear that there would be a possibility that the student would be excluded totally from the school.

Ms Hanafin: The obvious measure would be a suspension. One could suspend without notice whereas one can only expel with 20 days notice. One can make the decision to expel, give the 20 days notification and in the interim, decide to suspend the student forthwith.

Mr. Gogarty: Does that happen in practice?

Ms Hanafin: It certainly can happen in practice. I cannot say I know of individual cases. Where a

[Ms Hanafin.]

serious incident occurs, I can understand that a school would not want to have the student in the place. It could use suspension relying on the Education (Welfare) Act to do that.

Ms Enright: Is there a legal basis stopping the school from doing that?

Ms Hanafin: No. The Act states a school can take such reasonable measures as it considers appropriate to ensure good order and discipline are maintained and that the safety of students is secured. This would allow it to do that.

Ms O'Sullivan: Is a school allowed to be in the process of expelling and suspending at the same time? Is there a difficulty with that?

Ms Hanafin: I know what the Deputy is asking.

Ms O'Sullivan: I refer to a case where the school decides to expel a student but provisionally suspends him or her.

Ms Hanafin: My advice is that the school can expel the student and, pending the expulsion taking effect, can suspend him or her. In other words, the student is out no matter what happens.

Amendment put and declared lost.

Ms Hanafin: I move amendment No. 16:

In page 9, to delete lines 20 and 21 and substitute the following:

“(2) The Education Acts 1878 to 2001 and sections 2 to 5 may be cited together as the Education Acts 1878 to 2007.”.

This was drawn to my attention by Deputy O'Sullivan on Committee Stage in regard to the citation of legislation. The provision regarding the collective citation of legislation is not as originally understood, as the Deputy pointed out. The Vocational Education (Amendment) Act 2001 introduced a new citation for the Education Act 1998 and, therefore, the amendment is necessary to reflect and continue the existing citation. I thank Mr. Humphreys and Deputy O'Sullivan for that.

Ms O'Sullivan: I thank the Minister who is well aware of my legal adviser and his expertise in such matters. I am sure he will be pleased to know she has accepted the amendment.

Ms Hanafin: I acknowledged him by name.

Ms Enright: My former lecturer.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

Acting Chairman (Mr. Glennon): The Bill will now be sent to the Seanad.

Message from Select Committee.

Acting Chairman: The Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration of the following Revised Estimates for Public Services for the service of the year ending on 31 December 2007 — Votes 24 and 27.

Private Members' Business.

Rail Freight: Motion (Resumed).

The following motion was moved by Deputy Olivia Mitchell on Tuesday, 6 March 2007:

That Dáil Éireann,

- notes that Ireland's greenhouse gas emissions have grown by 25% since 1990, with transport emission growth the highest in any sector;
- recognises that emissions in the transport sector have grown by 160% over the same period, with road transport accounting for virtually all of this growth;
- acknowledges that to reduce transport emissions we must prioritise the development of sustainable transport modes and must reduce Ireland's dependency on road-based goods transportation; and
- notes that the amount of goods carried by road in Ireland has grown by 70% over the last ten years, while that carried by rail has declined dramatically;

calls on the Government to:

- urgently address the growth in transport emissions by developing our rail freight sector as a viable and sustainable alternative to road-based freight transportation;
- immediately halt the decline in our rail freight sector by preventing the further erosion of rail freight infrastructure and rolling stock;
- introduce independent regulation of the rail freight sector, which will also be tasked with promoting and growing the rail freight sector; and
- provide State supports to the rail freight sector to promote its growth and to increase the level of goods carried nationally by rail.

Debate resumed on amendment No. 1:

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

- “— notes that Transport 21, which provides for an investment of €16 billion in public transport, is focused on the delivery of a state-of-the-art transport system that will, *inter alia*, promote sustainable transport solutions, including a modal shift from private to public transport;
- welcomes the unprecedented capital investment of over €12 billion by the Government since 1997 in upgrading and expanding the capacity of Ireland’s transport infrastructure;
- welcomes, in particular, the Government’s demonstrated commitment to the revitalisation of the rail network and services over the last ten years as evidenced by the fact that:
- we currently have the fastest growing rail network in Europe;
 - Luas has been an unprecedented success;
 - new rail lines and railway stations are being continuously opened up; and
 - Transport 21 represents a major commitment to conventional rail as well as light rail and metro to meet our future public transport needs;
- notes the commitment to deliver a sustainable transport action plan to guide national policy.”
- (Minister of State at the Department of Transport, Mr. Gallagher).

Mr. Ellis: I welcome the opportunity to make a contribution to the debate on the Private Members’ motion. I wish to share my time with Deputy Wilkinson.

Acting Chairman: Is that agreed? Agreed.

Mr. Ellis: The strategic rail review commissioned by the Department of Transport contained a comprehensive examination of the rail freight business and its realistic potential to support economic development and contribute to sustainable development.

Iarnród Éireann, in responding to the challenges contained in the review, developed a business plan with regard to freight and continues to pursue a policy of growing its rail freight business where opportunities present, such as in bulk and trainload traffic. The company has also sought to return the rail freight business to profitability. To help achieve this turnaround, Iarnród Éireann withdrew from loss-making groupage, palletised

and single container rail transport. This has resulted in the deficit on rail freight being reduced by 50% in the past three years. All Members are aware that rail freight had been a major burden on Iarnród Éireann and had been affecting its profitability seriously in recent years.

Since 1999, Iarnród Éireann has invested more than €1.6 billion in rebuilding the railways with Government and EU support for the investment programme. This has delivered improvements in new trains, upgraded infrastructure and customer facilities. Only yesterday, the first shipment of the new trains that will serve the Dublin to Sligo line was unveiled in Dublin Port. This commitment to the rail service is a far cry from the days when I listened in this Chamber to Members discussing the closure of the entire rail network in the west. It has now been upgraded to the point where welded line extends all the way from Dublin to Sligo. In turn, this means that the new trains, which can travel at 90 mph, can be put on those lines to provide people along the route with the train facilities to which they are entitled. While such investment is primarily focused on improving passenger services, the investment in improving rail infrastructure also has a direct beneficial impact on freight activities.

Iarnród Éireann has no plans to eliminate capacity or freight infrastructure. The company has made progress in growing the rail freight business in areas in which it holds a competitive advantage over road haulage, such as large volumes or trainloads over long distances. For example, Iarnród Éireann has re-introduced the trainload pulpwood business by modifying surplus wagons and providing additional services for Coillte between the west and the south east. The company has also altered rail schedules and provides three additional trains per week for Tara Mines with a potential to carry an extra 85,000 tonnes of lead and zinc between Navan and Dublin Port per annum. It has also modified surplus platform wagons to provide a trainload service for containers between Ballina and Waterford Port.

All Members are aware that the only types of freight that can be carried effectively by rail are heavy freight or trainload freight. Apart from those Members who are thinking in extremely radical terms, no one considers it viable to load a container at a company’s premises, take it to the train station, unload it and put it on a train, take it to Dublin or wherever its destination and reload it. Rail freight is only possible when one has a full train being taken up with whatever is being carried. Moreover, Members are aware of the introduction of regulations to open the freight market, through EU Directive 2004/51, to competition from both domestic and foreign operators, from 1 January 2006 in the case of international freight and from 1 January 2007 in the case of domestic freight operations.

[Mr. Ellis.]

I support Iarnród Éireann's extensive engagement with industry and transporters throughout Ireland to try to identify long-term sustainable business opportunities. However, these are quite scarce. The company has genuine difficulty in identifying business opportunities that offer reasonable volumes of business on a regular basis. It is not feasible to run trains with one or two containers and Iarnród Éireann has not identified sufficient business, with the exception of the timber trains from Ballina to Waterford, to group together a number of separate activities to form a viable trainload.

Most Irish industry is focused on "just in time" transport and as our road network continues to expand and improve, the role of rail freight becomes more problematic because all rail journeys involve road movements at each end of the logistics chain. Furthermore, distances in Ireland are short. All research that has been carried out demonstrates that for rail transport to be viable, the minimum distance travelled should be from 400 to 600 miles. This can be seen on mainland Europe, where long train journeys are possible and freight trains can traverse the Continent. However, Ireland lacks both the extensive network and long journeys to make this viable. The experience across Europe is no different. Rail freight activities are most economic where distances are long and where there are large volumes are to be transported. All Members will have seen this down the years. It is the only way in which rail freight can have a positive outcome and can be competitive.

As part of this engagement with industry, I understand Iarnród Éireann also works closely with port authorities, such as in Dublin relating to transport of lead and zinc and Waterford relating to container traffic, to increase rail based freight. The Government's ports policy statement recognises the need for the integration of ports as a fundamental link in the supply chain with other transport modes, including rail. In the absence of opportunities or proposals for viable long-term rail freight business, the development and use of fiscal incentives would be difficult to justify.

Any views held by Opposition Members on how rail freight can be expanded within the existing business environment should be considered. The market for rail freight is now fully liberalised and if opportunities exist, I expect that many people would want to take them up.

As for the entire rail network, one can see that the enormous investment that has been made in recent years will ensure that Ireland will have a modern rail service. If Members can identify a need for freight and freight carriage, undoubtedly the infrastructure to carry it exists. I have gathered much information on this subject in recent years and have been involved in a major discussion on the issue conducted by the Oireachtas Joint Committee on Transport, which I chair.

Consequently, I have become convinced that for rail freight to be competitive and sustainable, the projects taken on must entail large volumes of heavy goods that can be moved easily onto the railway.

Members should remember that the obligation to take a container, transport it from a factory to the nearest railway station, put it on a train and take it for export to Dublin Port, Waterford or wherever will result in higher costs than if one put the container on a truck and delivered it directly to the port. Many companies that sought to use rail freight have discovered this fact. I know of several companies from my native locality that examined the possibility of using the Dublin to Sligo line. However, they all found that it was much easier for them to transport their single container business to Dublin by road than by train. Another point to note in respect of industrial concerns is that they must now be able to give a definitive time of delivery. As many goods produced in Ireland are perishable and must be used rapidly, they must be transported quickly. If Ireland lacks the facilities to transport them, we will suffer severely.

The motion probably draws attention to the need to try to ascertain whether we can reduce our dependence on road freight. However, in so doing, the economics of the issue must be examined fully. As for the rail services, the investment made by Iarnród Éireann in recent years with regard to the upgrading of its rolling stock is to be welcomed. As I stated at the outset, yesterday witnessed the delivery of the first of the new rail carriages that will operate on the Dublin to Sligo line. This will facilitate an upgrade of the services on that line to a standard that everyone expects and people now have a right to travel by rail if they wish. Yesterday saw the unveiling of the first of 180 diesel rail cars that will enter Iarnród Éireann's fleet. It showed us how far the Government has taken the rail network.

As I stated earlier, I was in the House when proposals were made that all the regional railway lines to the west and some parts of the south should be closed and that the only services which should be maintained were those between Dublin and Cork and Dublin and Belfast. That decision was overturned and the Government has taken the initiative with regard to ensuring we have a proper service in place with rolling stock and a proper rail network.

Rail safety is as important as everything else. If we do not have proper rail safety we will have accidents and that is the one thing we do not want to happen. Iarnród Éireann is to be complimented on the way in which it runs its services and maintains its rolling stock and crossings.

Regarding rail freight and moving to rail, we have already seen that a number of large rail users found it more profitable to use road transport. I remember well when cement was transported by rail throughout the country. Now, the

users and cement companies find it is much cheaper to take it by road with bulk tankers. This is one example of business which left railways and went back to roads.

The improvement in our road network will help us in the future. Roads will also become more competitive against rail transport. The investment in roads means companies can now transport goods by road and know exactly what time they will arrive. Logistics managers find it is much more feasible to run their businesses using roads. While the network is maintained, we have one or two advantages and should the opportunity arise for the transport of large, heavy and bulky goods we would be in a position to adjust the rail fleet and the rolling stock to take advantage of this change.

The amount of lead and zinc taken from Navan to Dublin is important. The proposed changes with regard to the extension of the passenger line to Navan will be of tremendous importance to the people who live in the area. None of these extensions would be feasible if we were dependent on rail freight. Rail freight business is a dwindling commodity in this country and will continue to dwindle so long as our roads improve and companies want to move their goods as fast as possible.

One of the major initiatives taken by the Government with regard to rail is the western rail corridor from Ennis to Claremorris and on to Collooney, which will be opened on a phased basis. This will mean we will have a rail network throughout the country, which is extremely important. If it was felt for environmental reasons that we must change our methods of transport of goods, we will have the rail network in place to do it. At present, it is not a viable opportunity except for extremely heavy and bulky goods.

Iarnród Éireann staff and management are to be complimented on the progress they made during the past ten years in improving the services available to the public and to anybody wishing to become involved with freight. In doing what it did, it ensured the rail network will be maintained and kept in a proper state. We must compliment the management and workers of Iarnród Éireann, some of whom have given life-long service to the company.

In progressing rail freight, suitable commodities for transport must be identified. The vision for the rail line proposed through this Private Members' motion cannot be achieved. Our national road transport system is improving all the time and we also see other problems which arise through this, such as issues with greenhouse gas and fuel emissions. We must tackle them as time goes on. Many people do not realise the emission levels of many vehicles used on our roads were cut considerably over recent years.

While we would all like to see more freight returned to the rail lines we must live in the real world, which dictates that it is more economic

and viable for many of our industries not to use rail freight, but to use container and road freight services. We have the infrastructure left in place should it be necessary for us at some stage to return to rail freight. Iarnród Éireann will not miss any opportunity which comes its way with regard to providing rail freight services to any company in a position to provide the volume necessary to maintain it.

Mr. Wilkinson: I welcome the opportunity to state a few words on this important topic. The rail service was part and parcel of our growing up. In west Waterford, quite close to me, one could set one's clock by the train schedules. We spent many a harvest time loading sugar beet onto the railway. It ran through all of Waterford and was a wonderful service. Time moves on and the amount of money spent on our roads has seen to it that the transport of freight and goods is far cheaper by road. This is a pity.

I speak more from a sentimental point of view than anything else. When the trains were taken off the lines, it did not appear to be such a great loss. However, given our population increase and how things happen now, it would be nice to see them run along the old rail lines again. We must be practical and cost-conscious and things must pay for themselves. It would not be feasible to move by rail much of the freight which is transported by container, lorry and rigid truck. It would have to be handled on many occasions which would add enormously to the cost.

In west Waterford, a big move is on to open the old rail track as a walking line all the way from Dungarvan to Waterford city. It is creating enormous problems for the landowners because the areas adjacent to it and the fencing were left to deteriorate. With the type of world we have today, some of the people who might use it might not have the best of intentions. The idea is very good and I would welcome it if it worked out. However, I clearly understand the serious concerns of the landowners. One must admire the way the bridges, stonework and tracks were put in place at that time. I have seen cases where machinery was used to take away some of the bridges to make way for roadways and further progress, as we call it. Some of the machines had great difficulty in removing what had been built by hand.

That is in the past and we must look at what is happening now. At times when we travel on roads around Ireland we would wish that much of the heavy transport could be removed from our roads, but we must consider the cost factor. Cost dictates. There is no doubt that Ireland is booming, and even in many small areas we have courier services and freight trucking businesses. It is amazing. Although I would like to see a rail freight service provided, I do not believe it would be cost-effective.

[Mr. Wilkinson.]

Recently in Waterford the Minister for Transport, Deputy Cullen, launched a whole new scheme for transport. There will be many modern buses, transport in Waterford city will be improved dramatically and the frequency of buses and trains will be better. We will have a new rail station and car parking, and there will be a better, more efficient and more frequent train service between Dublin and Waterford. This is all to be welcomed. I will leave issues of freight for a moment and ask if CIE would consider reinstating the bus service that used to go through the centre of Waterford. This might be the time to look at the issue, when facilities in the city are being upgraded.

Public infrastructure is vital and the Government is spending many millions on improving it. One sees what is happening when driving anywhere in Ireland. Over 20 projects are on time and on budget, a concept that would be almost unheard of not so many years ago. That also takes from what a rail service could do.

The rail service is of course a grand way of transferring people and freight. Competition is the key factor and Iarnród Éireann must be cost conscious and consumer friendly. It must also be innovative in the services it supplies. Equally, the Government must continue to invest in public transport, and there is of course a massive role for trains. The movement of freight by train is not an option, however, because of the cost involved.

Environmental studies have clearly pinpointed that our economic success has placed 2.2 million vehicles on our roads. Looking at the estimated increase in population, one must wonder about the future. In time to come there may be a greater role for freight trains. I do not see any change in the short term because of the vast amounts of money being spent on roads.

I thank the Leas-Cheann Comhairle for allowing me to contribute on this subject.

Aengus Ó Snodaigh: Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Connolly, McHugh, Finian McGrath, James Breen, Cowley agus Eamon Ryan.

I welcome the Fine Gael, Labour Party and Green Party motion but wonder whether all the signatories of the motion have really thought out the implications of the proposals they are supporting. The logic of the desire immediately to halt the decline in our rail freight sector as a method of lowering greenhouse gas emissions raises the question of preparedness to grasp the nettle and accept that meeting Kyoto CO₂ targets means a substantial turnaround in how we run not just the rail service but public transport throughout Ireland. In particular, it means rethinking the privatisation of public transport services and accepting that it will be the public sector in the form of Iarnród Éireann, Bus Éireann and Bus Átha Cliath which will lead the

way to a sustainable transport strategy on this island. It is these companies alone which have the ability and skills to demonstrate the flexibility needed to meet the environmental transport challenges facing us on the island as a whole.

It also means having a Government with the political will to fully implement and deliver on such a policy. Last week in Tralee, the Minister for Transport arrived to open a new Bus Éireann station and stated it gave him great pleasure to do so. He also indicated it was a key priority of the Department to develop and upgrade public transport facilities. He then went into the now familiar Government speak that is replicated in the amendment to the motion tonight, which is to keep away from specific details and bleat at regular intervals that Transport 21 will solve all our problems.

What of Transport 2007, the real world that the rest of us live in? The Government amendment indicates spending of €16 billion. Does this include the €713 million in the under-the-table deal with National Toll Roads? Not content with paying the company €38 million to build the West Link and the €230 million it has pocketed in profit from operating it, the Minister has blown nearly €1 billion without even a bus or rail carriage taking a passenger on board. To put the €713 million into perspective, it is nearly double the amount being spent on the much-hyped investment in railways this year.

To focus on the freight proposal, there are two core issues that must be dealt with. The first is the development of a commercial strategy for the Iarnród Éireann freight service and the second is the context of where and to whom freight needs to go now and in the future. Iarnród Éireann's freight business lost €7.6 million in 2005 and €9 million in 2004. The 2006 losses might be higher again as it is stated in the annual report that the company is losing Diageo's keg service and will be hit by the cessation of beet growing and processing.

We need a freight service that links Irish businesses with their local train line and the ports and airports of Ireland. We need a train line from Dublin to Derry and Derry Port, from Derry to Letterkenny and south to Sligo, Galway, Athlone, Ennis and even into Tralee. We need dedicated freight lines from north to south from Larne to Rosslare. We especially need additional capacity on the Dublin to Belfast track, as expanded commuter services envisaged on these lines will leave little room for freight.

We also need train lines into Dublin Airport, but the sad reality is that this will not happen. The Government is without vision, promising to spend millions on our behalf but in fact wasting billions. It is hard to believe in Transport 21 when one is waiting for the gridlocked bus or standing on the overcrowded train. This is the pathetic reality of Transport 2007.

Mr. Connolly: This motion is particularly timely in view of last week's report from the European Environment Agency, the EEA. The report stated that Ireland's transport sector has been responsible for an increase in greenhouse gas emissions six times the European average. This increase constitutes a major obstacle, albeit an avoidable one, to the EU's reaching its Kyoto climate change targets. Meanwhile, emissions from most other sectors, including energy supply, industry, agriculture and waste management have diminished, so there must be a lesson in there somewhere.

Transport, including air transport, is responsible for 21% of the EU's greenhouse gas emissions, with road transport contributing 93% of the total. Accordingly, our main objective should be to divert as much as possible of this road transport to rail freight, with consequent benefits for road users. One need only look at yesterday's traffic snarl-up on the M50 to see how quickly gridlock can occur and the consequences of a small accident.

Since the ill-advised closure of the GNR rail network in my constituency in 1957, freight movement has been exclusively by road, to the detriment of other road users. Nevertheless, another ill-advised closure of a railway line from Kingscourt to Navan took place in 1991, forcing the surrounding industries to use road freight. Given the thriving Gypsum Industries, Colledge Proteins, Kingspan and Kingscourt Brick Limited, to name but a few, there is a clear need for this line to be re-activated. It is near Carrickmacross in County Monaghan and, were proper consideration given to it, could be extended through counties Cavan and Monaghan.

Mr. McHugh: The urgency to reduce transport emissions is acknowledged by all. As this need has been accepted, should a serious search not begin for the means to bring about the reduction? The motion before the House illustrates where to begin.

Rail in general is regarded as a poor relation, but is this not wrong? There are underutilised rail lines in many parts of the country. In Galway East, some lines are not used at all. In recent years, there has been much talk about re-opening the western rail corridor and certain decisions have been taken, but they could be described as begrudging in view of the unacceptably long time-frame envisaged. For example, the Tuam-Athenry line will not re-open until 2011. There is no reason for such a delay. I welcome the commencement of work on the Ennis-Athenry section, but work should start immediately on the Tuam-Athenry section to allow both lines to open simultaneously. The west is entitled to this infrastructural investment. The decision has been made and we have been told the money is there, but the work should begin and the west should be

allowed to feel the benefit now rather than in five years.

Mr. F. McGrath: I wish to share time with Deputy Catherine Murphy instead of Deputy Cowley.

I thank the Leas-Cheann Comhairle for the opportunity to speak on Private Members' Business on greenhouse gas emissions, which have increased by 25% since 1990, with transport emission growth the greatest in any sector. I will continue in the tradition of my predecessor, Seán Dublin Bay Rockall Loftus, a former Deputy for Dublin North-Central, in the interest of the people and to protect the environment. I remind Deputies that Seán Loftus was Ireland's first environmental politician long before it was popular. In that tradition, I support this motion.

I also support Dublin Bay Watch, an excellent voluntary community group in the Clontarf area, in its efforts to stop the 21-hectare infill of Dublin Bay. If Deputies are serious about the environment, they will support our efforts on Dublin Bay, which is part of this debate and part of the solution.

It was pointed out that in light of ever-increasing advances in technology associated with the transport industry and problems with the growth of port cities, particularly traffic, whole ports or sections of them have needed to be relocated. New York, Liverpool and London ports were given as examples. The Government should direct the Dublin Port Company to enter into a joint venture with the Drogheda Port Company to develop its deep-water facility at Bremore, just north of Balbriggan, and save Dublin Bay. The Dublin Port Company has a history of disastrous decisions, such as its sponsorship of the Dublin Bay oil refinery and its proposal to reclaim 2,870 acres of the bay.

In 1879, Sir John Purser Griffith, a prominent marine engineer, warned against further reclamations inside or outside the harbour due to the threat to the maintenance of the deep-water channel across Dublin Bay. His advice has been ignored, leading to flooding in Clontarf, East Wall and other areas in the northside. I urge Deputies to support the motion on the environment and making a greener and cleaner Ireland.

Mr. J. Breen: If the Minister for Transport and Iarnród Éireann were serious about developing a transport strategy, they would use existing rail lines to attract industry to key towns along our rail network. The loss of sugar beet plants in Mallow, Thurles, Carlow and Tuam could be compensated by the promotion of those towns through proper and flexible rail freight timetables to encourage industries to establish there.

The development of bio-fuels and bio-refineries near hub towns along our rail network would significantly increase rail freight transportation

[Mr. J. Breen.]

business. It is time the Government took on board the actions of our EU partners, who have given grants, subsidies and tax breaks to rail freight users in an effort to protect existing trade and to encourage growth in industry.

A bonus of increasing rail freight would be a reduction in the amount of goods vehicles on the road and the possible reduction in the number of road accidents and road deaths. However, if the development of a national freight transport strategy is dependent on the leadership of the Minister for Transport, Deputy Cullen, the death knell is at hand. He is the man who has single-handedly sabotaged the future of Shannon Airport and the mid-west region with his open skies ego trip and wasted millions of euro of taxpayers' money on e-voting machines.

As other speakers stated, it is crucial that a holistic and integrated review be taken of transport policy. As part of that review, the advances made by the road transport and haulage sector should be acknowledged. Equally, increased incentives should immediately be put in place.

Road and rail transport should grow in tandem. In the haulage industry, newer heavy vehicle engines are ahead of car engines in that they are Euro 4 compliant in terms of emissions. There are 16,000 licensed vehicles involved in road haulage. When one adds back-up and distribution staff, the sector is one of the top three employment areas in the country. To ensure the continuing focus on reducing harmful emissions, a scrappage scheme for older vehicles or a grant scheme for the purchase of new vehicles should be initiated.

Rail freight has understandably reduced considerably during the past 50 years, as our road network has greatly improved and the rigidity of train timetables has not suited modern industry. Instead of being proactive in this sector, the Government has simply used a surgeon's knife to remove those routes that have been unprofitable.

Ms C. Murphy: I am confident that we can do better in reducing greenhouse gas emissions if we develop a comprehensive strategy, but I am not confident that we are approaching this critical topic in a serious way. While we can see public money being used to purchase carbon credits, they are being used as a get-out-of-jail-free card because there is no evidence of a short or medium-term strategy to counterbalance such purchases.

While many of the public transport elements of Transport 21 are welcome, a closer examination shows that it has serious gaps, a number of which I wish to highlight. My constituency is described as being in the heart of the commuter belt, but when Transport 21 is complete in ten years there will be a good rail service between Hazelhatch in Celbridge to the city centre, but Sallins, the next station along the line, which serves Naas and its hinterland and is designated for considerable

growth, will not have a comparable service. The same is true of Kilcock, which is developing on the Kildare and Meath sides of the town and is closer to the city centre than many parts of County Dublin. It will continue to be served by a single train line after Transport 21 has been completed. The relationship between land use and transport planning can be illustrated by these two examples.

From daily traffic on the N4 and the N7, we know what traffic levels are like in 2007. What will they be like in 2017 if no alternative is provided? We are fixated on moving vehicles rather than people and goods in the most sustainable way possible. If one factors in the cost of carbon credits, accident rates, time lost to the economy and high levels of traffic congestion, public transport becomes an attractive proposition. Without evidence of a strategy to provide a short, medium and long-term public transport alternative, our greenhouse gas emissions will continue to climb.

Mr. Eamon Ryan: On behalf of the Green Party, I am happy to support this motion. It is significant and welcome that the Green Party, the Labour Party and Fine Gael have joined together in this respect because it shows a widespread realisation on this side of the House that the Minister, who has just left, is getting it wrong. His head is stuck in the sand with transport planning that belongs in the past. It is not looking forward, nor is it the future.

It was interesting that we had an animated discussion at Question Time last week on this rail freight issue. The Minister made one point which should be corrected. He cited the failure of the Norfolk Line to develop services here as an example of why rail freight is not possible. In reality the only ray of sunshine at the moment is the current planned expansion from two trains a day to three from Waterford to Ballina. This essentially is a Norfolk Line service being operated by Iarnród Éireann.

In Ireland the Government is hell-bent on shutting down rail freight. An Iarnród Éireann company has suffered under decades of Fianna Fáil and therefore lacks the necessary ambition or faith in its own potential. Even in circumstances such as that, however, it is possible for one or two remaining rail freight services to survive. It is a survival, however, against the intentions and policy directions set out by this Government.

Fundamentally, this is an issue of economics and what the analysis should include. The Minister openly and honestly concedes he does not believe in rail freight and that he wants to shut it down. He cites economic reasons, and Deputy Catherine Murphy is exactly right in saying that it depends on what is counted in the analysis.

I discussed recently with representatives of the National Roads Authority what they count when doing cost-benefit analyses for their roads-based transport system. It seems clear they are not

counting all the costs that are truly involved. They are not counting the congestion, for instance, from the increase in induced traffic we are bringing on to the roads. These take away all the benefits which were supposed to be delivered from the various sections of new roadway that are being provided. They are not taking into account the climate costs, which are becoming increasingly apparent. Sir Nicholas Stern ascribes something like €70 a tonne as a valid economic cost applied to emitted carbon. Given that rail freight is estimated in the UK to be emitting something like a tenth of the amount of carbon per tonne-kilometre carried, as a road-based alternative, there is a significant cost involved if one projects forward. Economics as currently being developed in its latest format would come to a very different conclusion from the narrow out-of-date resolutions arrived at by this Minister for Transport.

It is interesting to look at recent experience in the UK. The rail network there is turning into a success story in terms of rail freight. The British have not carried as much rail freight since the 1950s. They are planning something like a 50% expansion by tonne-kilometre carried to 2015. That is an example in a country that is not dissimilar to Ireland in terms of the business being conducted and it is significant that they are able to develop their rail freight services.

By comparison, in Ireland in 2006 the estimated reduction in rail freight traffic was something like 40%, a damning indictment of this Government's policies. Keg carrying, which was carried on in this city for many years, was shut down last year. It was a consistently profitable operation until a few years ago. As a result there was a major increase in the number of lorries on the roads which means more accidents, while the engines emit diesel that is getting into the lungs of every child they pass. This will cost us for years to come when our use of oil increases by 7% per annum because of that type of short-sighted Government policy. It will cost us when oil becomes prohibitively expensive. One can only appreciate the potential that would exist if there was a change in Government and people started to have faith in the future and in their ability to manage their affairs in a more efficient, safer, cleaner, quicker, rail-based transport system.

That faith does not exist on the opposite side of the House. Instead, we have a backward thinking Luddite position on transport policy. I do not want to defame that group by assigning the current Minister for Transport's planning philosophy to the Luddites' original motives.

The motion sets out in clear terms the reasons we need to change. The only way we can get change is through a change in Government. That is the reason I support this motion and the various parties joined together in making that claim, as well as my Independent colleagues. I look forward to hearing the Minister's response, should he return.

Mr. Coveney: I am sharing time with Deputies Pat Breen and Neville.

I am glad of the opportunity to speak on this motion. I hope that tonight is a sign of things to come, in terms of co-operation between my party, Fine Gael, the Labour Party and indeed, the Green Party, bringing forward policies that make sense in terms of the environment, the economy and, perhaps most importantly, people's quality of life.

If alternatives to a current system are proposed one has to outline the reason they are necessary. We have a problem on a number of levels with road transportation. Despite the fact that we are building bigger and wider roads, the reality is that they are not coping. There has been a 70% increase in goods being transported by road over the last ten years. That is not sustainable into the future regardless of how quickly we build roads, even if that is the way we want to go.

It is causing significant traffic, which not only costs the economy time but money. People are in their cars when they should be at work. That goes for lorry drivers as well as people on their way to other jobs. Congestion costs money and people should not forget that fact when calculating the opportunity cost of relying entirely on road infrastructure for the transportation of commercial goods.

Then there is the emissions issue. People have spoken about our commitments under Kyoto and at a European level. Let us be clear that our commitment is that between the years 2008-12 we have to limit our emissions increase to 13% above the base year which is 1990. We are close to 30% above that limit at present. In effect, we need to dramatically reduce emissions in the next three to five years. The first thing we can do is look at the main contributing factors to the increase. Emissions from the transport sector since 1990 have increased by 160%, more than double the increase in any of the other sectors.

The other cost relates to a very basic measure which every county councillor in the country knows very well as it relates to road infrastructure and repairs, particularly for heavy vehicles which do the damage of many dozens of smaller cars every time they transport bulk goods. For all of these reasons we need to find ways of continuing to facilitate growth in terms of transporting goods, growing an economy and allowing people to move around, while at the same time trying to reduce the cost and burden on our roads.

I shall return briefly to the emissions argument. Essentially, four areas contribute to growth in terms of Ireland's greenhouse gas emissions. These are the energy and industry sectors, agriculture and transport. In energy we are finally starting to think about doing something new to reduce greenhouse gas emissions. Industry will be forced in time, I hope, through carbon credits and other systems, to see financial incentives through reducing emissions. In agriculture the emission

[Mr. Coveney.]

rates are coming down because stock rates are falling. In transport, the biggest contributing factor to increased greenhouse gas emissions, we must take hard decisions across a number of areas. Basically there is fuel, shortening journey times or finding alternatives to driving cars and lorries. There is also a shift from road to rail to be considered as part of the mix. We need to take a much more aggressive approach in the fuel sector by replacing existing carbon-based fuels with biofuels. While some pilot projects have been initiated, we are lagging behind the rest of Europe. We are not promoting biodiesel, ethanol and the other biofuels which are available as substitutes for petrol and diesel in a proactive manner.

Some work has been done to decrease journey times and encourage more people to use public transport. There have been positive developments in the commuter rail networks. I welcome the forthcoming completion of the rail link between east Cork and Cork city. If we are to invest significantly in the rail network to move people around the country and get commuters off the roads, surely it makes sense to maximise the use of that network by using it to carry freight. It makes sense to take off the roads the bulky goods, the weight of which does the most damage to road surfaces. Some make the ridiculous and simplistic argument that if one is in favour of rail and public transport, one has to be against the construction of roads. It is a rubbish argument because one can be in favour of both. A similar point can be made as part of the debate on emissions — our strategy needs to be relevant to a series of areas. No single golden key represents the solution to our transport challenge.

The motion before the House suggests more imaginative and ambitious thinking is needed to shift the emphasis in the transport of bulk freight from the road to the rail network. The levels of traffic on the roads are increasing quickly, whereas the use of the rail network is declining. The previous speaker pointed out that the British authorities were supporting the development of the rail sector. Britain is not that different from Ireland in terms of size and scale. We need to be far more ambitious. The argument that it costs a company more to move freight by rail than by road is simplistic. It is more expensive in this country because journey times are not as long as they are elsewhere and goods have to be loaded and unloaded after less time. If the Government thinks imaginatively, it can put incentives in place to encourage people to use the rail network for the transport of freight. This country's road infrastructure would benefit from significant cost savings in such circumstances. Such an approach would help to reduce the emissions associated with traffic, etc. Therefore, the cost of incentivising the increased use of rail freight transportation could be more than justified.

Mr. P. Breen: I welcome the opportunity to speak on this motion, the importance of which has been outlined by my colleague, Deputy Coveney. Thankfully, there has been a revival in rail transport in recent times, following its sad decline over many years.

I wish to speak about rail services in County Clare. When the railway line between Ennis and Limerick was downgraded some years ago, no services operated in the area for many years. The twice-weekly service that was started by Iarnród Éireann approximately 20 years ago was a good success. Approximately two years ago, the company put in place a continuous welded line on the track. The improved service on the line has been a marvellous success. The number of passengers carried on the nine daily services in each direction between Ennis and Limerick has surpassed Iarnród Éireann's expectations. The success of the service has led to a reduction in the number of cars on the road between the two places.

Another railway line in County Clare — the west Clare railway — was made famous by Percy French in the 1940s and 1950s. It was closed by a Fianna Fáil Government in 1961. The railway line was taken up and houses were built on it at the time. I was delighted to learn recently that a private investor had bought the old Slieve Callan engine which was on display at Ennis railway station. It has been sent to England to be restored and is due back shortly. The man in question has spent a great deal of money on it. The engine will be on display at many of the St. Patrick's Day parades in County Clare.

Mr. Cullen: Very good.

Mr. P. Breen: He is investing money in the old railway line between Kilrush and Kilkee which he intends to reopen as a tourist attraction. He has confidence in the rail service in County Clare.

I would like to discuss the history of the freight service in County Clare. When I was growing up, I often saw timber being taken away from Ennis railway station. I understand that approximately 80 carriageloads of trees used to leave Ennis every week. There are many forests in County Clare. Some 20 carriageloads would leave Ennis for Waterford three or four times a week. Timber is now being transported to the Minister's constituency of Waterford by road, which is obviously putting a great deal of pressure on the road network. We are aware that it costs a great deal of money to build roads. Deputy Ellis mentioned that it was probably more profitable and viable for companies to transport timber by road. The disadvantage of transporting freight by rail is that Ireland is a small country with short distances between urban areas. This is cancelled out by the numerous advantages of rail transport. The damage caused to roads when they have to support heavy loads is not a factor when the rail network is used. Roads are not built to tolerate sus-

tained use of that nature. Some 80 truck journeys now made between Ennis and Waterford each week did not have to be made some years ago when a freight service was in operation in County Clare.

Since the opening of the Dublin Port tunnel, there has been a reduction in the number of trucks on the quays in Dublin and a consequent improvement in the flow of traffic. Additional problems have developed on the M50, however, because lorries are having to use that route. If more rail freight services were available, it would help to reduce our carbon dioxide emissions, as other speakers have said. It would also be in the interests of road safety, as Deputies have mentioned, as many articulated trucks are involved in accidents.

I ask the Minister, Deputy Cullen, to check whether something I have heard about Iarnród Éireann is true. I was told yesterday that many of the new commuter trains which operate on lines such as the Ennis-Limerick line do not carry small parcels and similar items. If one is expecting a parcel being transported from Dublin to Clare, one has to go to Limerick to collect it, as it will not be carried any further. I would like to know why small and secure areas where packages could be held while they are transported to Ennis are not set aside on such trains. It is a pity that an existing service has been downgraded in such a manner. I ask the Minister to examine this matter.

I would like to highlight a problem we will face if we want to restore freight services. I have been told by someone I know who works for Iarnród Éireann that many of the carriages which were once used to transport timber, cement and kegs have been cut up. There is no longer a surplus of carriages which can be used. Iarnród Éireann would have to invest heavily in new carriages before it could participate in the freight sector once more. It is obvious that the company does not have a long-term policy of developing its freight business.

I am delighted that progress is being made with the western rail corridor which should have been reopened before now. It is planned to reopen the line between Ennis and Athenry by 2008 and I hope that deadline will be met. Iarnród Éireann is considering the possibility of reopening Sixmilebridge railway station and other stations, which would be welcome. The reopening of stations such as Crusheen railway station could be facilitated as part of the redevelopment of the northern stretch of the line between Ennis and Athenry. Such measures would help to provide a rail service for people in rural areas. I do not doubt that the upgrading of the track that forms the western rail corridor which will cost approximately €1 million per mile is an exciting project. The redevelopment of the line between Ennis and Athenry will cost approximately €36 million. I hope the target date will be adhered to. My col-

league, Deputy Neville, will probably speak about the railway line between Limerick and Foynes, the biggest port in the mid-west region. It is a shame that the line in question has been closed. All the freight out of Foynes is going by road. I am delighted the Minister is in the House. I hope he will take on board the views of the Opposition and that the rail freight sector can be expanded because the business exists for it.

Mr. Neville: I welcome the opportunity to speak on this motion. I am disappointed with the Minister's decision not to support a bio-energy production facility at Foynes which was proposed in this House during a debate on 27 October 2006.

As I stated during that debate, the world faces unprecedented energy and environmental challenges and both sectors are inextricably linked.

8 o'clock Capway Engineering intended to be part of this new system. The company commenced operations in 2005 and had constructed a pilot research facility for bio-diesel production and a laboratory at Shannon, County Clare. It developed skills-based bio-diesel technology operating procedures and quality control systems. It also developed a core staff with expertise to transfer to a commercial scale plant.

In the past two and a half years, more than 1,000 jobs in my constituency have been lost in three companies, both directly and indirectly. I refer to Kantoher, Castlemahon and Microtherm in Bruff. Last October I pleaded with the Minister to support job creation in my constituency, but he has failed to do so. The company submitted an application to the Minister under the bio-fuels and mineral oil tax relief scheme for excise duty relief, but it was not accepted by the Minister. This was a comprehensive proposal which included a supply agreement with Dairygold cooperative and Acorn Independent Merchants Group. Capway Bioenergy had provisional distribution agreements in place with three of Ireland's leading mineral oil distributors, Topaz Energy Products, Maxol Group and Tedcastles Oil Products. Furthermore, Capway had signed provisional supply arrangements with three high profile capital fleets, Roadstone Provisions Limited, STL Logistics and Pallas Foods.

This was an excellent proposal to create jobs in my constituency. I appreciate that 80 jobs were involved but it would have been an injection of confidence into the constituency by the Government. Eighty jobs would have been provided during the construction period along with direct employment during the operational period with more than 30 full-time positions and significant indirect benefits. It would have been a new bio-energy company in the area and would have been one of the first positive things to happen in my constituency following the devastation of the three closures to which I referred.

[Mr. Neville.]

It would have been complementary to the work being undertaken in my constituency on the development of alternative farm enterprises through the growth of miscanthus grass. It is to be hoped that miscanthus will be established as an alternative farm enterprise and, with Government support, it could provide a significant opportunity for alternative farm enterprise and environmentally friendly fuel. It is a high-yielding, multipurpose crop suitable for production across large areas of Ireland. The crop is undergoing much research in Europe and the United Kingdom as a renewable energy crop to produce heat and power.

I express extreme disappointment at the failure of the Government to support the project which would be an alternative farm enterprise and would create employment in the constituency of Limerick West.

Minister for Transport (Mr. Cullen): I welcome the opportunity to participate in this debate. I commend the Opposition on tabling the motion. The beauty of being in Opposition is that one can be utterly inconsistent and irresponsible when it comes to spending taxpayers'—

Mr. Neville: I am not being irresponsible.

Mr. Cullen: I did not suggest that Deputy Neville was irresponsible. I will deal with the point made by Deputy Neville and I support much of what he was trying to say. I ask him to bear with me for one moment as he was the final speaker and there were many before him. I wish to deal with the issues raised. These boil down in many respects to one clear issue. What all the speakers were saying, but in an undefined way, is that the Government should subsidise highly profitable companies to move their goods around the country by rail. This is a legitimate position to adopt and I have no argument with it. However, when it comes to looking after the wealth of this country, the taxpayers of this country expect us to be very clear and focused on the real needs of health and education and the development of infrastructure. I do not believe that the subsidising of highly profitable Irish and foreign companies is at the top of the taxpayers' list.

I too support the movement of freight on the rail system. Deputies opposite ask what the Government has done. We have put €1.5 billion into restoring the entire rail network to allow for the expansion in the movement of passengers and this facility could also be available to rail freight. The difficulty is that given the scale and size of this country, the distances involved are very short. It is therefore very difficult to run large amounts of goods on a rail network over short distances. It is successful in Europe and more successful in the UK because the distances are greater.

This country does not have major centres of population; Dublin is the only one. Even Cork, our second city, by international measure is not a major city of international standards whereas the UK has many cities with populations in excess of 2 million. I am not being disparaging but simply setting out the facts. This also has an impact on rail passenger services but we are making very good progress in this area.

I say to Deputy Eamon Ryan that I am well aware of Norfolkline's contribution to both the Port of Waterford and to the development of the container services and the use of the rail services for freight.

Mr. Eamon Ryan: It is an expanding service but the Minister said it was a failure.

Mr. Cullen: If the Deputy did his research properly, he would know that I was referring to specific types of new operators who were trying to use the rail system. They encouraged many of their customers to use rail freight into the Port of Waterford. However, the customers were not willing to get involved because they regarded it as too cumbersome and too expensive, even though both Iarnród Éireann and Norfolkline together had worked very hard to set up a very good service.

I emphasise that rail and rail freight has a contribution to make to a sustainable transport policy. That is not in doubt. I was very pleased yesterday to see the new passenger trains arrive in the country. These trains meet the 2012 emissions standards which we are proudly achieving in 2007. We should all be very pleased with this, not just in an Irish sense but also in a European sense.

To suggest we have no specific policies in place to deal with the development of a sustainable policy area in this country in terms of using bio-fuels in transport is wrong. Bus Éireann and Dublin Bus are becoming involved in using bio-fuels. They can use a 5% mix for their existing fleet and we hope to increase that figure to 30% for newer buses. Deputies seem to suggest that all of these systems and buses are in place in other countries and it is only a matter of buying them. That is not the case. I do not present myself as an expert but, because I am Minister for Transport, I must try to read up on and study these matters. It surprised me to discover recently that while there is great benefit in using bio-fuels to reduce carbon dioxide emissions, nitrous oxide emissions go through the roof. We gain on one side but lose substantially on the other, an interesting fact of which I was unaware until recently.

We all need to educate ourselves and understand what we are saying in the debate. It is easy to latch onto the latest fad, the new and popular buzz words and the new phrases. Half of the time, it is a load of baloney because nobody has done the research to know what we are talking about.

Under Transport 21 this country is making substantial investment in public transport, the rail network and the road network, and rightly so. All of this contributes to a sustainable transport system which brings great benefits in terms of emissions, safety and the movement of goods and people throughout our island in a much better way than was ever achieved in the past.

Members are correct that up to 1997 the rail network was almost redundant. It is under this Government that the network has been restored and huge investment has been made. This year alone we are spending over €770 million on public transport. I suggest, as somebody else suggested in another debate in which I was involved this evening, that we go back to the Labour and Fine Gael policies with regard to investment in road and rail in 1997 — they will make stark reading for colleagues on the other side of the House — and compare them with the Fianna Fáil manifesto of 1997.

Mr. Neville: Why does the Minister not go back to 1927?

Mr. Cullen: It would elucidate the context of what has been said in the past ten years, and explain who has delivered what and who had the interest to set out what a sustainable policy would be and what mechanism was needed to deliver it. That is the reality of Transport 21. We have a framework, unlike most countries, we have the financial resources in place and we have agencies which are delivering.

I was struck by the contribution of Deputy Ó Snodaigh. He is correct that I was in Tralee last week to open a new bus station. In his next sentence, the Deputy claimed we are producing nothing for the delivery of people. I thought that was contradictory given that I had opened a brand new facility for delivery. The Deputy should also realise that, the last time I looked, 2007 was part of the 21st century, although he seems not to think so. That is what Transport 21 is about.

Deputy Ó Snodaigh complained that we need greater capacity to get commuter and intercity trains into Dublin. He is right. While it may not be of much interest to him, the new train station — the first built in Dublin in 100 years — will open next Monday. Its purpose is to alleviate congestion, which is significant in Dublin, particularly at Connolly Station. This station will allow us to operate significantly more commuter services into the capital at peak times, and more intercity services.

Equally, the four-tracking of the Kildare line into Dublin will massively change the commuter belt and access for people in the commuter belt to the heart of the city centre. Within Transport 21, the construction of the interconnector will bring people right to the heart of the city, to St. Stephen's Green. What people forget—

Mr. Naughten: What about the Phoenix Park tunnel?

Mr. Cullen: I have been in it.

Mr. Naughten: I have been there also.

An Ceann Comhairle: The Minister's time is concluded.

Mr. Cullen: As Deputy Naughten knows, that is a hoary chestnut that will not deliver what we need in terms of an integrated transport system. To go down that road will not resolve anything. What is in place is a result of all the policies, documents, economic assessments and strategic rail reviews of recent years. When I found myself in this position, I decided the time for talking was over and that we would get on and build and deliver. That is what we are doing.

Mr. Neville: The Minister promised to reply to me but he did not do so.

Mr. Cullen: I thought I had another five minutes.

Mr. Hayes: I commend Deputy Mitchell, the Labour Party and the Green Party for putting down this important motion. On this Government's watch, the rail freight sector has declined while the volume of goods transported by trucks on our roads has increased by 70% in the past ten years. Has the Government decided to be imaginative and divert investment into the rail freight sector? It certainly has not. Instead, it has built the port tunnel in an attempt to move the problem out of Dublin city — out of sight, out of mind. In the meantime the rest of Ireland remains plagued by trucks due to our poor road infrastructure and the lack of decent motorways.

Mr. Cullen: That is unfair.

Mr. Hayes: The N8, which I often travel, is a nightmare for motorists as well as being dangerous. A further example is the case of Lisheen mine. Some years ago, the mine got planning permission to bring material from outside Thurles to Cork. The trucks pass through Cashel and travel on roads the Minister knows well. There is a railway line right beside that road. It was the craziest decision that was ever made—

Mr. Eamon Ryan: Hear, hear.

Mr. Hayes: —that the mine was allowed to transport that material by road when a perfect railway line was located beside it. There was no reason for this crazy decision.

The Dublin-Cork road is a nightmare due to traffic. Some months ago I had to travel to Cork at 4 a.m. I was amazed at the number of trucks hauling material from Cork or travelling to ports

[Mr. Hayes.]

or other locations around the country at that hour of the morning, pressurising truck drivers and other motorists. Our railway lines have been left under-utilised and underdeveloped. I do not care what political party or Government is involved, the railway lines have been neglected. To make a decision like that concerning Lisheen mine—

Mr. Cullen: It was a planning decision.

Mr. Hayes: There is a way around it. The Government's national development plan should have advised county councils to deal with that.

Last week the Minister was part of a deputation to Tipperary town. We were delighted with what he said but the reality is, despite the fact we were told to be quiet and be nice to the Minister—

Mr. Cullen: I did not ask the Deputy to be quiet.

Mr. Hayes: That is what happens with regard to deputations.

Mr. Cullen: It was a good meeting which was very professional and well conducted.

Mr. Hayes: We were asked to be nice to the Minister, which we were. However, the reality is, as the Minister himself said, the Tipperary town bypass should have been designed as a dual carriageway. I wholeheartedly agree. The bypass is choked with traffic from Monday to Friday. I drove on the road at 5 p.m. on Monday and it had been choked up since 4 p.m. The bypass project is only at the design stage. It is a major corridor. It is disgraceful that this has dragged for so long.

Mr. Cullen: It will be of great benefit, particularly the newer part.

Mr. Hayes: It will be of huge benefit. Is the bypass included in Transport 21?

Mr. Cullen: Absolutely — I will show the Deputy the map. The whole of the N24 is included in Transport 21.

Mr. Hayes: It is most important for the town of Tipperary and the development of the whole area.

Mr. Cullen: I agree with the Deputy.

Mr. Crawford: I am sure the Ceann Comhairle wonders why I have risen to speak on anything to do with railways, because in Cavan-Monaghan, as in Donegal, we do not have railways. The Minister referred to a sum of €1.5 billion. Can he ensure that if we cannot get any money for railways we will receive compensation in some other way? When we lost our railways in 1956 we were assured the road structure would be put in place

and thankfully, as the Ceann Comhairle will be aware, we are moving towards that in Monaghan. In Cavan, however, we do not have a road structure of any note. For example, there was another serious accident in Belturbet town the other day but there is no word of when the bypass for the town will be built. If we cannot get the money for railroads we must get compensation in other ways.

Mr. Cullen: Belturbet is on the agenda. I have been dealing with it.

Mr. Crawford: It has been on the agenda for a long time. Virginia is the same. There is now a drive towards cross-Border co-operation and funding, such as in the development of the Ulster Canal.

Mr. Cullen: That is correct.

Mr. Crawford: It would be a good idea to restructure the line from Portadown to Monaghan.

Mr. Cullen: I agree with the Deputy.

Mr. Crawford: Transport 21 mentions bringing a line to Navan but a line is already in place to Kingscourt. If the existing line to Kingscourt was opened for freight transport, and a park and ride scheme offered for passengers, it would take a lot of pressure off the roads.

The damage being done to roads by freight has been brought home to me recently and I thank the Ceann Comhairle for allowing me to speak on that subject later tonight. Construction of the Castleblaney bypass has caused €5.5 million of damage to the regional and county roads which we have worked so hard to build. That gives some indication of what heavy transport can do to a road network. In that context we should use every possible opportunity to remove extremely heavy loads from the roads and onto the rail system.

New roads are being built, such as the N3 through Navan, which will eventually go through Cavan. Would the Government not consider a rail line along that road? No matter how big we build our roads it has been proved that they will fill up with traffic, as has happened with the M50 and as is starting to happen with the M1. We all hope the economy will continue to prosper but that will mean more cars and trucks. The only way to avoid that level of congestion is to create a rail system so that passengers or freight can get straight into Dublin.

Mr. Naughten: I compliment my colleague, Deputy Olivia Mitchell, the Labour Party and the Green Party for tabling the motion. We are all aware of the need to reach our emissions targets under Kyoto but Ireland has one of the highest emissions rates per head of population in the

world, a huge portion of which has come from transport in recent years. The Government, in its own emissions trading report last March, predicted an increase in emissions of 2% arising from transport but the EPA states it is closer to 8%.

It is disappointing that there is not one reference in the Government amendment to rail freight. The Minister and all his colleagues have given plenty of excuses why we should not support the rail freight sector. The solution does not involve withdrawing investment from the road network — we need that investment and it must continue. It requires investment in other forms of transport, especially rail freight, in tandem with investing in the roads network.

The current roads programme does not provide the investment urgently required for our national secondary roads. A huge amount of tonnage is transported across the country on substandard national secondary roads. We transport cement, which was taken off the rail network, as was the Guinness contract. Even timber from the west of Ireland travels to Waterford entirely on national secondary roads but there is no investment in that road network at present.

Coillte now brings timber from Scotland into the Minister's own constituency in Waterford because it is cheaper to transport it from Scotland to Waterford than to bring it from the west of Ireland. There is something seriously wrong if it is preferable to do that than support our own growers. The issue needs to be addressed and cannot be ignored.

In 2004, there were 1,380 accidents involving heavy goods vehicles leading to the deaths of 74 people, 23 of whom were pedestrians. I suggested to the Minister's predecessor and the Department a change in regulations to oblige lorries to use a simple spray suppression system, so that when travelling behind a heavy goods vehicle on wet roads a driver did not see a fog of spray. It is a pleasure to drive behind any of the continental lorries on our roads but domestic lorries would not be let through Dublin Port, never mind into Calais, because they do not have those systems. They are required for goods vehicles travelling on the Continent but not for those on our own roads. One regulation would change that.

In the UK the benefits of rail freight are assessed on the basis of the environmental impact of moving freight off the roads network. The first consideration is emissions, the second the cost savings on road maintenance, the third congestion relief and the fourth environmental and safety benefits for other road users. A similar assessment should be made in this country because, taking the wider economic implications into account, a financial case can be made for rail freight in a number of situations, even in a country as small as this.

My colleagues have raised the issue of rail lines. The Athlone-Mullingar rail line is being used as a political football and we need clarity as to whether the required investment will be made. There is great potential to develop capacity from the west of Ireland because, as the Minister is aware, there is a limit between Athlone and Portarlington.

Mr. Cullen: I would strongly support such development.

Mr. Naughten: Commuter services should be developed in the midland triangle from Castlereagh to Tullamore and Mullingar through to Ballinasloe. It would only take two DMU units to do so.

The Minister has travelled through the Phoenix Park tunnel, as have I on a couple of occasions. The tunnel could provide relief to passengers on the Heuston line. It will not solve the problem but we now have capacity with the opening of Spencer Dock station.

Serious consideration should be given to using the capacity available at the new station at Spencer Dock to provide additional services into the city centre for people who traditionally alight from trains at Heuston Station. The only reason Irish Rail has not been promoting this option to date is that it believes to do so would undermine its case in respect of the interconnector. I do not believe that to be the case. We need the interconnector. However, we have another asset in place in the shape of a state-of-the-art and fully automated and signalled section of railway line at Spencer Dock and we should utilise the capacity it has to offer.

I commend the motion to the House.

Amendment put.

The Dáil divided: Tá, 64; Níl, 55.

Tá

Ahern, Dermot.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.

Cassidy, Donie.
Collins, Michael.
Coughlan, Mary.
Cowen, Brian.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dennehy, John.
Devins, Jimmy.
Ellis, John.

Tá—continued

Finneran, Michael.
 Fleming, Seán.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistrim, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Mulcahy, Michael.

Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Dan.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Breen, Pat.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Cuffe, Ciarán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Lynch, Kathleen.
 McCormack, Pádraic.

McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Sherlock, Joe.
 Shortall, Róisín.
 Upton, Mary.
 Wall, Jack.

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 65; Níl, 54.

Tá

Ahern, Dermot.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.

Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 Coughlan, Mary.

Tá—*continued*

Cowen, Brian.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistram, Thomas.

McGuinness, John.
Martin, Micheál.
Moloney, John.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Breen, Pat.
Bruton, Richard.
Connolly, Paudge.
Costello, Joe.
Coveney, Simon.
Crawford, Seymour.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.

McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Sherlock, Joe.
Shortall, Róisín.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Prisons Bill 2006 [Seanad]: Report Stage.

Prisons Bill 2006 [Seanad]: Order for Report Stage.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I move: “That Report Stage be taken now.”

An Ceann Comhairle: Amendment No. 1 in the name of Deputy Ó Snodaigh arises out of Committee Stage proceedings. Amendments Nos. 2 to 6, inclusive, are alternatives and Amendments Nos. 7 and 50 are related. Therefore, amendments Nos. 1 to 7, inclusive, and amendment No. 50 will be taken together by agreement.

Question put and agreed to.

Aengus Ó Snodaigh: I move amendment No. 1:

[Aengus Ó Snodaigh.]

In page 6, to delete lines 20 to 34, to delete pages 7 to 11 and in page 12, to delete lines 1 to 9.

This amendment pertains to prisoner escort services. I stated on Second Stage and Committee Stage that I am opposed to the privatisation of these services. The imprisonment of people should never be a profit making exercise but if we adopt Part 2 of the Bill it will be the start of the privatisation of the Prison Service. I do not see the point of Part 2, given that the Tánaiste and Minister for Justice, Equality and Law Reform has said he is opposed to the outsourcing. The explanatory memorandum to the Bill states: "it is not intended to outsource prisoner escort services in the foreseeable future." I recall the Minister using similar words when he said it was not intended to implement the Garda Reserve in the foreseeable future, yet he announced the reserve three months later. As I do not think his words are good enough when he says he would prefer to retain the prisoner escort service within the public service, I recommend that we reject Part 2 and any reference thereafter to prison custody officers.

A number of reports have been compiled on the effect of privatising prisons and prison services in other jurisdictions. The experience elsewhere has been that the privatisation of prisoner escort services was the forerunner to the introduction of a fully privatised prison system. Ancillary services such as escorting prisoners are points of least resistance before the full privatisation assault is made against a prison service. Anybody who has studied the debacle that resulted from the privatisation of prison services in the US and England will understand why we should not go down that road. In other jurisdictions, the privatisation of prison systems has been reversed. That is the reason why I submitted this amendment.

Ideologically, I do not believe privatisation should take place. The Minister's argument was that he could not see this happening as long as the current service is cost effective, which by implication means it should make a profit or break even. However, the service will never make a profit or break even but will always be an expense. If the Minister holds a race to the bottom in terms of seeking the lowest possible price for a prisoner escort service, dangers arise to the security of the service. If it is retained in the public sector, there is at least some hope that the security of the escort service can be maintained. Public servants often have a greater loyalty to the State than employees paid a minimum wage and struggling to pay off debts, who as a result could be susceptible to outside interference. Account should therefore be taken of that cautionary aspect and the same applies throughout the prison system.

I urge the Minister and others to watch the documentaries originally aired last year on the implications of privatised prison services, particularly given the situation in the United States, where bribery was rife, prisoners were abused and the system was intent on ensuring that as many rather than as few were imprisoned as possible. We should seek to ensure that only those who deserve it should be in prison rather than try to maximise prison numbers for the sake of profits. There is an incentive for a company which profits from incarceration to seek to increase incarceration rates.

Mr. J. O'Keeffe: Part 2 provides for prisoner escort services. Essentially, we are dealing for the purposes of these amendments with sections 4 to 10, inclusive.

I am not in favour of rushing towards the establishment of prisoner escort services. I understand that the present arrangements are working satisfactorily and, from that point of view, I do not wish to put into operation such services unless it is necessary. However, given that we are dealing with a Bill which will become the legislative basis for the future, it is worthwhile to make provision in the Statute Book for the possible establishment of prisoner escort services. For that reason, I am not in favour of the approach adopted by my Sinn Féin colleague and support the retention of Part 2 in the Bill.

However, as I noted on Committee Stage, improvements could be made to several provisions in Part 2. My first amendment relates to section 7(9) and the provision involving the revocation of a certificate for a prisoner custody officer and the procedures that would apply. Ultimately, it is envisaged the matter will land on the desk of the Minister and the issue is what should happen then. A provision should be inserted so that the Minister would deal with such matters without delay and the file would not be left sitting there. Pending the decision, the prisoner custody officer should not be entitled to perform his or her duties. In addition, I propose the officer and the contractor by whom he or she is employed should comply with the directions issued under section 10. I put forward the proposal tentatively as an improvement on the arrangements regarding the revocation of a certificate for a prisoner custody officer.

My next amendment concerns the prohibition of the unauthorised disclosure of information under section 9, with which I agree. While a prisoner custody officer should not disclose information relating to a prisoner, which is obtained by him or her during her employment, unless authorised by the Minister to do so, the section could be improved. I am influenced by the Minister who is known for having a loose lip and, as a consequence, it is necessary to insert restrictions. Accordingly, my amendment provides that the

Minister similarly shall not make public or cause to be made public any information relating to a prisoner that could reasonably be considered to be confidential other than essential details regarding name, date of birth and so on. While I do not expect the Minister to be in office much longer, he may have set an example that might be regarded as a precedent by a subsequent holder of the office.

My third amendment addresses what should be done about reports to the Minister. Under section 10, he or she will appoint an officer to monitor the performance of contractors. I assume the officer will be a departmental official and the person so appointed will not later than 31 March — an important date every year because it is my birthday — produce a report for the Minister on the performance of the contractor. The issue then is what should happen the report and I propose that such reports should be laid before the Houses of the Oireachtas not later than 31 May annually. The Minister has set a precedent regarding the reports of the excellent and dedicated Inspector of Prisons and Places of Detention, Mr. Justice Kinlen, by considerably delaying their publication. The legislation should provide that this bad precedent should not be followed by the Minister's successors. That is the reason I have specified a date before which such reports should be laid before the Oireachtas. Those are my amendments to Part 2 and I am happy with the remaining provisions in this Part.

Mr. Howlin: We are dealing comprehensively with Part 2, which deals with the prisoner escort services, and, in particular the Minister's original threat to privatise such services as a way of leveraging an agreement with prison officers to operate in a way that satisfied him. He gave a guarantee to the House on both Second and Committee Stages that he would not activate these provisions and I would rather that they were not being pursued, since he has a satisfactory arrangement. If staff were totally obdurate or there was great difficulty operating a working agreement with staff, alternatives could be examined but, in the absence of that, it is provocative to include this Part, when it is patently, in the Minister's words, "not required". For that reason, I agree with the general analysis of Deputy O'Snodaigh. Deputy Jim O'Keeffe made a good argument regarding the reporting mechanism, as he did on Committee Stage.

My amendment No. 3 deals with the functions of a prisoner custody officer. Many of these officers could potentially be civilians and the Minister is giving them powers to search prisoners in transit in circumstances where it might be believed something untoward was concealed on their person. While I fail to disagree with the power of search because that might be necessary not only to protect the escort officer but also the public, I disagree with the notion that such

officers should have the power to conduct an intimate search of a prisoner. The Minister instanced a prisoner carrying a concealed weapon but the custody officer has the power to require a prisoner to remove clothing, including outer garments, under the section. The power to conduct an intimate search should not be available except in restricted conditions. The power is available to prison officers in the confines of a prison and to members of the Garda. If such a search were necessary, the prisoner should be brought to a Garda station or a secure room in a court building and searched by a garda. We should not provide that a civilian could conduct an intimate search.

I understood from the Minister's response on Committee Stage to this amendment that he was reasonably amenable to it. Many of the issues I raised on Committee Stage have been taken on board in amendments tabled by the Minister on this Stage, for which I thank him, but this issue has not been addressed, which I regret. That is the only other point I wish to make in regard to this group of amendments.

Mr. Cuffe: Deputy Ó Snodaigh is worried about a race to the bottom in the Irish Prison Service but I believe we are already there. We have a prison system which is rotten to the core. We have appalling levels of drug use which can only be explained by collusion between the inmates and the staff. We have rates of staffing which are three times the level in the UK, yet there seems to be no attempt to come to grips with the difficulties relating to extraordinary levels of overtime within the Irish prison system. We have tales of abuse, violence and savagery which would make one's hair stand on end. How can this happen with the levels of staffing in Irish prisons? Something is clearly rotten to the core. We have report after report, which are buried at the back of the Department's website, outlining a chronically dysfunctional system. We have Dickensian conditions in many, if not most, of our prisons.

I do not have any great ideological hang-up as to whether the State or the private sector would do a better job. The experience abroad is that if one brings in the private sector, it is really only motivated by profit. We should call a spade a spade and acknowledge that there are significant difficulties within a chronically dysfunctional prison system. Unless the Minister faces up to that, we will go nowhere.

This absurd idea of a super prison in the green fields of north Dublin will not solve the systemic problems of our prison service. We need to go much further much more quickly and ensure we work with the inmates in the prison system who have high rates of illiteracy, who no doubt have experienced high rates of abuse of all kinds, who come from the poorest areas and who have been deprived of education, training and many other

[Mr. Cuffe.]

services over the past few years because of this ideological face-off between the Minister and the prison officers.

We should point out where the difficulties lie. There are huge difficulties within the Irish Prison Service and we need radical reform of the management of prisons and the prison system itself. I worry this Bill will not address those kinds of issues.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): Part 2 of the Bill, which amendment No. 1 seeks to delete, allows for the Minister, with the consent of the Minister for Finance and approval of the Government, to enter into an agreement with the contractor for the provision of prisoner escort services. It also provides for the conditions under which a person can be certified as a prisoner custody officer and the circumstances in which such certification can be revoked as well as the functions of such an officer.

Deputies will be aware that this Part of the Bill is an enabling provision and that it is not intended to give effect to this provision once the in-house prisoner escort service corps, PESC, which is being established in the context of the acceptance by staff of the proposal for organisational change in the prison service, continues to be effective in terms of cost savings and in regard serving prisoner escorts.

The Minister previously informed the House of the success achieved by the prisoner escort service corps. In staffing terms, the escort corps operates on average more than 33% more efficiently on court escorts than the previous overtime based operating system. As long as this service continues to operate efficiently and in a cost effective manner, there is no need or desire to contract out the service. However, should the situation arise where the service is no longer provided in a cost effective and efficient manner, it is essential that a provision should exist allowing the Minister, or his successor, to contract out the service. Such a provision is made here. While it is not intended to enforce this Part of the Bill, it should be in place as a reserve position. For these reasons, I do not intend to accept these amendments.

Amendment No. 50 is consequent on the acceptance of amendment No. 1. As I am not accepting amendment No. 1, amendment No. 50 is unnecessary. Amendment No. 2, tabled by Deputy Jim O'Keeffe, proposes the insertion of two new subsections into section 7. The amendment would provide for the Minister to deal speedily with any written complaint received from an officer appointed to monitor the escort service, a prison governor or the Garda Commissioner in regard to the conduct of a prisoner custody officer. It also provides for the suspension of a prisoner custody officer pending a

decision on a complaint concerning his or her conduct. In so far as the first part of the amendment is concerned, it goes without saying that there will be no undue delay in dealing with complaints in regard to the conduct of a prisoner custody officer. It is not in the Minister's interest to delay dealing with this matter—

Mr. Howlin: It goes without saying.

Mr. Fahey: —given the sensitivity of the issues in question. It is not, however, necessary to provide in legislation that there be no delay.

Mr. Howlin: A freedom of information request was required to get the inspector's report last year.

Mr. Fahey: The effect of the second part of the amendment providing for the suspension of a prisoner custody officer pending a decision on a complaint concerning his or her conduct could result in the encouragement of vexatious complaints from prisoners in order to have prisoner custody officers removed from duty. I am satisfied section 7(9), which provides for referral of complaints to the Minister, is adequate to deal with the points raised by Deputy O'Keeffe. A direction in regard to suspension could only be made having regard to the gravity of the offence and the credibility of the complaint. The amendment is not necessary and it is unwise to make legislative provision of the nature sought for the reasons I have outlined.

Amendment No. 3 was put to the Minister on Committee Stage and, having some sympathy with the points raised, he agreed to consider the matter further. The amendment proposes to insert additional text at the end of section 8(2) making it clear that a prisoner custody officer may not conduct an intimate body search of a prisoner. As the Minister previously stated, routine and random searches of prisoners are conducted on a daily basis, including of those going to, and returning, from court, for security and safety reasons and, in particular, to ensure contraband is kept out of the prison environment. These searches are essential in reducing the incidence of drugs in prisons.

However, I assure Deputies that intimate searches — in this regard I refer to internal searches — cannot be conducted. A prohibition of such searches is contained in the draft prison rules. Rule 6 sets down provisions relating to searching a prisoner and specifically prohibits in paragraph 9 invasive searching of the orifices of a prisoner's body. A number of the other provisions are also made in this rule concerning the conduct of searches, such as the number of prison officers present at a search and the requirement that searches are carried out by officers of the same gender as the prisoner.

As has been stated in regard to previous amendments, a prisoner custody officer will be

required to comply with these rules as provided for in section 8(7). In these circumstances, the provisions I have cited are sufficient to meet the concerns of Deputies. Again, the Minister is not in favour of distinguishing between the obligations on prisoner custody officers and those on prison officers. It is appropriate that both prison officers and prisoner custody officers with responsibility for prisoners should abide by the same code and obligations and duties set down in the prison rules.

For similar reasons, I will not accept amendment No. 4, tabled by Deputy Ó Snodaigh. The prison rules will apply to the prisoner custody officers in the same way as they apply to prison officers, including the obligations in respect of the dignity and human rights of prisoners which would encompass an obligation to ensure the health and safety of a prisoner. It is also worth mentioning that section 8(6)(c) requires a prisoner custody officer, when escorting a prisoner from court to a prison, to give to the governor of the prison to which the prisoner is being transferred any information relating to the prisoner's health of which the officer is aware.

Amendment No. 5, tabled by Deputy Ó Snodaigh, appears to address a concern raised by the Deputy on Committee Stage that a situation may arise in which an officer might come across information which might be useful to prevent the commission of a crime and that the officer may require the approval of the Minister to pass this information on to the Garda. In these circumstances, I am not prepared to accept this amendment. Section 9(1)(a) provides that a prisoner custody officer can disclose information relating to a prisoner where authorised by the Minister to do so. The subsection could allow for the inclusion of a revision in the contract of employment of a prisoner custody officer of the necessary authorisation to disclose information to the Garda where it would be considered useful in preventing the commission of an offence. I am disinclined to introduce exceptions to the prohibition on the disclosure of information by prisoner custody officers, as to do so may increase the risk of an inappropriate disclosure. It may also be the case that such an exception to the prohibition rule as proposed in the amendment could be open to widely different interpretations as to the situations where disclosure should take place and to whom.

Amendment No. 6 tabled by Deputy O'Keeffe concerns the non-disclosure of information relating to prisoners and details of information the Minister may not make public in respect of a prisoner, unless it concerns a matter of national importance. The proposed amendment aims to restrict what the Minister can say in public about an individual prisoner's case. The amendment is unnecessary and could result in the Minister being unable to answer parliamentary questions on prisoner cases.

Mr. Howlin: There is nothing new in that.

Mr. Fahey: It should be emphasised that the Minister is obliged to respect the constitutional rights of all persons, including prisoners. It should also be noted that the amendment is to Part 2 of the Bill which relates solely to the prisoner escort service and agreements for the provision of such services. It would not have any effect of relevance to escort services. Moreover, this Part is an enabling provision and, as has been stated previously, it is not intended to commence it for as long as the current arrangements in respect of the provision of the prisoner escort service continue to operate effectively and efficiently in both cost and operational terms.

Amendment No. 7 tabled by Deputy O'Keeffe would require that a report by the officer appointed to monitor the performance of a contractor should be laid before the Oireachtas on or before 31 March each year. I do not intend to accept this proposal. A report on the activities of the contractor may be commercially sensitive or contain material of a security nature. It is not my intention that such reports should be made public. I am aware of the Deputy's concerns and what he seeks to address with the amendment. However, I remind the House that the Minister will have responsibility for entering into an agreement with the contractor for the provision of escort services and that the Minister will have responsibility for certification of officers.

Given the Minister's responsibility in this regard, it is reasonable to provide a system for the monitoring of contractors. It is not the case, nor can it be expected, that concerns regarding performance that may justify the termination of an agreement would necessarily come to the Minister's attention. This provision, therefore, is a safeguard with a twofold objective, namely, to ensure the grounds justifying the initial agreement continue to apply and that nothing has arisen in the course of its operation that may lead to security concerns that would justify its termination. However, I do not discern justification for the publication of such reports. Furthermore, to require publication could have a negative impact on the content of such reports. The proper monitoring of the operation of the agreement with the contractor requires full and frank reporting on the operation.

Aengus Ó Snodaigh: When I made my initial contribution, I was unaware that my other amendments were being grouped with the amendment. The amendments were simple, given my acceptance of the reality that the Minister would secure the passage of the prisoner escort service. Amendment No. 4 attempts to ensure prisoner custody officers would have a duty to ensure the health and safety of prisoners to avoid the circumstances that arose in the case of Mr. Gary Douch, whose health and safety were not

[Aengus Ó Snodaigh.]

taken into account fully. Such events should not occur during the transfer of prisoners. I refer to the scenario in which one prisoner might attack another.

Amendment No. 5 is intended to ensure prisoner custody officers would not be hindered in forwarding information they might come across that would prevent the commission of a crime, in that they would not feel obliged to go to the Minister, with the attendant delays, to ensure such information was forwarded.

As for my main amendment, to delete Part 2 completely, the Minister of State has just stated the current arrangements will continue. If that is the case, there is no need for the provision and it should have been withdrawn. Thereafter, if such an eventuality was to arise, it could be reinstated in full. The work on it has been done and it could be constituted as a Bill in itself consisting of four or five pages. The Minister of State repeated the comments made by the Minister for Justice, Equality and Law Reform on Committee Stage as to whether the current arrangements will continue to be cost effective and the service run in an efficient manner. How does one define cost effective? I still believe this provision should not form part of the Bill.

Mr. Fahey: I have no further comment to make.

Aengus Ó Snodaigh: While I will not belabour the point, as Deputy Howlin has noted, this is being used to blackmail prison officers. This had been threatened and the Minister is now delivering on that threat to ensure there will be no labour unrest among prison officers. Were there to be such unrest, I guarantee the Minister would introduce this provision as rapidly as he introduced the Garda Reserve after he secured its passage. He did so, despite having stated at the time that he had no intention of introducing it in the near future. Three months later, he did.

Question, "That the words proposed to be deleted stand," put and declared carried.

Amendment declared lost.

Acting Chairman (Mr. O'Shea): As this question has been agreed to, amendments Nos. 2 to 6, inclusive, cannot be moved. Is amendment No. 7 being pressed?

Mr. J. O'Keeffe: Why could amendment No. 2 not be moved? As it happens, I was not pressing it.

Mr. Howlin: The entire section has been put and approved as it stands.

Mr. J. O'Keeffe: The decision in respect of amendment No. 1 was to preclude the deletion of

the entire Part of the Bill. That should not stop an amendment.

Acting Chairman: Amendments Nos. 2 to 6, inclusive, were alternatives. My advice is that—

Mr. J. O'Keeffe: Amendment No. 2 was not.

Mr. Howlin: The question put in respect of amendment No. 1 was, "That the words proposed to be deleted stand". Consequently, the Bill, as published, stands.

Mr. J. O'Keeffe: It seems from a procedural perspective that if I wanted to go to the wall in respect of amendment No. 2 which I do not—

Mr. Howlin: The Deputy should not.

Mr. Fahey: The Deputy should go to the bar.

Acting Chairman: As the House has decided that the words in the Bill as printed stand, the amendments cannot be put. The House has decided on the matter.

Mr. J. O'Keeffe: This appears to be somewhat undemocratic. However, I will not quibble unduly about it at this hour of the night. Hence, I will not press further on the procedural point.

As for amendment No. 7, I would like to see a report going before the Houses of the Oireachtas. However, if the Minister is not prepared to accept it, I will not trouble the House further in this regard. Nevertheless, it would be an improvement to involve the Houses of the Oireachtas in this matter and ensure they would receive reports within a reasonable time. However, I will not press the issue further.

Amendments Nos. 2 to 7, inclusive, not moved.

Acting Chairman: Amendment No. 8 arises from committee proceedings. Amendments Nos. 9 to 13, inclusive, and No. 15 are related, while amendment No. 14 is an alternative to amendment No. 13. Amendments Nos. 8 to 15, inclusive, will be discussed together.

Mr. Howlin: A substitute amendment list contains an alternative amendment No. 13. Is that in substitution for amendment No. 13 on the green list or in addition to it?

Acting Chairman: It is a substitution.

Mr. J. O'Keeffe: I move amendment No. 8:

In page 12, line 21, to delete "may" and substitute "shall".

This deals with issues arising under Part 3 which relate to prison discipline. This amendment is relatively technical. Regarding an inquiry into alleged breaches of prison discipline, it is not enough to provide in the Bill that the procedure

relating to an inquiry may be specified in the prison rules. Surely prison rules should be rooted in the legislation. The purpose of this amendment is to require that the procedure related to an inquiry shall be specified in the prison rules. At first sight it is a technical amendment but it is not quite that technical. The Bill would be improved by the change.

Mr. Howlin: As Deputy Jim O’Keeffe stated, Part 3 of the Bill deals with prison discipline and it outlines the types of sanctions available for breach of prison discipline. They are listed in section 13, the text of which includes the following:

13.—(1) One or more than one of the following sanctions may be imposed on a prisoner who is found by the governor to have committed a breach of prison discipline:

(a) caution;

(b) reprimand;

(c) confinement in a cell (other than a special observation cell) for a period not exceeding 3 days;

(d) prohibition, for a period not exceeding 60 days, on—

(i) engaging in specified authorised structured activities or recreational activities,

(ii) receiving visits (except visits for the purpose of giving medical advice or treatment to the prisoner or those from his or her legal adviser, a chaplain or member of the visiting committee to the prison, the Inspector of Prisons, a judge or representative of a court or tribunal or a representative of the Minister, Parole Board, Human Rights Commission or European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment),

My first amendment in this group is on section 13(1)(d)(ii) and deals with the prohibition on receiving visits. Exceptions are laid out in the section and I propose amendment No. 9 which would include among those exceptions a public representative and, in the case of non-Irish nationals, a diplomatic or consular officer of the person’s country of nationality. A compelling reason exists for this. It is a matter of proper form that Members of this and the other House should have access to prisoners.

We debated this matter on Committee Stage and the Minister pointed out the term “public representative” is extremely broad. I accepted the notion it would be confined to Members of the Oireachtas. The Minister went some of the way in amendment No. 10 where he suggests a member of Dáil Éireann for the constituency in

which the prisoner ordinarily resided would be entitled to visit.

As a justice spokesperson, I believe justice spokespersons should be entitled to visit any prisoner because we deal with justice matters. Having spent all of Monday at the Morris tribunal, I note my interest in affairs well outside my constituency occupy quite a degree of my time as justice spokesperson. I was involved in incidents in Abbeylara, issues such as the Sheedy case in Dublin and a variety of other matters. It is important the role of parliamentarians is recognised as far more than simply a representative duty for their constituency.

As in other parliaments, this House may have individuals who consider the issue of campaigning for prisoners’ rights to be one of their core functions. The notion they would not be able to visit as a right prisoners from constituencies outside their own is a wrong construction. I hoped the Minister would compromise on my proposal to open it to any public representative and confine it to Members of Dáil Éireann and Seanad Éireann.

I am not sure how great a latitude the Minister of State present has to deal with this issue. If the Tánaiste and Minister for Justice, Equality and Law Reform was here I could convince him of this point. He is normally amenable to it. I hope I can convince the Minister of State to drop the reference to the constituency. A Member of Dáil Éireann should be entitled to visit any prisoner.

I do not see any compelling reason why it should be confined to the constituency involved. A prisoner may not be able to get the attention of a Dáil Deputy for his or her constituency. He or she might be an active member of a political party not represented in the constituency and want to reach out to a representative of the party he or she supported and with which he or she was associated. It would be quite wrong to deny him or her the right to reach that party. I hope the Minister of State amends the amendment. On that basis I would happily withdraw my amendment with regard to a public representative.

I see the Minister accepted the point on non-Irish nationals having access to diplomatic or consular officers and tabled amendment No. 12 which inserts, “if the prisoner is a national of another state, a diplomatic or consular officer of that state”. This fully meets my requirement and I thank the Minister for tabling amendment No. 12. It always bemuses me somewhat that even if the principle of an amendment drafted on this side of the House is accepted as quite right the Government will table its own amendment. I will not make much of the point. I welcome the Minister’s acceptance of the principle I advocated.

Amendment No. 11 proposes to insert “, United Nations Committee against Torture” after “Commission”. This is captured in the alternative amendment No. 13 which states, “or the United Nations Committee against Torture or any document relating to the registration of electors

[Mr. Howlin.]

(including entry in the postal voters' list) or to voting at an election or a referendum". Both amendments are transposed into one and perhaps the Minister of State will explain why. It captures the essence of what I want, which is to expand it to include the United Nations Committee against Torture or any document relating to the registration of electors or to voting at an election or a referendum.

The Minister of State was not present at the debate on Committee Stage. The reason the committee on torture was not included in the visiting groups is that the United Nations does not visit. However, it communicates in writing which is why it is linked to the receipt of ballot papers and election material. If that is the reason they are grouped together I fully accept and welcome it. All of the proposals I made save one on the broadening of access by a public representative have been fully met and I am greatly appreciative of the Minister for this and for genuinely engaging on Committee Stage and listening to the arguments I made.

I presume amendment No. 13 is an alternative to amendment No. 14 rather than in addition to it. If this is the case, and amendment No. 14 is fully captured by amendment No. 13, I will accept it and withdraw amendment No. 14.

Amendment No. 15 states, "The imposition of a sanction shall not be stayed by virtue of a petition under *section 14* or of an appeal under *section 15* unless either the governor, the Minister or the Appeal Tribunal so directs". As I stated on Committee Stage, the Bill does not state whether the sanction can be imposed pending an appeal. I believed the solution was to allow the flexibility I suggest in amendment No. 15, whereby it would apply unless the governor or the Minister directed otherwise. It is a useful amendment although not of great importance.

By and large I am grateful to the Minister for listening and accepting the thrust of what I suggested on Committee Stage with regard to this section.

Mr. Fahey: The Tánaiste and Minister for Justice, Equality and Law Reform addressed amendment No. 8 on Committee Stage. The issue received consideration but the view reached was that it would be unwise to prescribe a mandatory procedure in prison rules when we have a new start-up position regarding the investigation of alleged breaches of prison discipline. In light of ongoing experience we may find that the procedure should be amended with some urgency, perhaps on a number of occasions. It is not an easy matter to revise prison rules on a regular basis. Deputy Jim O'Keeffe will be aware the new rules took a number of years to complete. There could also be a temptation and pressure to amend other rules at the same time and such changes

could end up taking some considerable time to finish.

I will later move amendments Nos. 10, 12 and 13. Amendments Nos. 10 and 12 are an alternative to amendment No. 9 proposed by Deputy Howlin. On Committee Stage, the Minister agreed with Deputy Howlin that provision should be made to ensure visits from public representatives, and in the case of prisoners who are nationals of other states, that diplomatic representatives would not be prohibited as part of a sanction. The Parliamentary Counsel has drafted amendments Nos. 10 and 12, which will ensure that necessary provision is made and amendment No. 9, consequently, is not necessary.

Amendment No. 10 specifies Members of Dáil Éireann for the constituency in which a prisoner ordinarily resides would not be prohibited as part of a sanction from visiting a prisoner. The Parliamentary Counsel advises that the wording proposed by Deputy Howlin in amendment No. 9, specifically the term "public representative", is too wide, and that a clearer text is preferable. The current text provides this clarification.

Mr. Howlin: Did the Minister listen to what I said at all?

Mr. Fahey: I have listened to the Deputy's comments. Although I cannot address the position tonight, I am prepared to convey the point made by the Deputy to the Tánaiste. We will get his views on that before tomorrow's session.

Mr. Howlin: What are we doing here at all?

Mr. Fahey: I take the point made by the Deputy, but I clearly must ensure my boss is happy with the decisions I take. The Deputy should not push it. Amendment No. 12 is an improved text to that proposed by Deputy Howlin.

Government amendment No. 13 is an alternative to amendments Nos. 11 and 14 from Deputy Howlin. On Committee Stage, the Minister agreed that prisoners should not, through sanctions, be prevented from voting.

Mr. Howlin: That would be unconstitutional, for a start.

Mr. Fahey: The Parliamentary Counsel has proposed the wording in amendment No. 13 as an alternative. The word "election" would cover voting at general, local and presidential elections as well as elections to the European Parliament. This wording has also been approved by the Department of the Environment, Heritage and Local Government. Amendment No. 14, as a consequence, is unnecessary.

The inclusion of the UN committee in this amendment takes account of Labour Party amendment No. 11 from Deputy Howlin. On Committee Stage, the Deputy agreed that the UN

committee, unlike the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, does not have a mandate to carry out periodic visits to institutions.

However, Deputy Howlin considered that it may be appropriate to ensure that letters and other correspondence between prisoners and the UN committee would not be published under section 13(1)(d)(iii). I agree with this proposal and the Government amendment reflects this. As a consequence, amendment No. 11 is unnecessary.

The revised text of section 13(1)(d)(iii), if accepted, will read:

(iii) sending or receiving letters (except letters from a person mentioned in *subparagraph (ii)*), or any document relating to the registration of electors (including entry in the postal voters' list) or to voting at an election or a referendum.

Amendment No. 15 from Deputy Howlin provides that a sanction shall not be stayed by reason of lodging a petition under section 14 or an appeal under section 15 unless directed by the governor, Minister or appeal tribunal. I cannot accept this amendment as to do so could cause a sanction to be carried out in advance of the consideration of the petition or appeal, which effectively could negate any decision of the Minister or tribunal in favour of the prisoner.

If, for example, a sanction or confinement to cell for three days is imposed and carried out and the prisoner petitions the Minister, it may be the case that the sanction will have to be carried out before the Minister has had the opportunity to consider the petition.

Aengus Ó Snodaigh: I have some sympathy for the Minister of State. I do not know why he does not just photocopy his notes and distribute them because if there is no engagement, we may as well be speaking to the wall outside. When I came to the House earlier, we had a discussion with the intention of facilitating the passage of the Bill. There is no point facilitating the passage of the Bill if we cannot get an answer for a very simple amendment being put by Deputy Howlin relating to public representatives.

I take the point that the amendment may not use the best terminology. At the very least, the amendment from the Minister should have respected the other House, with the wording being "a Member of Oireachtas Éireann".

As Deputy Howlin has stated, many people have been in prison or are likely to be in prison. Some of them wishing to communicate their experiences in prison have been in contact with my office, although they are not all from my constituency. Some were previously resident in my constituency but have moved to Kerry, Cork or wherever. As they knew me in my role as a public

representative, they felt the best person to go to was the one they knew.

If this is tied to a constituency, limits are being imposed. As we have so many three-seat constituencies, prisoners could be limited to three people. As Deputy Howlin has noted, these people may not necessarily represent the prisoner's political viewpoint or perspective on prisons and punishment. The prisoner in question may wish to seek out a champion of prisoners, prisoners' welfare or prisoners' families. That is usually the case.

Many in this House have championed such issues and they are the people prisoners will go to. Many years ago, one of the members of Labour, Deputy Costello, was a member of a prisoners' rights organisations. He may have been a founding member — I am not sure. I believe he would still get representations from across the city and across Ireland because of that association. If we accept the Minister's amendment, he could not visit those people in prison if they were not from his constituency.

It is a pity the Minister of State cannot get an official to ring the Minister, Deputy McDowell, wherever he is dropping a prison on some unsuspecting community. The official could ask about the amendment, the type of which he indicated on Committee Stage that he would accept, and ask for advice. Otherwise this will continue into tomorrow. I am not pushed either way as I will be here tomorrow anyway to argue all my amendments.

Mr. J. O'Keeffe: The points being made are valid. The current proposed formulation is too restrictive. I am already aware of a lady proposing to stand for election to the Seanad, Valerie Bresnihan, whose central platform is prison reform. She has a lifelong abiding interest in this area. I wish the lady all the best but I do not even know her politics. I believe she is totally independent. If she were to succeed in her bid, as well she might, it would be quite outrageous if she were restricted from visiting prisons as somebody who would be centrally involved in the issue. I urge the Government to reconsider the current restrictive formulation.

Mr. Howlin: The Minister of State indicated previously that he listened carefully to what is now a cross-party argument. I was going to offer my own amendment but I understood the Minister would be coming back with an amendment.

Mr. Fahey: I am prepared to discuss it with the Tánaiste.

Mr. Howlin: How will we deal with it when the Acting Chairman puts the question? We are on Report Stage.

Mr. J. O'Keeffe: Could a deferral until tomorrow be decided on by common consent or agreement?

Mr. Howlin: Is that possible?

Mr. J. O’Keeffe: Otherwise, we must proceed. Is there a way to handle this matter on an all-party basis? Perhaps the Clerk, an expert in these matters, might advise us.

Mr. Howlin: Would the Minister of State be brave enough to accept “a member of the Oireachtas”?

Mr. Fahey: A member of Dáil Éireann in lieu of amendment No. 10.

Mr. Howlin: No, a Member of the Oireachtas.

Mr. Fahey: Agreed.

Mr. Howlin: That is excellent and I thank the Minister of State.

Aengus Ó Snodaigh: That means the Minister of State would need to delete “for the constituency”.

Acting Chairman: I am advised that it should read “a member of the Houses of the Oireachtas”.

Mr. J. O’Keeffe: Perfect. As usual, we are guided by the expertise of the draftsman.

Aengus Ó Snodaigh: I have a small point to make. I welcome the change, but if one inserts “a member of the Houses of the Oireachtas”, what about “for the constituency” in respect of Senators?

Mr. Howlin: That has been dropped. It will just read “a member of the Houses of the Oireachtas”.

Mr. J. O’Keeffe: No restrictions.

Acting Chairman: Is Deputy Ó Snodaigh satisfied?

Aengus Ó Snodaigh: Yes.

Amendment, by leave, withdrawn.

Amendment No. 9 not moved.

Mr. Fahey: I move amendment No. 10:

In page 13, line 8, to delete “or” where it secondly occurs and substitute the following:

“, a member of Dáil Éireann for the constituency in which the prisoner ordinarily resided.”.

Mr. Howlin: I move amendment No. 1 to amendment No. 10:

In line 2 of amendment No. 10 to delete the words “Dáil Éireann for the constituency in which the prisoner ordinarily resided,” and substitute the following:

“the Houses of the Oireachtas,”.

Amendment to amendment agreed to.

Amendment No. 10, as amended, agreed to.

Amendment No. 11 not moved.

Mr. Fahey: I move amendment No. 12:

In page 13, line 12, after “Punishment” to insert the following:

“or, if the prisoner is a national of another state, a diplomatic or consular officer of that state”.

Amendment agreed to.

Mr. Fahey: I move amendment No. 13:

In page 13, line 14, after “*subparagraph (ii)*” to insert the following:

“or the United Nations Committee against Torture or any document relating to the registration of electors (including entry in the postal voters’ list) or to voting at an election or a referendum”.

Amendment agreed to.

Amendments Nos. 14 and 15 not moved.

Acting Chairman: Amendments Nos. 16 to 18, inclusive, are related and will be discussed together.

Mr. Howlin: I move amendment No. 16:

In page 14, line 34, after “imposition” to insert the following:

“or within 7 days of a decision of an Appeal Tribunal affirming the sanction so imposed”.

This is a net point. I am advised that the provision to petition the Minister is somewhat flawed in that it cannot operate following the exhaustion of the appeals process. My amendment would create a defined gap and an orderly consequence.

Mr. J. O’Keeffe: My amendment is on the composition of an appeal tribunal. Unusually for a lawyer, I object to confining the appointment of any person to the tribunal to practising barristers or solicitors of not less than seven years standing. The Bill is too restrictive, as many people with expertise in this area could be excellent members of an appeal tribunal. I am considering former prison governors or——

Mr. Howlin: Deputies.

Mr. J. O’Keeffe: There is no reason a Deputy with an interest in the matter could not do as good a job as a member of an appeal tribunal. There is no point in restricting membership. Let it be a matter for the Minister of the day to make the appointments. Like the current Minister, who has run out of potential appointees at the bar because most of his friends have been appointed to various positions on tribunals and elsewhere, the Minister of the day could run out of people to appoint.

Amendment No. 18 arises out of subsection 16(7), which states: “Subject to this Part and to any general directions given to Appeal Tribunals by the Minister in the interests of securing consistency of procedures in relation to appeals under this Part, an Appeal Tribunal may determine its own procedure.” I suggest that a requirement be placed on the tribunal to publish the reasons for its decisions, but that it could otherwise determine its procedures.

Mr. Fahey: Amendment No. 16 on subsection 14(1) would allow a prisoner to send a petitioner to the Minister concerning the decision of an appeal tribunal affirming the sanction. I do not propose to accept the amendment because it is not appropriate for the Minister to become involved once a tribunal has issued its decision. If one is to have a conclusive appeal, there must be some finality.

Amendment No. 17 would have the effect of allowing prisoners other than barristers or solicitors of at least seven years standing to act as appeals tribunals.

Mr. Howlin: The Minister of State said “prisoners”, but the amendment refers to “persons”.

Mr. Fahey: I apologise, that is correct.

Mr. J. O’Keeffe: Some of them probably should be.

Mr. Fahey: The amendment would have the effect of allowing persons other than barristers or solicitors of at least seven years standing to act as appeals tribunals. I do not propose to accept the amendment. The case law of the European Court of Human Rights and legal opinions obtained by the Office of the Attorney General point to the possibility that imposing a loss of remission as a sanction might be regarded as imposing an additional sentence of imprisonment and, therefore, would require the safeguard associated with a criminal trial.

Against this background, we are endeavouring to provide in the Bill a relatively uncomplicated disciplinary procedure that allows cases where loss of remission is imposed to be appealed to an independent and legally qualified person who will deal with the matter in a quasi-judicial manner. Therefore, it is important that a member of the appeal tribunal have extensive legal experience.

As an appeal tribunal is a quasi-judicial authority, it is not appropriate that a person with no legal background should take on a judicial role.

The proposed amendment would allow a person from a variety of backgrounds to act as appeals tribunals. While this may appear to be a desirable approach for some, it could contribute to a lack of consistency in decisions. While there are no guarantees that an appeal tribunal as envisaged in the Bill will have complete consistency, it is desirable that decisions of a tribunal are legally robust, capable of withstanding a challenge and are made with due respect to general principles and procedures of law.

Amendment No. 18 was put to the Tánaiste on Committee Stage. The amendment would have the effect of requiring an appeal tribunal to publish the reasons for its decisions. Having considered this proposal and given the independent nature of the tribunals, it is preferable to allow them to determine their procedures, as is currently provided for in subsection 16(7). For this reason, I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 17 and 18 not moved.

Acting Chairman: Amendments Nos. 19 to 21, inclusive, are related and will be discussed together.

Debate adjourned.

Adjournment Debate.

Decentralisation Programme.

Mr. Cassidy: I thank the Ceann Comhairle for providing time on the Adjournment for me to be updated on the major announcement that was made by the former Minister for Finance, Charlie McCreevy, in the budget of 2004. To have the head office of the Department of Education and Science with the Minister *in situ* in the town of Mullingar is of major importance. It was one of the main announcements made by this Government during its term of office and it is of major significance in terms of the potential surrounding one of the biggest spending Departments being located in one of the premier towns in the midlands.

With salaries totalling €12 million and a workforce of 300, along with it being the permanent seat of the Minister for Education and Science, regardless of what Administration is in power, this initiative is certainly a boost to Mullingar and to members of the business community there. Many of these are family businesses which have been in operation for three or four generations.

10 o'clock

[Mr. Cassidy.]

Some 6,000 people travel from County Westmeath to work in Dublin every day. It is great that Dublin can give employment to the people of Westmeath. Nonetheless, I have been inundated over the past month or so with queries from at least 70 people wanting to know when the Department will finally decide on the site in Mullingar. When one considers the amount of time spent sitting in a car travelling up and down to Dublin every day, it would be a Godsend for those people who have proven themselves in the Civil Service, to return and work in Mullingar.

I thank the Minister of State, Deputy Parlon, for taking the Adjournment matter. Will he outline whether a site has been agreed? If so, have the contract documents or the heads of agreement been agreed? We are all waiting in hope because we have been told that departmental offices in Carlow, Portlaoise in the Minister of State's constituency, and Mullingar will have the same contractor. We do not want to be in a triangle that may hold up progress for the people of Carlow town or Portlaoise, as well as ourselves in Mullingar. I wish to know from the Minister of State whether a site has been identified, contract documents agreed and the initial heads of agreement signed. If so, have any of the various tests that must take place on the site, such as an archaeological dig or whatever, taken place at Mullingar?

Minister of State at the Department of Finance (Mr. Parlon): I thank the Deputy for raising this matter. The Government's decentralisation programme envisages that the headquarters of the Department of Education and Science is to be relocated to Mullingar, County Westmeath. The total number of posts to be decentralised to Mullingar is 300. These numbers will provide a significant and welcome economic boost to the town of Mullingar.

The Office of Public Works has the task of sourcing suitable property solutions to meet the requirements of decentralising Departments and Government agencies throughout the country. The OPW has made good progress in this regard. To date it has completed or significantly advanced property acquisition negotiations in 37 of the 50 locations targeted under the decentralisation programme. Sites for the balance of the decentralisation locations are being actively pursued. The OPW has also been successful in identifying temporary solutions for advance parties in 26 locations.

In the case of Mullingar, a suitable site has now been identified and terms have been agreed. Contracts for sale are currently being processed by the Chief State Solicitor. I am not at liberty at this stage, unfortunately, to reveal the location of the site or any other details. When the contracts are completed by both parties all relevant matters will, of course, be disclosed.

Regarding the construction of the building in Mullingar, it has been decided that it will be part of a major PPP project which will include the provision of office accommodation for the Department of Enterprise, Trade and Employment in Carlow and the Department of Agriculture and Food in Portlaoise. Expressions of interest have already been received from experienced developers and contractors.

The project will be procured on a design, build, finance, maintain basis and a single contract will be placed covering the three buildings. Financial advice is being provided to the OPW by the National Development Finance Agency. Evaluations of expressions of interest are nearing completion and the OPW expects to be in a position to invite tenders in the near future. When selected it will be a matter for the preferred tenderer to secure satisfactory planning permission in respect of each of the locations. On receipt of satisfactory planning permission, the preferred tenderer will be instructed to prepare working drawings, specifications and bills of quantities with a view to a contract being placed and construction work commencing on the three sites. Construction in each case, including Mullingar, is expected to be completed in 2009.

Hospital Services.

Mr. Hayes: I thank the Ceann Comhairle for giving me the opportunity to raise this very important matter as regards CAT scanner equipment at South Tipperary General Hospital. The Minister for Health and Children has some serious questions to answer on this whole issue.

Why is this vitally important equipment being housed in a prefab? Several years ago people in south Tipperary held a large amount of very successful fundraising events to buy the CAT scanning equipment. However, it was housed in a prefab and there are difficulties. I recently visited the hospital to see at first-hand patients being carried over on trolleys to use the equipment. The staff are at a serious disadvantage on the whole issue. Union agreement is not in place because no consensus can be reached as regards the temporary structure. It is therefore essential that a new building is put in place.

Recently a transfer of services took place between Clonmel and Cashel. At all stages everybody in south Tipperary had accepted and waited for the time when a new building would be available. In that event, a union agreement could be put in place which would allow people to work the CAT scanner 24 hours a day. Instead patients are being sent to Waterford while the equipment stands idle at certain times of the night and at weekends. It is therefore essential that this equipment be properly located.

Whenever I raise this matter, as I have done many times, even in the Seanad, I was told it was a matter for the health board. I hope the Minister

of State will have some positive information in this regard or that he can tell me at what stage in the future this issue will be addressed by the Government.

Mr. Parlon: I am taking this Adjournment matter on behalf of my colleague, Deputy Harney, the Minister for Health and Children.

As the Deputy will be aware, operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive, HSE. The Deputy will also be aware that until January 2007, acute hospital services in south Tipperary were provided on two sites, South Tipperary General Hospital, Clonmel, and Our Lady's Hospital, Cashel. Acute hospital services amalgamated in Clonmel in January 2007 following a major capital development to facilitate the transfer of accident and emergency, general surgery and oncology services from Cashel at a cost of €30 million. Funds raised by the local community funded the purchase of the CAT equipment and the provision of a temporary CAT building at Clonmel pending the provision of a permanent building.

The HSE has advised that South Tipperary General Hospital currently provides a CAT service five days a week from 9 a.m. to 5 p.m. The service is provided to hospital inpatients, outpatients and emergency patients. Some 3,000 scans were undertaken in 2006. Emergency patients who require CAT scans out of hours and at weekends are mainly sent to Cork and Dublin, depending on diagnosis and condition.

The HSE has further advised that an extended CAT service is not in place due to ongoing industrial relations issues with radiographers. The provision of an extended service has also yet to be agreed with the consultant radiologists. The HSE has advised that a permanent CAT building will be completed as part of the €2.2 million expansion of the accident and emergency department. This project is currently in the planning phase.

It is a matter for the HSE to consider the progression of this new development at South Tipperary General Hospital in the context of the overall capital and revenue funding resources available to it.

Broadcasting Legislation.

Mr. M. Higgins: I appreciate this opportunity to speak about a decision that was recently taken by the Broadcasting Commission of Ireland, the BCI. I hope the controversy about the decision will encourage everybody to be even more generous than they have been in the past in donating money to Trócaire's Lenten campaign.

The construction the BCI has put on Trócaire's campaign advertisement, citing section 10(3) of the Radio and Television Act 1988 in doing so, is as extraordinary as it is unacceptable. The 1988 Act, which was brought into force before I

became Minister with responsibility for broadcasting, was introduced by my predecessor, the former Minister, Mr. Ray Burke. Section 10(3) of that Act states that "no advertisement shall be broadcast which is directed towards any religious or political end or which has any relation to an industrial dispute". Those who crafted that legislation, as well as those who discussed it in this House and the other House at the time, did not have any intention of extending its remit to cover campaigns of a moral character. I refer to campaigns which aim to advance the philosophy, principles and practice of the United Nations, for example. Section 10 of the Act was introduced to eliminate any potential abuse of the broadcasting medium for religious or political purposes within the Irish State, for example during elections and campaigns to institutions governed by the Irish State or the European Parliament, for example.

The construction that is being put on the word "political" by the BCI means that any campaign — against bonded labour, child soldiers, trafficking or slavery, for example — could be precluded from broadcast even if it were the subject of a UN resolution. A further and more dangerous consequence flows from the fact that the basis of the BCI's decision may have been that it regarded as political the call for a Government action plan to implement UN Security Council Resolution 1325, which relates to gender inequality. Either of these constructions, and the conclusions which flow from them, would be appalling — one would exclude campaigns with a moral basis and the other would constitute censorship. In the month in which we will celebrate the 200th anniversary of the abolition of the slave trade in the British Empire, which resulted from the long campaign of William Wilberforce and others, it is sad that we regard the prosecution of an international campaign in support of the equality and protection of women and girls as being so political that it is not suitable for mention on radio.

I suggest, to be practical and to help to resolve this matter, that a simple amendment be made to the Broadcasting (Amendment) Bill 2006 on Committee Stage. The amendment, which would amend section 10(3) of the 1998 Act, should clarify what is meant by the word "political" in that section. The words I propose are as follows:

(1) For the purposes of section 10(3) of the Radio and Television Act 1988, an advertisement is directed towards a political end if and only if it is directed towards one or more of the following purposes namely:

(a) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament;

(b) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European Parliament elec-

[Mr. M. Higgins.]

tion or to solicit votes for or against a candidate at an election; or

(c) otherwise to influence the outcome of an election.

(2) In *subsection (1)*, “candidate”, “Dáil election”, “election”, “European Parliament”, “European Parliament election”, “political group”, “political party” and “Seanad election” have the same meanings as in the Electoral Acts 1992 to 2001.

Such an amendment would clarify the situation by removing the basis for the confusion which has arisen. It is appalling that damage has been done to a campaign that would help women in Darfur, for example. Trócaire has supplied a great deal of evidence in support of its Lenten campaign. A woman from Burundi has suggested how international campaigns aimed at the implementation of UN Security Council Resolution 1325 of 2004 could help vulnerable women and young girls throughout the world. I do not attribute any malice to anybody in this regard, but it seems that bad judgment has led to this appalling error. The amendment I have suggested should be included in legislation in the appropriate place if that error is to be rectified and not happen again.

Mr. Parlon: I thank Deputy Higgins for raising this issue. On behalf of the Minister for Communications, Marine and Natural Resources, I will update the House on a legislative review that is under way in the Department of Communications, Marine and Natural Resources. The legislative proposals contained in the draft general scheme of the broadcasting Bill have been submitted to the Joint Committee on Communications, Marine and Natural Resources for the purposes of public consultation under the e-consultation initiative. The proposals include provisions relating to the establishment of a broadcasting authority of Ireland to assume the functions of the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission, as well as the existing regulatory functions of the RTE Authority. The proposals also detail the statutory duties to be imposed on broadcasters, including those relating to advertising. The Minister is awaiting the outcome of the joint committee’s e-consultation process in advance of the introduction of the broadcasting Bill to the Oireachtas later this year.

The Deputy spoke about the BCI’s most recent action, which was based on its interpretation of section 10(3) of the Radio and Television Act 1988. I remind the House that the BCI is a statutory independent body. The discharge of its functions, which are set out in the Radio and Television Act 1988, the Broadcasting Act 2001 and the Broadcasting (Funding) Act 2003, is a day-to-day matter for the BCI itself. Any action taken on foot of section 10 of the Radio and Television

Act 1988 is a matter for the BCI — the Minister does not have any role in it. Section 10(3) of the 1988 Act states that “no advertisement shall be broadcast which is directed towards any religious or political end or which has any relation to an industrial dispute”. Section 10(6) states explicitly that the BCI has a duty of care to ensure that sound broadcasting contractors comply with that requirement.

I will outline the action taken by the BCI to date. At the request of Today FM, the BCI considered the script for Trócaire’s Lenten advertising campaign, as the station was concerned that the advertisement was in breach of section 10(3) of the 1988 Act. The BCI has undertaken a thorough consideration of the content of the advertisement, the aims and objectives of the organisation placing the advertisement and the details of the specific campaign being promoted. It has come to an initial view that the advertisement is contrary to section 10(3) of the Radio and Television Act 1988, which prohibits advertising directed towards a political end.

Mr. M. Higgins: It is an appalling decision.

Mr. Parlon: In reaching its view, I understand the BCI took into consideration the element of the advertising campaign that encourages members of the public to participate in a campaign for gender equality by signing a petition lobbying the Government to enact UN Security Council Resolution 1325.

Mr. M. Higgins: That is censorship.

Mr. Parlon: In addition to advertisements for political parties, advertisements which are directed towards procuring or opposing changes to legislation, Government policies or policies of governmental authorities are deemed to be directed towards a political end and are therefore contrary to section 10(3) of the 1988 Act.

Mr. M. Higgins: The abolition of slavery 200 years ago would not have been possible under those rules.

Mr. Parlon: The BCI has asked Today FM to stop broadcasting the advertisement pending a final decision. It has invited the views of Today FM and the advertising agency placing the advertisement about the matter. They can make submissions in writing, outlining why they believe the advertisement is not contrary to section 10(3) of the 1988 Act. Given that a final decision has not yet been reached, it is incorrect to suggest that a final interpretation has been issued under section 10(3) of that Act. The process is ongoing. Any subsequent decision on the advertisement is solely a matter for the BCI, after it has conducted an independent assessment in accordance with its statutory role.

Mr. M. Higgins: Will the Government consider my proposal?

Road Network.

Mr. Crawford: I appreciate this opportunity to raise an important issue. I am sure the Ceann Comhairle remembers the extraordinary condition of the roads in the Cavan-Monaghan area in the early and mid-1990s. It was impossible to travel on many of the roads in the region at that time. The first major increase in the area's road grant was sanctioned in 1995. While the amount of money that was allocated at the time might seem fairly small by comparison with the costs which have to be met today — there has been a massive increase in material — it started the process of putting better structures in place. The existence of better structures, in general, is adding to my concern about what has happened in recent times. My Fine Gael county council colleagues are extremely worried about what has happened in the Castleblayney, mid-Monaghan, south Monaghan and Clontibret areas. This is as a result of the good work in building the Castleblayney bypass which goes from north of Clontibret village to the Dublin side of Castleblayney. However, there is no quarry in the immediate area and the stones and other materials had to be transported long distances on regional and county roads. A total of 35 minor roads are involved along with a number of regional roads. I will mention the Oram road, an important cross-Border road. This road has an allocation this year of €900,000 as a result of the decision by the county council and the Department of the Environment, Heritage and Local Government. The Ballybay road has also suffered dramatically. A road called the Cavanakilta road stretches from the Carrickmacross road and bypasses part of the town. This road has been greatly abused.

Monaghan County Council identified a need for €5,547,000 for mid-Monaghan roads alone but the NRA will give a grand total of €282,000. Once again the NRA has a baseline figure. It gives a certain percentage of the overall cost of the job for the restructuring of the roads in the area.

I remind the Minister of State that this is a unique situation. This is a network of small byroads together with one or two major regional roads. They have been destroyed and they are back to the old days of the 1980s and early 1990s. They will not be repaired without realistic funding.

While I appreciate more than most, the money that has been allocated to the N2 over the past number of years, it is money that we are due. The Carrickmacross bypass, the Monaghan bypass and the Castleblayney bypass are all vital pieces of infrastructure. Reference was made earlier tonight to the €1.5 billion being spent on railways but we have no railways in Cavan-Monaghan. We have no other means of transport other than the roads and therefore this job is essential.

I fought with the Ceann Comhairle and others to ensure we got the funding. We never missed an NRA meeting or a meeting with the Minister. We received tremendous support from the management of Monaghan County Council and consultants were brought in to do a survey of the roads ten years ago. This work is good. The people living on these wee roads and using the regional roads cannot be ignored. I beg the Minister of State to ensure that the funds are made available to restructure these roads otherwise it will cost far more in the long term.

Mr. Parlon: On behalf of the Minister for the Environment, Heritage and Local Government, I thank the Deputy for raising this matter. The improvement and maintenance of non-national roads in County Monaghan is a matter for Monaghan County Council to be funded from its own resources supplemented by State grants provided by the Department. Before turning to the specific issue of the roads in County Monaghan, I wish to avail of this opportunity to outline the progress being made in the significant resourcing of non-national roads.

In January, the Minister announced the 2007 grant allocation for non-national roads, which at over €607.5 million is the highest ever. It represents an overall increase of 9%, or almost €50 million, on the 2006 allocation. In 2007, the initial allocation to Monaghan County Council is some €15.1 million, an increase of 6% over 2006.

Responsibility for national roads is a matter for the relevant road authority and the National Roads Authority which operates under the aegis of my colleague the Minister for Transport. I understand that where non-national roads have been damaged as a result of construction work on national roads projects, including the transport of materials to and from the projects, the National Roads Authority normally funds remedial works as part of the national roads scheme. In this regard, the Minister understands that Monaghan County Council is in correspondence with the NRA regarding funding for the improvement of a number of non-national roads which it indicates have been damaged as a result of work on the Castleblayney bypass scheme. This is a matter to be determined between the local authority and the NRA and the Department has no function in the matter.

All non-national roads grants for 2007 have now been committed and there are no additional funds at the Minister's disposal from which he could make a further grant allocation to Monaghan County Council for improvement works to non-national roads. It is, however, open to the council to fund eligible works from its discretionary improvement grant provided by the Department or from its own resources. This year, a discretionary improvement grant allocation of €667,000 has been made to the council, an increase of 3% on the 2006 figure. The selection

[Mr. Parlon.]

of works to be funded from this allocation is a matter for the council.

The Department will also be seeking applications under the specific improvements grant scheme later this year and it will be open to Monaghan County Council to submit applications for consideration for funding in 2008 under the scheme. The initial selection of projects under this scheme is a matter for local authorities.

Apart from non-national roads funding, general purpose grants from the local govern-

ment fund may also be used by local authorities to meet their ongoing and special expenditure requirements. In this regard, the Minister has made available increased allocations of almost €948 million in general purpose grants to all local authorities in 2007. Monaghan County Council has received an allocation of over €15.7 million in 2007, representing an increase of 9% on its 2006 allocation.

The Dáil adjourned at 10.25 p.m. until 10.30 a.m. on Thursday, 8 March 2007.

Written Answers.

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

Questions Nos. 1 to 9, inclusive, answered orally.

Questions Nos. 10 to 79, inclusive, resubmitted.

Questions Nos. 80 to 88, inclusive, answered orally.

Common Foreign and Security Policy.

89. **Mr. Cuffe** asked the Minister for Defence the agenda for the informal meeting of EU defence Ministers in Wiesbaden, Germany, on 1 and 2 March 2007; and if he will make a statement on the matter. [8926/07]

137. **Mr. Naughten** asked the Minister for Defence the position with regard to developments at European level regarding EU security and defence arrangements; and if he will make a statement on the matter. [8692/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 89 and 137 together.

Each Presidency hosts an informal Defence Ministers’ meeting during the course of its Presidency. The informal meeting is not a decision-making forum, but rather an opportunity to discuss current issues and review ongoing progress on ESDP developments.

The German Presidency hosted an informal meeting of EU Defence Ministers on 1-2 March 2007 in Wiesbaden, Germany. As I was in Lebanon visiting our troops stationed there, I was unable to attend the informal meeting and the Secretary General of my Department attended on my behalf. The meeting began with a discussion of current operations in Bosnia Herzegovina, Operation Althea, and Sudan/Darfur. The upcoming civilian mission in Kosovo and a proposed EU police mission to Afghanistan were also discussed.

The second day began with a discussion of EU-UN cooperation, in particular the lessons learned from EUFOR RD Congo. The need for improved co-ordination between the EU and UN in support of UN operations was strongly supported by Ireland. In this regard, Ireland welcomed the proposed presidency seminar on EU-UN co-operation which will be held in Berlin in mid-March. The meeting also discussed the need for improved planning arrangements and structures within the Union in support of EU operations. Finally, the issue of military capabilities, including the ongoing work of the European Defence Agency, was discussed.

The next step towards achieving the Headline Goal 2010 is the assessment of military capability shortfalls, i.e. the gaps between what the Union needs and what the Member States have committed to make available. This assessment of shortfalls, which is called the Progress Catalogue, will be completed later this year.

The Presidency presented a Food For Thought paper on updating the Union’s Military Rapid Response Concept. The Food For Thought paper provides initial ideas on harnessing the capability of different wings of the armed forces (i.e. Land, Air and Sea Forces) to work together in joint and combined rapid response operations. The paper, which is a tri-Presidency initiative, is designed to set the framework and a starting-point for considerations on a mandate, a methodology and a roadmap for the further work required by the EUMS.

With regard to European Defence Agency issues, the capability development plan and the European Defence Technological and Industrial Base (EDTIB) were discussed. The aim of the Capability Development Plan process is to provide a collaborative tool for longer term capability development for the participating Member States and by extension for the EU as a whole. It will inform, capability development looking for-

[Mr. O'Dea.]

ward over the next 20 to 30 years and will build, in a pragmatic way, on the work of the Long Term Vision Document.

The Head of the EDA also addressed the meeting on the EDTIB, in particular, on the outcome of a major conference held on 1 February 2007. The conference was attended by over 300 representatives from Ministries of Defence, Government and Industry. The strategy of the EDA on EDTIB is to support and serve as a catalyst in the gradual restructuring and strengthening of the European defence industry. The most important feature of this effort will be to encourage further specialisation and the development of European industrial centres of excellence.

EU Battlegroups.

90. **Mr. Eamon Ryan** asked the Minister for Defence if Irish troops will be working closely with their EU battle group partners before the end of March 2007, as indicated by the Chief of Staff of the Defence Forces (details supplied); and if he will make a statement on the matter. [8930/07]

98. **Mr. Hogan** asked the Minister for Defence the position with regard to the development of European Union battle groups; and if he will make a statement on the matter. [8682/07]

101. **Mr. Gogarty** asked the Minister for Defence when the memorandum of understanding for Irish participation in the EU battlegroups will be agreed; and if he will make a statement on the matter. [8927/07]

103. **Mr. O'Dowd** asked the Minister for Defence the location where the Irish contingent taking part in EU battle groups will be based when on call; and if he will make a statement on the matter. [8693/07]

113. **Mr. Durkan** asked the Minister for Defence the most recent discussions he has had with his EU colleagues, NATO or others in regard to the formation of EU battlegroups or emergency response forces; and if he will make a statement on the matter. [8889/07]

138. **Mr. Kenny** asked the Minister for Defence the estimated response time of the battle group of which Ireland will be a member; and if he will make a statement on the matter. [8694/07]

300. **Mr. Durkan** asked the Minister for Defence the position in regard to Ireland's participation in EU or NATO led or inspired rapid response forces; and if he will make a statement on the matter. [9148/07]

306. **Mr. Durkan** asked the Minister for Defence if Naval personnel have participated in

exercises or training in conjunction with EU, NATO or other forces in anticipation of involvement in EU led engagement; and if he will make a statement on the matter. [9154/07]

307. **Mr. Durkan** asked the Minister for Defence if Air Corps personnel have participated in exercises or training in conjunction with EU, NATO or other forces in anticipation of participation in EU led engagement; and if he will make a statement on the matter. [9155/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 90, 98, 101, 103, 113, 138, 300, 306 and 307 together.

Following detailed discussions on Ireland's participation in the Nordic Battlegroup, Sweden, on behalf of the Nordic Battlegroup, advised that it will welcome a contribution from Ireland, subject to Ireland's agreement to sign the Memorandum of Understanding (MoU) for the Nordic Battlegroup. The MoU is an agreement between the participants comprising the Nordic Battlegroup, namely Sweden, Norway, Finland and Estonia, which sets out principles in relation to the operation, deployment and management of the Nordic Battlegroup. The Attorney General has advised that Ireland can sign the MoU subject to Dáil approval. The letter of Accession to the MoU is currently being finalised and I plan to bring the MoU before the Dáil shortly.

The Nordic Battlegroup will be on standby from January 2008. The Force Commander and the headquarters staff for the Nordic Battlegroup will be based in Sweden. The Operational Force Commander and his staff will be based at UK facilities in Northwood for the duration of the stand-by period. As part of the initial familiarisation and training phase for the Nordic battlegroup, a member of the Defence Forces has been deployed to the Force Headquarters in Sweden since the end of February, working closely with personnel from other Battlegroup participants. Current plans envisage further Defence Force personnel deploying to the Force Headquarters and the Operational Headquarters later this year. However, the timeline for these deployments has not yet been finalised.

Our planned contribution to the Nordic Battlegroup will amount to some 80 to 100 personnel involving an Explosive Ordnance Disposal and Improvised Explosive Device Disposal (E.O.D./I.E.D.D.) team with its own security detail, together with staff posts at the Operational and Force headquarters. E.O.D. relates to normal type munitions whereas I.E.D.D. generally refers to devices devised by terrorist groups, such as car bombs etc. This level of operational commitment will only arise should the Battlegroup be called on to undertake an operation. The number of personnel involved operationally during the standby period, where the Battlegroup has not been mobilised to undertake an operation, will be

of the order of 10 personnel. The remaining on-call personnel for the contingent will be based in Ireland during the Standby period. Any contribution to a Battlegroup will be met within the context of the overall ceiling of 850 personnel serving overseas at any one time set in the White Paper on Defence and will have no adverse impact on our existing peace support operations.

According to the EU Battlegroup concept, Battlegroups will be made up of some 1,500 personnel, deployable at 5 to 10 days notice and sustainable for 30 days and up to 120 days, either as a stand-alone force or as part of a larger operation enabling follow-on phases. The Nordic Battlegroup must be capable of responding within this designated timeframe and this is one of the issues being dealt with in the context of Battlegroup planning.

There are no plans for the involvement of the Naval Service or the Air Corps on overseas operations, including as part of the EU Battlegroups. However, individual members of the Naval Service or Air Corps may be deployed on overseas peace support operations, as they have been in the past. Any personnel deployed in this context receive the same training as their Army colleagues.

Most Battlegroup training will take place in the contributing member States — i.e. Irish troops will mainly be trained in Ireland. That said, some level of joint training with other Battlegroup elements will be required. It is planned that joint training of the Nordic Battlegroup elements, including field manoeuvres, will take place in Sweden in September/October 2007 for a period of approximately 3 to 4 weeks. This is the only joint field training envisaged.

Ireland does not participate in or contribute to the NATO Response Force as the Rapid Response Element within NATO is termed. Moreover, there are no plans or proposals, nor any requirement for field training with NATO troops or troops from other EU countries in the context of our participation in the Nordic Battlegroup or in any other context.

Emergency Planning.

91. **Mr. Eamon Ryan** asked the Minister for Defence when the inter-departmental working group on emergency planning and the Task Force on Emergency Planning last met; and if he will make a statement on the matter. [8929/07]

119. **Ms McManus** asked the Minister for Defence when the last meeting of the Task Force on Emergency Planning took place; the agenda for the meeting; and if he will make a statement on the matter. [8885/07]

141. **Mr. Bruton** asked the Minister for Defence when the Task Force on Emergency Planning last met; and if he will make a statement on the matter. [8686/07]

151. **Mr. Curran** asked the Minister for Defence when the Task Force on Emergency Planning last met; when it will meet again; and if he will make a statement on the matter. [8641/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 91, 119, 141 and 151 together.

The Government Task Force on Emergency Planning and the Inter-Departmental Working Group on Emergency Planning meet on a regular basis. The last Government Task Force meeting was held on Wednesday, 14th February. While a date has not been decided for the next Task Force meeting these are normally held every four to six weeks. The Inter-Departmental Working Group last met on 18th January and its next meeting is scheduled for 14th March.

While the documents relating to Government Task Force meetings are confidential, I can assure the Deputy, that the work of the Task Force continues to focus on coordination and oversight of emergency planning activities across the range of government departments and key public authorities. For example, in 2006, the issues addressed by the Task Force included the avian flu and the potential threat of an influenza pandemic, the preparation of the Public Information and Awareness Campaign on Emergency Planning and the development of the National Emergency Coordination Centre.

The Inter-Departmental Working Group comprises officials representing all Government departments and key public authorities. The Task Force charges this Working Group with carrying out specific tasks and developing particular aspects of emergency planning. The Working Group continues to address, on an ongoing basis, emergency planning matters with a view to minimising the potential consequences of any major emergency.

Drug Testing Programme.

92. **Dr. Twomey** asked the Minister for Defence the number of drugs tests carried out on members of the Defence Forces for each of the past five years for which records are available; and if he will make a statement on the matter. [8696/07]

93. **Mr. Cuffe** asked the Minister for Defence if he will make a statement regarding the nineteen members of the Defence Forces discharged after failing random drug tests. [8925/07]

156. **Mr. English** asked the Minister for Defence the number of members of the Defence Forces who tested positive in drug testing for 2006; the consequences faced by each of these individuals; and if he will make a statement on the matter. [8697/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 92, 93 and 156 together.

A Compulsory Substance Testing Programme was introduced on 1 February 2002 as part of a Defence Forces Substance Abuse Programme. This followed a long consultative process involving the Office of the Attorney General, the Deputy Judge Advocate General and the Defence Forces Representative Associations.

Prior to the launch of the programme, an education programme and awareness briefings were conducted throughout the Defence Forces. All personnel were issued with a booklet devised to inform them fully of the new Compulsory Random Drug Testing programme.

The primary objective of Compulsory Random Drugs Testing is deterrence. In order to provide a credible level of deterrent, the testing programme has been devised to maximise the possibility of random selection for testing. A trained Drugs Testing Team is responsible for taking urine samples for compulsory random testing throughout the Defence Forces. Testing commenced on 14th November 2002 and the programme is now in its fifth year of operation. The target of testing 10% of the Permanent Defence Force has been achieved. A member of the Per-

manent Defence Force, randomly selected, may be required, at any time, to provide a urine sample which will be tested for evidence of use of controlled drugs, or the abuse or misuse of other substances, or for the detection of the metabolites thereof. A member of the PDF who refuses to provide a urine sample, or who provides a urine sample which tests positive, may be liable to retirement, discharge or relinquishment of commission or withdrawal of cadetship as appropriate under the provisions of Defence Force Regulations.

The number of Defence Forces personnel tested under the compulsory random drugs testing programme for 2003, 2004, 2005 and 2006 is provided in the form of a Tabular Statement which I propose to circulate in the Official Report.

Personnel who test positive for controlled substances are liable for Administrative Discharge from the Defence Forces. The test is designed to detect usage of certain controlled substances as specified in the Misuse of Drugs Act 1977 as amended by the Misuse of Drugs Act 1984, such as Amphetamines, Methylamphetamine, Cocaine, Ecstasy (MDMA), Barbituates, Benzodiazapines, Cannabis, Opiates and PCP.

CRDT 2002-2006

Year	Number Tested	Positive Tests	Number Discharged	Ranks of those who Tested Positive	Remarks
2003*	1,086	4	4	4 Privates	All discharged
2004	1,110	4	4	4 Privates	All discharged
2005	1,238	7	6	1 Corporal 5 Privates 1 Recruit	One recommendation for discharge awaiting Judicial Review
2006	1,213	7	5	1 Sergeant (RDF) 5 Privates 1 Recruit	One case is subject to Judicial Review; administrative procedures are ongoing for the other.

*A small number of personnel were tested in 2002 and have been included in the 2003 total figure of 1086. It also indicates the number of positive tests and the number and rank of those who tested positive.

Question No. 94 answered with Question No. 88.

Overseas Missions.

95. **Mr. Costello** asked the Minister for Defence if he will provide an update on the activities of Irish troops participating in the Unifil mission; the length of time the troops are expected to remain in the Lebanon; and if he will make a statement on the matter. [8762/07]

97. **Mr. Gilmore** asked the Minister for Defence if he will report on his recent three day visit to the Irish troops serving in the Lebanon; the purpose of his visit; the circumstances in which the troops are living and working; the duties in which the troops are engaged; if he had talks with the Lebanese or Israeli authorities; and

if he will make a statement on the matter. [8766/07]

99. **Mr. Gormley** asked the Minister for Defence if he will report on his recent official visit to the Lebanon; and if he will make a statement on the matter. [8921/07]

104. **Dr. Twomey** asked the Minister for Defence if he will report on his recent visit to the Lebanon; and if he will make a statement on the matter. [8852/07]

106. **Mr. Perry** asked the Minister for Defence if he will report on his most recent visit to Irish troops serving overseas; and if he will make a statement on the matter. [8915/07]

108. **Mr. Timmins** asked the Minister for Defence the progress made regarding the clearing

of unexploded ordnance in Lebanon; the role of the Defence Forces on this task; and if he will make a statement on the matter. [8701/07]

117. **Mr. Gormley** asked the Minister for Defence the discussions he had with his counterpart in the Lebanon, Elias Murr, over the level of threat to Irish troops in the Lebanon; and if he will make a statement on the matter. [8922/07]

134. **Mr. Boyle** asked the Minister for Defence the plans in place for Irish troops if a resumption of hostilities occurs in the Lebanon; the operational norms set down for Unifil troops in such a situation; and if he will make a statement on the matter. [8923/07]

143. **Mr. Carey** asked the Minister for Defence if he will report on his recent visit to the Lebanon; the persons he met with there; the current security assessment there; if he will report on the duties Irish troops are doing there; and if he will make a statement on the matter. [8638/07]

146. **Mr. P. Breen** asked the Minister for Defence the security situation in Lebanon; the number of members of the Defence Forces serving in the Lebanon; and if he will make a statement on the matter. [8684/07]

155. **Mr. Howlin** asked the Minister for Defence his views on the wide variation in the assessment of the level of the military threat in Lebanon to UNIFIL troops between himself and a person (details supplied); and if he will make a statement on the matter. [8880/07]

298. **Mr. F. McGrath** asked the Minister for Defence the position regarding his visit to the Lebanon; and if he will report on the security risks to Irish soldiers. [9112/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 95, 97, 99, 104, 106, 108, 117, 134, 143, 146, 155 and 298 together.

During the period 28 February, 2007, to 1 March, 2007, I took the opportunity to visit Lebanon where I met with the Irish personnel of the 34th Infantry Group serving with the United Nations Interim Force in Lebanon (UNIFIL).

The primary purpose of my visit was to see at first hand the work of the Irish Defence Forces personnel serving with UNIFIL and to convey to them, on behalf of the Government and the people of Ireland, the deep appreciation felt regarding the outstanding manner in which they perform their duties in this challenging mission. On my visit, I was accompanied by one of the Assistant Secretary Generals of the Department, the Chief of Staff of the Defence Forces and Ireland’s Ambassador to Egypt, who is accredited to Lebanon.

During the course of my visit, I met with the Lebanese Minister of Defence, Mr. Elias Murr and the Force Commander of UNIFIL, Major-General Claudio Graziano. I also paid a courtesy call on the Commander of the Lebanese Armed Forces, General Michel Sulaiman.

During the course of my meeting with the Lebanese Minister of Defence, he expressed his gratitude to the Irish Government for the Defence Forces contribution to UNIFIL and the vital role played by them in maintaining the peace. We discussed the general security situation in Lebanon. Mr. Murr indicated that extremists posed a potential risk to the state of Lebanon and, indirectly, to UNIFIL. He assured me that the Lebanese authorities are monitoring the situation closely in order to avert any potential terrorist threat.

During the meeting, I sought the assistance of the Lebanese authorities in pursuing the case of the killing of Privates Thomas Barrett and Derek Smallhorne, while serving with the United Nations Interim Force in Lebanon (UNIFIL) in 1980 and the efforts to bring the alleged perpetrator of the crime to justice. Mr. Murr assured me that the Lebanese authorities would assist in every possible way should the alleged perpetrator be denaturalised and deported from the US (where the person now resides) to Lebanon.

I also raised with Mr. Murr the case of Private Kevin Joyce, who disappeared on 27 April 1981, when an observation post at Dayr Ntar, which was manned by Private Joyce and Private Hugh Doherty, came under attack. Private Doherty was later found dead from gunshot wounds and Private Joyce was missing. I urged the Lebanese Government to redouble its efforts to find the body of Private Joyce, who is the only Irish soldier to go missing in action in Lebanon.

In Tibnin, I laid a wreath at the Permanent Memorial to Irish personnel who died on service with UNIFIL.

The main Irish contribution to UNIFIL, amounting to some 158 troops, is part of a joint Finnish/Irish Engineering Battalion, which conducts construction and maintenance tasks in support of UNIFIL. The primary role of the Irish Mechanised Company is to provide protection and security for personnel of the Finnish Engineer Company who undertake the clearance of designated sites prior to the commencement of engineering works. In addition, the Irish Company may be tasked through the battalion headquarters to conduct independent security operations, such as guaranteeing freedom of movement, escorts and patrols, at the request of the UNIFIL Force Commander. A further seven personnel are deployed in UNIFIL staff posts.

A key aspect and the primary concern in relation to participation in any mission is the safety and security of Defence Forces personnel. Prior to deployment, the Defence Forces undertook a joint reconnaissance mission with Finland.

[Mr. O'Dea.]

Following consultation with our Finnish colleagues, UNIFIL and other parties, it determined that there is no direct threat to UNIFIL personnel. That said, the uncertain and volatile situation means that incidents, misunderstandings or wider political developments all have the potential to impact negatively on the peacekeeping operation. The large quantity of cluster-bomblets and other unexploded ordnance also present a risk. While there have been political difficulties and some civil unrest in the country, the ceasefire in Southern Lebanon seems to be holding and the Defence Forces have currently assessed the overall threat as "CALM but VOLATILE".

I am satisfied that all appropriate security measures are in place to ensure the safety of the Defence Forces personnel serving in Lebanon. UNIFIL Force Headquarters has developed a series of Operational Plans to deal with a number of possible scenarios, including a resumption of hostilities in South Lebanon. The Finnish /Irish Battalion has pre-determined tasks arising from these operational plans. These will include the necessary force protection measures.

The Finnish/Irish Battalion is located in Sector East of the UNIFIL area of operations, at a newly constructed camp, known as Camp IDA, near the village of Ebel Es Saqi in the general area of Blate. While Irish personnel have not served in this precise area before, it is well known to Finnish personnel. In early February personnel were moved into new hard wall accommodation in the Camp.

During my visit to Camp IDA, I found morale of the personnel serving with UNIFIL to be high. Personnel of the Irish contingent, who deployed to the mission four months ago, have settled in well as part of the integrated Finnish/Irish Engineering Battalion. Initial deployment will be for 1 year subject to renewal of the mandate and a satisfactory review of the mission at that time.

Defence Forces Equipment.

96. **Mr. O'Connor** asked the Minister for Defence if the Air Corps retain old aircraft for historical purposes; the number and type of old fixed and rotary winged aircraft it retains; his plans to acquire former Air Corps aircraft; his plans to have these on permanent display to the public; and if he will make a statement on the matter. [8644/07]

Minister for Defence (Mr. O'Dea): The Air Corps retain a number of fixed-wing and rotary-wing aircraft for historical purposes in an Air Corps Museum at Casement Aerodrome, Baldonnel. Details of the aircraft in the Museum are set out in the tabular statement below, which I propose to circulate in the Official Report. In addition, the Air Corps has two aircraft on loan to the National Museum of Ireland in Collins Barracks, Dublin.

The Air Corps Museum receives visiting groups on tours subject to written application and approval by my Department, which is normally forthcoming. The museum is located in a section of a hangar in Casement and, therefore, for security reasons the museum cannot be open to the public. While there are no proposals at this time to put the museum aircraft on permanent display to the public, as I stated earlier, we have made aircraft available for display by the National Museum and access to the museum in Casement has not proved to be a difficulty for people who are interested in viewing the aircraft.

I have recently approved the purchase of a former Air Corps aircraft, an AVRO 631 CADET, from its current owner in New Zealand. The estimated cost is in the region of €200,000. It was originally delivered to the Air Corps in the 1930s as a trainer aircraft and was disposed of in 1945. The aircraft will return to Ireland in April 2007 and will be re-assembled to flying condition in due course. It is planned to house the aircraft in the Air Corps Museum and display it at air shows and events in the future.

Historical Aircraft held by the Irish Air Corps in the Air Corps Museum

Aircraft Type	Number Held
<i>Fixed Wing</i>	
Avro Anson 19	1
Chipmunk	4
Fouga Magister	3
D.H. Dove	1
D.H. Vampire	2
Miles Magister	1
Percival Provost	1
Siai Marchetti Warrior	1
Wright Flyer Replica	1
<i>Rotary Wing</i>	
Alouette 3 Helicopter	2

It should be noted that not all of the aircraft listed above are complete.

Question No. 97 answered with Question No. 95.

Question No. 98 answered with Question No. 90.

Question No. 99 answered with Question No. 95.

Departmental Estimates.

100. **Mr. Howlin** asked the Minister for Defence if his attention has been drawn to the fact that the rate of inflation has now reached 5.2% and that the increase in the Estimates for his Department was only 4.6% and that this represents a reduction in real terms on the 2006

estimates; his plans to ensure that cutbacks in defence spending do not occur; and if he will make a statement on the matter. [8881/07]

Minister for Defence (Mr. O’Dea): The gross 2007 Estimate (capital and current) for the Defence Vote represents an increase of 4.9% on the 2006 Estimate and an increase of 6.4% on actual expenditure in 2006. The corresponding percentage increases for the Army Pensions Vote are 5.3% and 4.4%, respectively.

The Department of Finance forecast for Consumer Price Index (CPI) inflation for 2007 is an annual average increase of 4.1%. It should be noted that a significant portion of the increase in CPI inflation during the past year is due to increases in interest rates, which have no bearing on defence expenditure.

Question No. 101 answered with Question No. 90.

Question No. 102 answered with Question No. 88.

Question No. 103 answered with Question No. 90.

Question No. 104 answered with Question No. 95.

Defence Forces Communications.

105. **Mr. Boyle** asked the Minister for Defence the regulations regarding Ministerial permission for statements by the Chief of Staff of the Defence Forces (details supplied); and if he will make a statement on the matter. [8924/07]

133. **Mr. Costello** asked the Minister for Defence if guidelines are in place governing the conduct of senior members of the Defence Forces in regard to commenting publicly on matters to do with Defence Forces activities; if such guidelines have been breached in recent interviews by senior members of the Defence Forces; and if he will make a statement on the matter. [8763/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 105 and 133 together.

The question of public comment on official matters by any member of the Defence Forces is governed by Paragraph 27 of Defence Force Regulation A.7, which prohibits the airing of individual opinions on service matters, public business or politics. This prohibition is supplemented by a direction that “comment, if any, . . . touching on questions of a political nature — whether national or international — shall avoid strictly any reference which might be construed as being of a controversial nature.”

These Regulatory provisions apply to all military officers, regardless of rank. There are no

additional guidelines or restrictions that apply uniquely to senior officers. However, a tradition of strict political neutrality has governed senior public service managers since the foundation of the State and senior military officers have always been governed by that tradition.

On the matter of communicating official information or other interaction with the media, the Defence Forces may communicate the official position on an agreed set of topics, relating mainly to military operational matters. On matters of policy one official position is defined either by the Government, by me as Minister for Defence (or through my officials). In this regard, judgement is required in distinguishing between purely operational matters and matters of policy.

In recent years, there has been a growing public interest in defence and security issues. As a consequence, a more wide-ranging public debate has ensued. I share the Deputies’ underlying concern that members of the Defence Forces should not make any comment whatsoever on matters of a political nature or on matters which are for decision by Government or which will come before either House of the Oireachtas for discussion or decision. The reason for this is simple. We live in a democracy and politicians are answerable to the people.

I am delighted to have this opportunity to set the record straight on what my intentions were in writing to the Chief of Staff last January. I was disappointed that an internal letter from me to the Chief of Staff appeared in the media and was subject to distortion. Let me be very clear that the Chief of Staff has done nothing warranting a public rebuke. I have seen at first hand the contribution that the Chief of Staff has made to the Defence Forces throughout a distinguished career. This contribution should in no way be tarnished by the leaking and malicious misrepresentation of my letter.

I welcome the expression of views by senior military personnel on matters of current or proposed policy in private and through the chain of command. At the same time, it is of particular importance that officers of the Defence Forces do not become involved in public debate on the merits of any matter of defence policy. I am satisfied that the Chief of Staff did not intend to enter into public debate on such matters. I did however consider it appropriate to re-state the position relating to publicity and interaction with the media by the members of the Defence Forces and to bring this to the attention of all relevant Defence Forces personnel.

As I have said, I am happy to set the record straight in response to the appearance of the letter in the media and to state that the matter is now closed, and the Chief of Staff and I are dealing with business as normal as we have always done.

Question No. 106 answered with Question No. 95.

Overseas Missions.

107. **Mr. Broughan** asked the Minister for Defence if his attention has been drawn to the fact that neither of the two survivors is satisfied with the outcome of the Behan Report into the Niemba ambush in the Congo 1960; if he has progressed his plans to give recognition to the two persons; and if he will make a statement on the matter. [8877/07]

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

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

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

Despite Col. Behan’s research of all the available reports, consultation, interviews and direct

evidence, there is no absolute certainty achievable in regard to these two matters of controversy.

However, all the material assembled by Col. Behan, including the statements of the interviews with both Mr. Kenny and Mr. Fitzpatrick will be added to the Unit history and other associated papers held at the Military Archives thereby creating the fullest and clearest record possible of this tragic event.

Since the completion of the report, both Mr. Kenny and Mr. Fitzpatrick have asked me to hold an independent inquiry on the matter. However, I do not believe that any further inquiry or investigation will resolve the facts in this case. Rather than focusing further on the specific circumstances which are in dispute, I would prefer to focus on how best the contribution of Mr. Kenny and Mr. Fitzpatrick can be suitably recognised and honoured. However I would like to advise the House that I will be meeting with each of the men tomorrow. The Chief of Staff has proposed that appropriate public recognition of Mr. Kenny and Mr. Fitzpatrick be arranged on the day of an overseas parade where both could receive an appropriate presentation such as a plaque or scroll. The UNIFIL review of troops, which is scheduled for Cathal Brugha Barracks at the end of April would appear a suitable venue and occasion. A liaison officer has been appointed to keep Mr. Kenny and Mr. Fitzpatrick informed of developments with this proposal.

Once again I would like to take this opportunity to wholeheartedly recognise and acknowledge that both Mr. Kenny (particularly in view of the serious wounds and injuries he sustained), and Mr. Fitzpatrick survived a horrific encounter with hostile forces, displaying courage, fortitude and tenacity in order to survive until finally rescued. I commend them both for the selfless service they have given their country.

Question No. 108 answered with Question No. 95.

National Emergency Plan.

109. **Mr. Gogarty** asked the Minister for Defence if there have been recent exercises of the Government’s National Emergency Plan; and if he will make a statement on the matter. [8928/07]

127. **Ms O. Mitchell** asked the Minister for Defence when a major emergency was last simulated; the results from this exercise; if weaknesses in emergency planning were uncovered as a part of this trial; and if he will make a statement on the matter. [8687/07]

152. **Mr. Mulcahy** asked the Minister for Defence if a structured exercise programme is in

place for 2007; the nature of these exercises; if these will be open to the media; and if he will make a statement on the matter. [8635/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 109, 127 and 152 together.

As the Deputy will be aware, specific responsibility for emergency planning functions remains with the relevant lead government department and it is a matter for each department to implement its own structured exercise programme. It is also the responsibility for the lead department organising the exercise to decide who should attend, including whether it is appropriate to have representatives of the media in attendance.

As Chairman of the Government Task Force on Emergency Planning, I have stressed, on many occasions, the importance that I attach to departments and key public authorities having structured exercise programmes in place. In December 2006, I wrote to my Government colleagues asking that they take whatever action is necessary to ensure that, where appropriate, a comprehensive and well organised structured exercise programme is put in place in their Department for 2007.

I am aware that departments and public authorities engage in regular exercises of emergency plans on an ongoing basis. In this regard, I attended an inter-agency simulated response to a Chemical Biological, Radiological and Nuclear (CBRN) incident, which was exercised in the Curragh Camp in November 2006. This scenario incorporated the actions and responses of the various agencies as outlined in ‘A Framework for Major Emergency Management’.

Military Arbitration Schemes.

110. **Ms Lynch** asked the Minister for Defence if he will grant the Reserve Defence Forces Representative Association access to a conciliation and arbitration scheme as they are the only representative body in the Defence Forces which are denied this industrial relations machinery; and if he will make a statement on the matter. [8882/07]

153. **Mr. Timmins** asked the Minister for Defence if he will grant the Reserve Defence Force access to a conciliation and arbitration scheme; and if he will make a statement on the matter. [8851/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 110 and 153 together.

Defence Force Regulations S.7 and its enabling legislation, the Defence Amendment Act, 1990, provide for representative structures for members of the Defence Forces including the Army and Naval Reserves. The question of a Conciliation

and Arbitration Scheme for the ranks represented by the Reserve Defence Representative Association (RDFRA) has been raised by representatives of the association in the past. I am conscious that RDFRA presents substantial issues on behalf of members. However, I do not feel that a C&A scheme is warranted. The PDF C&A scheme addresses issues affecting the livelihood of members of the PDF. The Reserve Defence Force (RDF) is a voluntary organization and members are not dependant on it for their livelihood. Members of the RDF automatically accrue the benefits of improvements in pay and conditions made to their PDF colleagues.

There are three (3) Conciliation and Arbitration Schemes in the country covering Teachers, Civil Servants and the Permanent Defence Force. Each covers an organisation with very large numbers of permanent employees.

Under existing arrangements, RDFRA has open access to both the Department and the Military Authorities. A number of meetings take place each year between the Association and officials of the Department and separately between the Association and the Military Authorities. The frequency of this interaction has increased in recent times reflecting the modernisation agenda that is being progressed. My Department has recently initiated a joint forum where RDFRA, the Military and officials from the Department meet to collectively discuss and progress areas of concern to members of the RDFRA. Any issues within the scope of representation (as set out in the C&A Scheme for RACO and PDFORRA), which the Association wishes to raise, are dealt with at these fora.

Significant progress is being made in the modernisation of the Reserve. The Reserve Defence Force Review Implementation Plan, which was formally launched in 2004, is progressing well. There is great credit due to both the members of the Reserve and their Representative Association for their contribution to this progress. Much work remains and ongoing dialogue between the Department and RDFRA is essential to the successful completion of the modernisation agenda. I remain sensitive to the concerns of RDFRA but am satisfied that there are processes in place to ensure that any issues that arise can be discussed and progressed. I will of course keep this situation under review to ensure that the good progress made to date continues into the future.

Overseas Missions.

111. **Mr. Crawford** asked the Minister for Defence the number of countries in which a deployment of more than 50 members of the Defence Forces are currently serving; and if he will make a statement on the matter. [8683/07]

120. **Mr. Kelly** asked the Minister for Defence the number of members of the Defence Forces serving overseas, their locations and a brief description of their duties there; the expected participation in each mission; and if he will make a statement on the matter. [8646/07]

293. **Mr. Callely** asked the Minister for Defence the number of Irish troops serving in overseas missions; the location of such missions; and if he will make a statement on the matter. [8540/07]

310. **Mr. Durkan** asked the Minister for Defence if further deployment of Irish troops have been requested or are contemplated at other overseas locations; and if he will make a statement on the matter. [9158/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 111, 120, 293 and 310 together.

Ireland is currently contributing 808 Defence Forces personnel to 19 different missions throughout the world. Full details of all personnel currently serving overseas on UN mandated operations, observer missions or undertaking representative or staff postings are listed in the tabular statement attached.

The main overseas missions, in which 50 or more Defence Forces personnel are deployed, are the United Nations Mission in Liberia (UNMIL) with 325 personnel, the NATO-led International Security presence (KFOR) in Kosovo with 215 personnel and the United Nations Interim Force in Lebanon (UNIFIL) with 165 personnel.

In addition, 41 personnel are serving in EUFOR, the EU-led operation in Bosnia and Herzegovina. Other personnel are serving as monitors and observers with the United Nations (UN), the European Union (EU) and the Organisation for Security and Cooperation in Europe (OSCE). Staff are also deployed at the organisational headquarters of the UN, EU, OSCE and NATO.

A contingent of the Permanent Defence Forces was deployed for service with UNMIL in December 2003, comprising a motorised infantry battalion of 430 personnel. The main Irish contingent operates as the Force Commander's Rapid Reaction Reserve. The role of the Irish personnel is the provision of an immediate response capability, deployable in sufficient strength and with the required level of force, to provide a swift and decisive military reaction in any crisis situation. The contingent undertakes regular daily patrols within Monrovia and is available to the Force Commander to provide support in the event of a breakdown of law and order or further conflict. UNMIL's area of operations also includes Sierra Leone, and the protection of the Special Court there. Ireland will complete its withdrawal from UNMIL in May 2007.

KFOR was established in June, 1999 to support the maintenance of civil law and order within Kosovo, so as to develop a climate of safety and security, which will enable the transfer of increased responsibility to the civil authorities.

Ireland has participated in the KFOR since August 1999. The Irish contingent currently comprises an APC Mounted Infantry Group of some 215 personnel including a number of personnel in staff posts at various KFOR Headquarters. Having regard to the fragility of the peace in Kosovo and subject to ongoing assessments of the situation on the ground, Ireland has decided to maintain a continued presence in KFOR in 2007/2008. Ireland will take on the role of Framework Nation for the Multinational Task Force Centre in Kosovo in August, 2007 for a period of 12 months.

The 34th Irish Infantry Group, comprising 158 personnel, deployed to South Lebanon on 31 October, 2006 as part of the integrated Finnish/Irish Battalion within UNIFIL. A further seven (7) Irish personnel are deployed in UNIFIL staff posts.

The joint Finnish-Irish Engineering Battalion carries out tasks in support of UNIFIL, including dealing with unexploded ordnance clearance and reconstruction. Ireland provides the security detail for the Engineering contingent from Finland. While the Irish element is tasked primarily for reconnaissance, security and protection duties associated with these engineering works, it is also be available to undertake other tasks at the request of the UNIFIL Force Commander. Initial deployment will be for 1 year subject to renewal of the mandate and a satisfactory review of the mission at that time.

Ireland has offered, through the UN Standby Arrangements System (UNSAS), to provide up to 850 military personnel, configured as a light infantry mounted battalion, for overseas service at any one time. This figure equates to some 10% of Ireland's standing Army (excluding Reserves) and demonstrates Ireland's commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations. There are no plans at this time to increase the level of our commitment to UNSAS.

Ireland receives requests from time to time in relation to participation in various missions and these are considered on a case-by-case basis. We have no such requests at present. However, we are currently fairly close to the limit of our sustainable commitments.

Looking to the future, we will complete our withdrawal from the United Nations Mission in Liberia in May 2007 and will take over as Lead Nation in the KFOR Multinational Task Force Centre in August this year for a period of 12 months. The question of further deployments on overseas missions will be looked at in mid 2007 in the context of the then available resources.

Members of the Permanent Defence Force serving Overseas as of 01 February 2007

	Number
1. UN Missions	
(i) UNIFIL (United Nations Interim Force in Lebanon) HQ	7
UNIFIL 34th Inf Group	158
(ii) UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	12
(iii) MINURSO (United Nations Mission for the Referendum in Western Sahara)	3
(iv) UNMIK (United Nations Interim Administration Mission in Kosovo)	4
(v) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(vi) UNOCI (United Nations Mission in Ivory Coast)	2
(vii) UNMIL (United Nations Mission in Liberia) FHQ	1
UNMIL 96th Inf Bn	324
TOTAL	514
UN Mandated Missions	
(viii) EUFOR (EU-led Operation in Bosnia and Herzegovina)	41
(ix) KFOR (International Security Presence in Kosovo)	215
(x) ISAF (International Security Assistance Force in Afghanistan)	7
Total number of personnel serving with UN missions	777
2. EU Missions	
(i) European Union Monitor Mission (EUMM) to the former Yugoslavia	5
(ii) EU support to UN authorised African Union Mission in Sudan (AMIS)	3
TOTAL NUMBER OF PERSONNEL SERVING WITH EU MISSIONS	8
3. Organisation for Security and Co-operation in Europe (OSCE)	
(i) OSCE Mission to Bosnia & Herzegovina	1
(ii) OSCE Mission in Montenegro	1
(iii) OSCE Presence in Albania	2
(iv) OSCE Mission in FRY	2
(v) Staff Officer, Higher Level Planning Group, Vienna	1
Total number of personnel serving OSCE	7
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels/Mons)	5
6. EU Military Staff (New York)	1
7. Liaison Office of Ireland, PfP (Brussels)	2
8. Permanent Representative to EU (Brussels)	3
9. Military Representatives/Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
10. Appointments — UN HQ (New York)	
Officers seconded to DPKO (Department of Peace Keeping Operations)	1
TOTAL NUMBER DEFENCE FORCES PERSONNEL SERVING OVERSEAS	808

112. **Mr. M. Higgins** asked the Minister for Defence if he will provide an assessment of the current security situation in Liberia; when the Irish UNOIL mission will withdraw from Liberia; his plans to visit those troops; and if he will make a statement on the matter. [8878/07]

Minister for Defence (Mr. O’Dea): A contingent of the Permanent Defence Force has been serving with United Nations Mission in Liberia (UNMIL) since December 2003, when a motorised infantry battalion of some 430 personnel was first deployed. The Irish contingent operates as the Force Commander’s Rapid Reaction

[Mr. O'Dea.]

Reserve. The role of the Irish personnel is the provision of an immediate response capability, deployable in sufficient strength and with the required level of force, to provide a swift and decisive military reaction to any crisis situation. The contingent undertakes regular daily patrols within Monrovia and is available to the Force Commander to provide support in the event of a breakdown in law and order or further conflict.

UNMIL's area of operations also includes Sierra Leone, and the protection of the Special Court in Freetown. The Quick Reaction Force (QRF) assisted in the transfer from Monrovia to the Special Court of the former President, Charles Taylor, for trial in accordance with the requirements of the UN, following his arrest in Nigeria on 29 March 2006. The QRF also assisted and provided security for the transfer of the former President from Sierra Leone to the court in The Hague in June 2006 where he will stand trial.

The security situation in Liberia is currently assessed as CALM.

The Government has continued to make encouraging progress in consolidating peace, promoting national reconciliation and stimulating economic recovery.

The downsizing of the Irish contingent, as part of a phased withdrawal, commenced in June 2006, following discussions with the UN. Currently, there are 325 troops serving in Liberia. The Swedish contingent, which previously partnered Ireland in the QRF, withdrew from UNMIL in November 2006 and was replaced by a Company from Pakistan in December 2006. Pakistan will take over the full role of the QRF on Ireland's withdrawal in May 2007.

Last year I visited Liberia from 28 February, 2006 to 2 March, 2006. During the visit to Liberia, I met with the Irish personnel of 94th Infantry Battalion serving with UNMIL. The primary purpose of my visit was to see at first hand the work of the Irish Defence Forces Personnel serving with UNMIL and to convey to them, on behalf of the Government and the people of Ireland, the deep appreciation felt regarding the outstanding manner in which they perform their duties in this challenging mission.

During the visit, I met with the President of Liberia, Ellen Johnson-Sirleaf, and the UN Special Representative of the Secretary-General (SRSG). I also paid a courtesy call to the Deputy Force Commander UNMIL.

In view of the imminent withdrawal of the Irish contingent from UNMIL in May, I have no plans to visit Liberia at this time.

Question No. 113 answered with Question No. 90.

Reserve Defence Force.

114. **Mr. Stanton** asked the Minister for

Defence the way the reorganisation of the Reserve Defence Forces is progressing; the numbers enlisted in the Reserve Defence Forces; and if he will make a statement on the matter. [8917/07]

Minister for Defence (Mr. O'Dea): The White Paper on Defence outlines the blueprint for a new Reserve Defence Force. An Implementation Plan has been developed that will ensure the realisation of the White Paper vision and this will be rolled out over the period to end 2009. The new Reserve has a clearly defined role, an enhanced relationship with the PDF and better equipment and training.

The Reserve has already seen significant improvements in terms of clothing, equipment, training and resourcing. The Force has undergone a re-equipping programme and a range of weapons have been introduced to the Force including the steyr rifle, GPMG (Light Machine Gun), .5 HMG (Heavy Machine Gun), 81 mm mortar and Vector 60mm mortar. It is intended to continue this programme of re-equipping the Reserve to the same level of equipment used by the PDF at company level.

Training is central to Reserve Defence Force development and major advances have been made in this area. The training of the Reserve is now defined in Defence Force Annual Training Directive. This process of reform is intended to enhance the development of RDF unit capability to defined standards. Concurrent with the setting of training standards, an assessment programme has been put in place to assess and validate the training standards of the Reserve.

The Reserve is now organised along similar lines to the PDF and the introduction of the integrated element of the Reserve is currently being addressed. Integration on a pilot basis will commence in all Brigades across the majority of PDF units during March 2007. This organisational change facilitates the harnessing and harmonising, where possible, of the cultures, values, outputs, training and equipment of the Reserve Defence Force and the PDF.

The military authorities have advised that Reserve Defence Force numbers are as follows:

Element	Strength
Army Reserve Non Integrated	9,292
Integrated	2,656
Total Strength Army Reserve (AR)	11,948
Naval Service Reserve (NSR)	400
Total Strength	12,348

Overseas Missions.

115. **Mr. Durkan** asked the Minister for Defence the extent to which he has visited Irish overseas troop deployments; if he is satisfied

regarding the extent of facilities and backup in each case; if he has concerns regarding the strength of the respective deployments; and if he will make a statement on the matter. [8888/07]

Minister for Defence (Mr. O’Dea): The main overseas missions, in which Defence Forces personnel are deployed, are the United Nations Mission in Liberia (UNMIL) with 325 personnel, the NATO-led International Security presence (KFOR) in Kosovo with 215 personnel and the United Nations Interim Force in Lebanon (UNIFIL) with 165 personnel.

In addition, 41 personnel are serving in EUFOR, the EU-led operation in Bosnia and Herzegovina.

During the past year I visited Irish personnel serving with the UNMIL, KFOR and UNIFIL.

During the period 28 February, 2006, to 2 March, 2006, I took the opportunity to visit Liberia where I met with the Irish personnel of 94th Infantry Battalion serving with UNMIL. The primary purpose of my visit was to see at first hand the work of the Irish Defence Forces Personnel serving with UNMIL and to convey to them, on behalf of the Government and the people of Ireland, the deep appreciation felt regarding the outstanding manner in which they perform their duties in this challenging mission.

During the course of my visit to Liberia, I met the President of Liberia, Ellen Johnson-Sirleaf, and the UN Special Representative of the Secretary-General (SRSG), Alan Doss. I also paid a courtesy call to the Deputy Force Commander UNMIL, Major General Muhammad Tahir.

During the period 12 to 14 June, 2006, I paid a visit to Kosovo where I met with the Irish personnel of 32nd Infantry Battalion serving with the NATO-led International Security Presence in Kosovo (KFOR). During the course of my visit I had a number of briefings and opportunities to see the excellent work being done by the Irish Defence Forces personnel serving with KFOR. I had detailed discussions and briefings from the KFOR Commander: Lieutenant General Giuseppe Valotto at the KFOR HQ at Film City in Pristina. Lt Gen Valotto gave a full assessment of the current position across Kosovo and was fulsome in his praise for the Irish Defence Forces personnel serving there.

As Deputies will be aware, I have just returned from visiting Irish personnel of the 34th Infantry Group serving with the United Nations Interim Force in Lebanon (UNIFIL). During the course of my recent visit, I met the Lebanese Minister of Defence Mr. Elias Murr, the Lebanese Armed Forces Commander, General Michel Sulaiman and the Force Commander UNIFIL, Major-General Claudio Graziano.

Defence Forces personnel serving on all overseas missions are equipped with the most modern and effective equipment. This equipment enables troops to carry out the mission assigned, as well

as providing the required protection specific to the mission. I am fully satisfied with the level of facilities and back-up available to our personnel serving overseas and that all appropriate measures are in place to ensure their safety.

Courts Martial.

116. **Ms B. Moynihan-Cronin** asked the Minister for Defence the number of courts martial that have taken place in the Defence Forces in each of the past ten years; and if he will make a statement on the matter. [8886/07]

Minister for Defence (Mr. O’Dea): The number of Courts Martial, per year, in each of the last 10 years is as follows:

Courts-Martial per Year Since 1996

Year	Number of Courts-Martial	
1997	10	
1998	10	
1999	13	1 × Joint Trial*
2000	12	
2001	8	
2002	10	
2003	9	
2004	13	
2005	11	1 × Joint Trial*
2006	Nil	
Total	96	

*Joint Trial: Courts-martial in which two persons were tried.

In recent years, there have generally been about a dozen courts-martial per year. In 2006, no courts-martial were held due to the then imminent publication of the Defence (Amendment) (No.2) Bill, 2006. This Bill is currently before the Dáil. The purpose of the Bill is to update the provisions of Part V of the Defence Acts having due regard to prevailing Human Rights norms. In that regard, it includes significant changes to the procedures for convening and conducting courts-martial.

I expect that the annual number of courts-martial, under the new arrangements, may well increase. The increase will be mainly due to the introduction of an absolute right of appeal to the new summary courts-martial from a determination or punishment of a Commanding Officer. The abolition of detention as a punishment awardable by a Commanding Officer and the new right to opt, or elect, for trial by courts-martial at the outset of summary disposal, are also likely to lead to some increase in the number of courts-martial per annum.

Question No. 117 answered with Question No. 95.

Military Disciplinary Hearings.

118. **Mr. M. Higgins** asked the Minister for Defence if his attention has been drawn to the case where a member of the Defence Forces is challenging the constitutionality of the military disciplinary procedure in the High Court; and if he will make a statement on the matter. [8879/07]

Minister for Defence (Mr. O’Dea): There are currently eight cases of this general nature listed before the High Court.

In my opening statements to the Seanad when introducing the Defence (Amendment) (No. 2) Bill 2006, I stated that a number of legal challenges to the disciplinary provisions of the Defence Acts await hearing in the High Court. It would, of course be inappropriate for me to comment on those cases in any way except to state that they will take their course in the High Court in the normal way.

The measures proposed by the new Bill will update Part V of the Defence Act in the light of prevailing best practice and will ensure that the provisions of Part V of the Defence Act relating to summary procedures and courts-martial comply fully with contemporary Human Rights norms.

Question No. 119 answered with Question No. 91.

Question No. 120 answered with Question No. 111.

Army Equitation School.

121. **Mr. J. Brady** asked the Minister for Defence the number of horses acquired by the Army Equitation School in recent years; the number of officers and military personnel assigned to the equitation school; the successes they have achieved in recent years; and if he will make a statement on the matter. [8642/07]

Minister for Defence (Mr. O’Dea): The mission of the Army Equitation School, as assigned to it on its establishment in 1926, is to advertise the Irish horse abroad through participation in international competitions. The school has discharged this task with considerable distinction down through the years, and through its participation and numerous successes in equitation events at home and abroad it has successfully promoted the qualities of the Irish horse.

Horses are procured for the Army Equitation School by means of purchase, lease and patronage. There are forty-four horses currently on charge to the School.

In 2004, my Department purchased 3 horses for the Army Equitation School at a total cost of €200,000, and in 2005, 3 further horses were purchased at a cost of €243,000. In 2006 4 horses were purchased at a cost of €245,500, including

one horse procured through a joint purchase agreement between my Department and a patron of the School.

Presently, there are four horses leased to the Army Equitation School by their owners. The owners are paid an annual lease fee for the competition life of the horse, and in addition to the lease fee there are in-built performance bonuses in the lease agreements. Horses are also acquired by the Army Equitation School through donation by patrons, and presently the School has possession of three donated horses.

There are ten Officers (including seven Riding Officers) assigned to the Army Equitation School at present. There are also nine Non-commissioned Officers and sixteen Privates currently assigned.

In 2004 the Army Equitation School had 14 International wins at competitions throughout Europe, with 13 International wins in 2005 and a further 10 in 2006, including wins at Barcelona, Athens, Copenhagen and Zagreb. The Army Equitation School has also had considerable success on the National circuit, including wins at Dublin, Millstreet and Cavan amongst others.

Question No. 122 answered with Question No. 88.

Overseas Missions.

123. **Mr. Gilmore** asked the Minister for Defence the outcome of his discussions with the Lebanese authorities regarding the investigation into the disappearance of Private Kevin Joyce in 1981 in south Lebanon; and if he will make a statement on the matter. [8767/07]

Minister for Defence (Mr. O’Dea): On 27 April 1981, an observation post at Dayr Ntar near As Sultaniyah manned by Private Hugh Doherty and Private Kevin Joyce came under attack. Private Doherty was later found dead from gunshot wounds and Private Joyce was missing. Some equipment was also missing. The attackers are unknown.

The UNIFIL investigation into the whereabouts of Private Joyce has continued but there have been no indications of his possible whereabouts or to suggest that he is still alive. It would appear that Private Joyce was killed a short time after his abduction.

During my visit to Lebanon last week, I met with the Lebanese Minister of Defence, Mr. Elias Murr. I raised with him the disappearance of Private Joyce. I stressed to him the difficulties his disappearance creates for his family and relatives. I urged the Lebanese Government to redouble its efforts to assist in locating the whereabouts of Private Joyce, who is the only Irish soldier to go missing in action in Lebanon.

Mr. Murr assured me that his government would assist in whatever way possible to locate the whereabouts of Private Joyce. In the past, the

authorities in Lebanon have made efforts to obtain information on the whereabouts of Private Joyce including broadcasting pictures of him on television.

Departmental Correspondence.

124. **Mr. Perry** asked the Minister for Defence the number of letters that he has exchanged with the Defence Forces Chief of Staff in February 2007; the nature of this correspondence; and if he will make a statement on the matter. [8698/07]

Minister for Defence (Mr. O’Dea): There is regular correspondence between my Office and that of the Chief of Staff on a wide range of issues relating to the business of the Defence Forces, for example on such matters as resignations, promotions, visits abroad by members of the Defence Forces, etc.

This stream of routine correspondence with the Chief of Staff continued as normal during February 2007.

Defence Forces Reform.

125. **Mr. Callely** asked the Minister for Defence the nature, extent and level of sexual harassment, harassment, discrimination and bullying within the Defence Forces; the progress regarding implementation of the fundamental reforms recommended; and if he will make a statement on the matter. [8526/07]

Minister for Defence (Mr. O’Dea): The Military Authorities have advised that the number of complaints of a bullying or harassment nature recorded in each of the past ten years and made by men and women of the Permanent Defence Force is as follows:

Redress of Wrongs — Male: Complaints of Bullying/ Harassment nature under Redress of Wrongs Procedures

Year	No. of Complaints	Upheld	Not Upheld	Ongoing
1996	Nil	Nil	Nil	Nil
1997	4	Nil	4	Nil
1998	2	Nil	2	Nil
1999	3	1	2	Nil
2000	4	Nil	4	Nil
2001	6	Nil	6	Nil
2002	6	1	5	Nil
2003	6	Nil	6	Nil
2004	6	3	2	1
2005	5	Nil	2	3
2006	3	Nil	Nil	3
Totals	45	5	33	7

Redress of Wrongs — Female

There has been one complaint of a Bullying/Harassment nature made under the

Redress of Wrongs Procedures by a female since 1996. This complaint was made in 1996 and was not upheld.

Formal Complaints: Complaints of Bullying/Harassment nature under Interpersonal Relationships Procedures (Admin. Instruction A7)

Year	No. of Complaints	Male	Female
2004	11	7	4
2005	4	3	1
2006	6	4	2
Totals	21	14	7

Note: A new Administrative Instruction on Interpersonal Relationships was introduced in March 2003.

The Defence Forces and the Department have taken a wide variety of initiatives and have devoted extensive resources to this issue, since Dr Eileen Doyle and the External Advisory Committee presented their original report “The Challenge of a Workplace” in March 2002. This independent report addressed the entire range of interpersonal issues within the Defence Forces. Its contents and recommendations were accepted in full.

An Independent Monitoring Group was established in May 2002 to oversee the implementation of the recommendations of the original Doyle Report. The Independent Monitoring Group’s own progress report, “Response to the Challenge of a Workplace”, which was launched by my predecessor on 24 September, 2004, is available on the Defence Forces website and describes in detail the very significant progress achieved since the publication of the original Doyle Report in 2002.

The ongoing implementation of the recommendations of the Doyle report has been one of the highest priorities for the Defence Forces and the Department since its publication. Policies on equality, dignity and bullying are being constantly communicated to all ranks. I am satisfied that the military authorities are alert and vigilant to this issue and are committed to addressing the matter in a continuing and proactive manner through educational modules on interpersonal relationships which are now embedded in career courses for all ranks.

It is reiterated that bullying is not training for anything. It has always been acknowledged that addressing issues within the realms of interpersonal conduct is a long-term task. However, with substantial and vigorous leadership, there is every confidence that the proper environment will be maintained throughout the Defence Forces. The correct ethos is being incorporated in training at all levels and the resources necessary to assist personnel in tackling difficulties where they may arise are being maintained.

The following steps have been taken:

[Mr. O'Dea.]

- Firm guiding principles have been set out in the Defence Forces Dignity in the Workplace Charter which commits all ranks to supporting a service environment that encourages and supports the right to dignity at work. The Charter states that bullying, harassment and sexual harassment in any form is not acceptable and will not be tolerated.
- A major educational awareness programme is ongoing throughout the Defence Forces.
- A new Administrative Instruction on Interpersonal Relationships was introduced in March 2003. The Instruction and a users guide were distributed to every member of the Defence Forces.
- Some 232 Designated Contact Persons (DCPs) have been fully trained and are deployed throughout all Defence Forces posts and barracks, both countrywide and overseas. The DCPs will facilitate the operation of the formal and informal procedures that may be used by any party wishing to institute a complaint.
- An independent external confidential “Free Phone” Helpline and Counselling Service was set up for members of the Permanent Defence Force in March 2003.
- An independent pilot project of Exit Interviews seeking the experiences and views of outgoing members of the Permanent Defence Force was conducted.
- Leadership training has been given by external experts and has been the subject of NCO focus groups with an emphasis on “training the trainers”
- Changes in Cadet School Instruction have been initiated and issues concerning the ranking, selection and training for Cadet School instructors are being addressed.
- Defence Force Regulations, Administrative Instructions, policies and procedures have been reviewed by an Equality Steering Group under a Labour Court chairperson.
- An officer within the Defence Forces Human Resources Management Section has been assigned responsibility for Equality matters.
- A Training Circular entitled “Military Code of Conduct for Students and Instructors in all Training Environments” was issued in 2004 and was followed by an extensive series of associated workshops for all relevant personnel.
- A new “Human Resource Management Strategy (2006-2010)” has been produced

by the Defence Forces which sets out the Human Resource Management framework going forward.

- A “New Entrants Information Handbook” is issued to all new entrants. It provides detailed information on the Defence Forces Dignity Charter and sets out the Defence Forces Values. It also outlines policies on harassment, sexual harassment, discrimination and bullying.

In addition, the Ombudsman for the Defence Forces has been appointed, and her Office is now well established and functioning.

The Independent Monitoring Group recommended that a professional review of progress within the Defence Forces should take place in 2007 and that it should be published. My Department is currently preparing to initiate this review.

Defence Forces Retirement Scheme.

126. **Mr. Kehoe** asked the Minister for Defence if he has proposals under active consideration to increase the retirement age for officers within the Defence Forces; and if he will make a statement on the matter. [8700/07]

Minister for Defence (Mr. O'Dea): There are no current plans to extend the retirement age of officers in the Defence Forces. The 2000 White Paper on Defence and the earlier Defence Force Review Implementation Plan both recommended reduction to retirement ages in an effort to address the age profile and fitness of the Defence Forces. The White Paper also envisaged officers attaining senior rank at a younger age. In addition, a key element in military life is the need for personnel to maintain a level of fitness for combat readiness. This requirement must be balanced with the need to retain experience and expertise, particularly at managerial level in the Defence Forces.

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

Question No. 127 answered with Question No. 109.

Reserve Defence Force.

128. **Mr. O'Shea** asked the Minister for Defence his proposals for recruiting professionals such as doctors and engineers through the Reserve Defence Forces; and if he will make a statement on the matter. [8920/07]

Minister for Defence (Mr. O'Dea): The White Paper on Defence outlines the blue print for the new Reserve Defence Force. An Implementation Plan has been developed that will ensure the

realisation of the White Paper vision and this will be rolled out over the period to end 2009. The new Reserve has a clearly defined role, an enhanced relationship with the PDF, better equipment and training and will have opportunities to serve on overseas peace support missions.

A major item on the implementation plan, the development of the integrated element of the Reserve, is currently being progressed. It is intended to introduce elements of the integrated Reserve, on a pilot basis, in 2007. This element of the Reserve will provide personnel who will integrate with PDF units in contingency situations. The Integrated Reserve will be provided with enhanced military training and PDF unit commanders will be responsible for the training of such Reserve personnel.

A recommendation of the study of the reserve is that members of the Army reserve and Naval Service Reserve should be considered for participation in overseas peace support missions. While there are no immediate plans for participation by members of the Reserve in overseas missions, policies to support the selection of suitably qualified personnel for overseas duties will be developed over the lifetime of the Implementation Plan. In other countries, service by Reservists on overseas peace support missions is quite common. As specified in the Plan, any such participation by members of the Reserve is likely to be in specialised areas such as medical, transport, engineering and communications and information services.

Development of policies to support the selection of suitably qualified Reserve personnel for overseas duties will include consideration of the impact of overseas duties on the employment of Reserve personnel. The question of legislation will also be considered in this context.

Defence Forces Recruitment.

129. **Mr. Kenny** asked the Minister for Defence the steps being undertaken to attract more women into the Defence Forces; and if he will make a statement on the matter. [8695/07]

Minister for Defence (Mr. O'Dea): As you know, I am keen to increase the number of women applying to join our Defence Forces. To facilitate this, I have, with effect from 1st September 2006, reduced the minimum height requirement for entry into both the Permanent Defence Force and the Reserve Defence Force from 162.56cm (5'4") to 157.48cm (5'2").

This change, which applies to both males and females, has the effect of increasing the annual recruitment pool of females from 60% to 90% and males from 97% to 98%. It is too early to gauge whether there has been a corresponding increase in the number of female applicants to the Defence Forces. However I will closely monitor the situation over the coming months. I must point out that height is not the only issue in

encouraging more women to apply to join the Defence Forces and I have initiated more general research in this area. To this end, following a tendering process, TNS MRBI, an independent market research company was awarded the contract to undertake research into the issue of recruitment and retention of women in the Defence Forces.

The market research included interviews with currently serving female members of the Permanent Defence Force, former members of the Permanent Defence Force and members of the general public. The research methodology used incorporated both a qualitative and quantitative approach. The qualitative research approach encompassed a series of 28 in-depth interviews with key informants, including women currently in the Defence Forces (10), ex-members of the Defence Forces (3), school leavers (4), parents of school leavers (4), career guidance councillors (5), and representatives of the National Women's Council and the National Centre for Guidance in Education. The fieldwork was conducted from September to November 2006.

There were two quantitative phases undertaken. The first was a national survey of 522 females aged over 15 and the second was a survey of serving female PDF members. The national survey of females aged over 15 was conducted via telephone and is fully representative of the population. Quota controls were imposed for age, socio-economic class and region. The fieldwork for this aspect of the quantitative phase was conducted from 17th-26th October 2006.

The survey of all serving female PDF members was conducted between November 2006 and January 2007 via a self-completion questionnaire. The data was weighted by rank and location to reflect the population of serving females in the PDF. This report has been submitted to me and is currently being considered by officials from my Department. The results of this market research will assist in the formulation of policy and practice in this area for the future.

I must emphasise that the Government is committed to a policy of equal opportunity for men and women in the Defence Forces (Army, Air Corps, Naval Service) including the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities. In effect, this means that women are eligible, on the same basis as men, for participation in operational and ceremonial activities, for assignment to all military appointments and educational and training courses and for promotion. All female personnel undergo the same training and receive the same military education as their male counterparts.

Defence Forces Review.

130. **Mr. J. Brady** asked the Minister for Defence if the mid-point review of the implementation of the 2000 White Paper on Defence has been completed; the conclusions it has reached;

[Mr. J. Brady.]

the areas due to be implemented between now and 2010; the plans for their implementation; and if he will make a statement on the matter. [8643/07]

Minister for Defence (Mr. O’Dea): I am pleased to inform the House that the review of implementation of White Paper recommendations has been completed by a civil/military Group in my Department. The report of the Group is currently under consideration and I hope to be in a position to publish it very shortly. I will arrange to have copies placed in the Oireachtas library in due course.

Defence Forces Equipment.

131. **Mr. Ardagh** asked the Minister for Defence when the fifteen additional Mowag Piranha APCs will come into service; the costs involved; if these will be configured differently to the existing APCs; the location where these will be deployed; if the contract will be executed on time and on budget; and if he will make a statement on the matter. [8529/07]

Minister for Defence (Mr. O’Dea): In December 2005, a contract was signed with Mowag for the supply, in 2007, of fifteen (15) Piranha Armoured Vehicles with a different configuration to previously delivered APCs.

Nine (9) of the fifteen vehicles will be fitted with a Kongsberg Remote Weapon Station with

a 12.7mm machine gun and six (6) will be fitted with an Oto Melara turret armed with a 30mm cannon. The contract value is in the region of €36.5m including VAT with payments spread over the period 2005 to 2008. The 15 vehicles will be used mainly in the Surveillance and Reconnaissance roles on overseas missions.

Previous troop carrier variants of the Mowag APCs were fitted with a Helio UK (now Thales) one-man turret fitted with a 0.5” (12.7mm) heavy machine gun and a 7.62mm coaxial machine gun. The main role of these Mowags is force protection on overseas missions and the vehicles have proved a great success in overseas missions in Eritrea, Liberia, Kosovo and now Lebanon.

Defence Forces Personnel.

132. **Mr. Andrews** asked the Minister for Defence if the average age of members of the Defence Forces across each rank has fallen or risen over the past ten years; if the trend is the same for commissioned officers, non commissioned officers and private soldiers; his view on whether the average age of officers, particularly commandants and Lieutenant Colonels, should be increased; and if he will make a statement on the matter. [8636/07]

Minister for Defence (Mr. O’Dea): Details on the average ages, by rank, have only been maintained on an annualised basis since 2001. The following table details this for Officers and Enlisted Personnel:

Average Age by Rank in the PDF as at 31 December 2001 and 31 December 2006

Officers			
Rank	2001	2006	Increase/ Decrease (years)
Brigadier General	58.20	57.25	-0.95
Colonel	55.82	56.49	0.67
Lieutenant Colonel	51.78	53.22	1.44
Commandant	45.19	45.99	0.80
Captain	33.32	32.40	-0.92
Lieutenant	24.85	24.68	-0.17
Enlisted Personnel			
Rank	2001	2006	Increase/ Decrease (years)
Sergeant Major	52.30	52.53	0.23
Brigade Quartermaster Sergeant	52.18	53.10	0.92
Company Sergeant	46.70	48.00	1.30
Company Quartermaster Sergeant	48.09	49.17	1.08
Sergeant	42.44	42.99	0.55
Cpl	36.22	36.58	0.36
Pte	31.04	31.98	0.94
Cadet	19.82	21.20	1.38

It can be seen from these figures that since 2001, there is a small decrease in the average age of Lieutenants and Captains and a similar scale increase in the average age of Privates. These ranks together represent approximately 55% of the overall strength of the PDF.

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

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

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

Question No. 133 answered with Question No. 105.

Question No. 134 answered with Question No. 95.

Overseas Missions.

135. **Mr. Curran** asked the Minister for Defence the preparations being made for the Defence Forces assuming lead nation status in Kosovo; the additional manpower and resources required; the current security assessment in Kosovo and the region; and if he will make a statement on the matter. [8640/07]

Minister for Defence (Mr. O’Dea): KFOR was established in June 1999 to support the maintenance of civil law and order within Kosovo, so as to develop a climate of safety and security, which will enable the transfer of increased responsibility to the civil authorities.

Ireland has participated in the KFOR since August 1999. The Irish contingent currently comprises an APC Mounted Infantry Group of some 215 personnel including a number of personnel in staff posts at various KFOR Headquarters. In September 2006, the Government agreed to the Defence Forces undertaking an additional responsibility as Framework Nation for the Multinational Task Force Centre (MNTF (C)) in KFOR for a period of 12 months from August 2007. This will be a new development for the Defence Forces as we have never before commanded a brigade size force in multinational PFP-

led peace support operation. Undertaking this new responsibility will contribute significantly to the development of the Defence Forces, improving its capabilities and heightening its profile as a professional and well-organised force within the international peacekeeping community.

Approximately 52 additional Defence Forces personnel will deploy to KFOR for the Framework Nation period. It is envisaged that up to 10 soft-skinned military vehicles will also deploy. Personnel are currently being selected and mission specific training will commence in April 2007. A Defence Forces Implementation Group has conducted meetings with representatives of partner nations in the Multinational Task Force Centre with a view to finalising arrangements, between the parties in question, which will be in place for Ireland’s Framework Nation term.

The current security in Kosovo remains relatively stable. Delays in both the formation of a new Serbian government and progressing the future status proposals of UN Special Representative Athisaari have the potential to impact on security within the province. Recent incidents, most notably the rioting in Pristina on 10 February, 2007, indicate that there is the potential for the situation to destabilise. The Defence Forces closely monitor the situation within Kosovo and are in continuous contact with our personnel deployed there. At this time the Defence Forces do not anticipate an increased threat to our personnel serving in Kosovo.

Commemorative Events.

136. **Ms Burton** asked the Minister for Defence the progress made on preparing for the Easter Rising Commemoration in 2007. [8764/07]

140. **Mr. Carey** asked the Minister for Defence the nature and scope of the 2007 Easter 1916 commemorations; the role the Defence Forces will play in these commemorations; if the Army, Air Corps, Naval Service and Reserve will be participating; and if he will make a statement on the matter. [8639/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 136 and 140 together.

A commemoration will again be held this Easter Sunday at the GPO to mark the 91st anniversary of the Easter Rising 1916. Following discussions at the All Party Oireachtas Committee it has been decided that the format of this years commemoration will be a military ceremony centred on the GPO with appropriate military honours rendered. Personnel from the Army, Air Corps, Naval Service and Reserve will participate and there will be an Air Corps fly past subject to prevailing weather conditions. The ceremony will be attended by the President, An Taoiseach and a small number of invited guests. The ceremony

[Mr. O'Dea.]

will consist of a reading of the proclamation, the laying of a wreath by the President and a flag raising ceremony similar to last year's successful ceremony.

A public announcement will appear in the newspapers closer to the event.

Question No. 137 answered with Question No. 89.

Question No. 138 answered with Question No. 90.

Defence Forces Equipment.

139. **Mr. McGinley** asked the Minister for Defence the number of nuclear, chemical and biological suits available to members of the Defence Forces; and if he will make a statement on the matter. [8685/07]

Minister for Defence (Mr. O'Dea): The Defence Forces hold an extensive range of modern Nuclear, Biological or Chemical (NBC) equipment that meets their current requirements. This range includes approximately 9,500 NBC suits.

The NBC suits are retained in stores throughout the Defence Forces. Should an operational scenario arise, the NBC suits would be distributed as required to all personnel involved. In addition, the suits are allocated to all Brigades and the Defence Forces Training Centre as required for training purposes. The requirement for additional NBC equipment is kept under continuous review by the Defence Forces.

Question No. 140 answered with Question No. 136.

Question No. 141 answered with Question No. 91.

Defence Forces Equipment.

142. **Ms Lynch** asked the Minister for Defence if the tender competition for the disposal of four Dauphin and one Gazelle helicopter has been completed; if the sale has taken place; the price obtained; and if he will make a statement on the matter. [8883/07]

Minister for Defence (Mr. O'Dea): A tender competition was held in 2006 for the disposal of four Dauphin and one Gazelle helicopters. Following on from the tender competition, two sales agreements were completed in the latter part of 2006. The Dauphins were sold to Rotor Leasing Incorporated in the USA. The Gazelle was sold to Astral Communications in England.

The income received from the sale of the helicopters, together with special tools and spare parts, was €517,000.

Question No. 143 answered with Question No. 95.

Defence Forces Property.

144. **Aengus Ó Snodaigh** asked the Minister for Defence if he will make a statement regarding future plans for barracks including any planned closures. [8898/07]

Minister for Defence (Mr. O'Dea): As the Deputy will be aware, the Government, in July, 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare and Islandbridge, Dublin. The sale of Fitzgerald Camp, Fermoy, Castleblayney Military Post, Devoy Barracks, Naas and Clancy Barracks, Dublin have been completed, together with most of Murphy Barracks, Ballincollig. The disposal of the remaining lands at Ballincollig is being progressed at present.

Subsequent to its closure, the Government decided on 1 July 2003 that Magee Barracks, Kildare, would be among the State property released for inclusion in the Sustaining Progress Affordable Housing Initiative. The legal formalities relating to its transfer under the Initiative are being progressed with the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the Affordable Housing Initiative, and in consultation with the Chief State Solicitor's Office.

There are no plans to close any further barracks. My Department's property portfolio is, however, kept under on-going review and any properties deemed surplus to military requirements will be disposed of to fund much needed investment, to meet the equipment and infrastructure needs of the Defence Forces.

Defence Forces Strength.

145. **Mr. Callely** asked the Minister for Defence the number of personnel in the Defence Forces; the gender balance and the rank gender balance; the measures he has considered to improve the gender balance; and if he will make a statement on the matter. [8525/07]

Minister for Defence (Mr. O'Dea): A detailed breakdown of the numbers serving in the Permanent Defence Force (Army, Naval Service and Air Corps) by rank and gender are in the form of the Tabular Statement below. The Tabular Statement also provides the comparable details for the Army Reserve and the Naval Service Reserve.

The Government is committed to a policy of equal opportunity for men and women throughout the Permanent Defence Force (Army, Air Corps, Naval Service) and the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities.

In effect, this means that women are eligible on the same basis as men for participation in operational and ceremonial activities, for assignment to all military appointments, educational and training courses and for promotion. All female personnel undergo the same training and receive the same military education as their male counterparts.

Unlike many other national armed forces, the Defence Forces have no restrictions as regards the assignments of the full range of operational and administrative duties as between males and females. All promotions and career courses are open to both genders on merit.

Nevertheless, I remain anxious to explore all avenues for increasing the numbers of women

joining the Defence Forces. In 2006, I reviewed the minimum height standard for recruitment into the Defence Forces. The minimum height standard was 5ft 4 ins, for both male and female personnel. With effect from 1st September 2006, I reduced the minimum height requirement from 5' 4" to 5' 2". This increases the potential recruitment pool of females from 60% to 90% of female population.

I have also commissioned market research around female participation in the Defence Forces. TNS-MRBI have undertaken market research into the issues of the recruitment and retention of women in the Defence Forces, addressing women's attitudes to military life and military careers. The research included interviews with serving female members of the PDF and the RDF and with members of the general public. This research report will inform future policy. The report has been received from the consultants and is currently under consideration within my Department.

STRENGTH OF MALES IN THE DEFENCE FORCES 31 JANUARY, 2007

PERMANENT DEFENCE FORCE

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army	1	2	6	39	127	311	248	252	986	31	39	132	241	1,019	1,438	2,900	4,118	31	8,035
Air Corps	0	0	1	2	14	30	52	34	133	7	3	47	12	128	178	375	297	23	828
Naval Service			1	2	12	46	39	46	146	6	7	80	15	200	190	498	353	9	1,006

Rank titles are for Army ranks — Naval Service and Air Corps equivalent rank titles apply in the Naval Service and Air Corps respectively.

RESERVE DEFENCE FORCE

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army Reserve	0	0	0	0	4	97	191	309	601	20	20	112	98	793	1012	2055	3755	0	6,411
Naval Reserve	0	0	0	0	0	3	10	10	23	0	4	13	1	20	28	66	186	0	275

Rank titles are for Army ranks — Naval Service equivalent rank titles apply in the Naval Service.

Lt Gen=Lieutenant General
 Maj Gen=Major General
 Brig Gen=Brigadier General
 Col=Colonel
 Lt Col=Lieutenant Colonel
 Comdt=Commandant
 Capt=Captain
 Lt=Lieutenant

SM=Sergeant Major
 BQMS=Battalion Quartermaster Sergeant
 CS=Company Sergeant
 CQMS=Company Quartermaster Sergeant
 SGTS=Sergeants
 CPLS=Corporals
 NCOS=Non Commissioned Officers
 PTES=Privates

STRENGTH OF FEMALES IN THE DEFENCE FORCES 31 JANUARY, 2007

PERMANENT DEFENCE FORCE

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army	0	0	0	0	1	14	43	47	105	0	0	3	1	15	104	123	220	9	457
Air Corps	0	0	0	0	0	0	1	2	3	0	0	1	0	1	11	13	14	1	31
Naval Service	0	0	0	0	0	0	8	10	18	0	0	0	0	0	7	7	38	6	69

Rank titles are for Army ranks — Naval Service and Air Corps equivalent rank titles apply in the Naval Service and Air Corps respectively.

[Mr. O'Dea.]

RESERVE DEFENCE FORCE

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army reserve	0	0	0	0	0	0	1	53	54	0	0	0	2	67	335	404	1755	0	2213
Naval Reserve	0	0	0	0	0	0	0	1	1	0	0	0	0	1	6	7	76	0	84

Rank titles are for Army ranks — Naval Service equivalent rank titles apply in the Naval Service.

Question No. 146 answered with Question No. 95.

Defence Forces Equipment.

147. **Mr. Andrews** asked the Minister for Defence the major equipment purchases planned for 2007 and 2008; the financial provisions made for these purchases; and if he will make a statement on the matter. [8637/07]

Minister for Defence (Mr. O'Dea): The acquisition of new equipment for the Defence Forces continues to be a key focus for me as Minister for Defence. Significant investment has taken place in recent years and I will continue the good work in that regard.

With regard to major equipment purchases, this year will see the delivery of two more AW139 helicopters for the Air Corps, the initiation of the mid-life upgrade on the first of the two Casa maritime patrol aircraft and the delivery of 15 Mowag armoured personnel carriers for the Army.

The final two AW139 helicopters are scheduled for delivery in 2008 and the mid-life upgrade on the second of the Casas will be carried out in 2008. The payments for these major contracts are spread over a three to four year period for budgetary reasons. The total cost of these projects inclusive of VAT is in the region of €125m.

A vessel replacement strategy for the Naval Service is currently under examination in my Department. Subject to my consideration of the proposals, I expect that the programme will begin with the tender process in the first half of this year with the expectation of placing a contract for the first of three ships in early 2008.

Defence Forces Communications.

148. **Mr. Sargent** asked the Minister for Defence his views on the Chief of Staff's statement that the Irish Defence Forces are increasingly becoming involved in more complex and robust missions overseas; the implications of this for military expenditure and Ireland's peace keeping reputation; and if he will make a statement on the matter. [8931/07]

Minister for Defence (Mr. O'Dea): The article to which the Deputy is referring is the report of

an interview with the Defence Forces Chief of Staff, Lt General Jim Sreenan, which appeared in *The Irish Times* on 27 December, 2006.

The interview was wide ranging and the Chief of Staff gave his views on a number of current matters of interest to the Defence Forces including the Defence Forces current overseas commitments and the changing nature of the work being undertaken by the Defence Forces on such missions.

The nature of peacekeeping operations is changing from traditional UN led "Blue Hat" missions to regionally-led peace operations with the onus being placed on regional states to organise and assemble peacekeeping troops for the purpose of discharging a UN Mandate. In addition, the UN is increasingly authorising missions under Chapter VII of the Charter. Chapter VII of the UN Charter provides for the authorisation by the UN Security Council of more robust peace enforcement missions. In concert with a military component, many missions also now include political, economic, and rule of law elements as part of the overall mission tasking, requiring increased co-ordination between military and civil elements in the mission area.

The Defence Forces have shown the capacity and experience to respond to the changing nature of peace support operations. The Defence Forces have participated effectively in UN-authorized NATO-led missions in Kosovo (KFOR), in Bosnia and Herzegovina (SFOR) and in Afghanistan (ISAF) and in EU-led missions in Bosnia and Herzegovina (Operation Althea) and in the Democratic Republic of the Congo (Operation Artemis). In parallel, Ireland has also continued to participate in UN-led missions in UNIFIL and UNMIL.

In recent years, there has been extensive investment in the training of Defence Forces personnel and in the procurement of new equipment. This programme of investment has been vitally important in supporting Defence Forces contingents to meet the complex demands of modern peace support operations. In addition, the investment will support, on an on-going basis, increased interoperability with other forces deployed on peace support missions.

Defence Forces Training.

149. **Mr. Kelly** asked the Minister for Defence

the progress he has made to date to encourage greater opportunities for both general service recruits and experienced non commissioned officers to become commissioned officers of the Defence Forces; his future plans in this area; and if he will make a statement on the matter. [8647/07]

Minister for Defence (Mr. O’Dea): Significant progress has been made recently in implementing schemes to enable more commissioning from the ranks.

The revised cadetship competition is now seen as the primary means of commissioning from the ranks. The cadetship competition has been revised to increase the maximum entry age to 28 and to award bonus marks to candidates with previous experience in the Permanent Defence Force (PDF) or Reserve Defence Force (RDF). Results for the 2005 and 2006 cadetship competitions were encouraging with a total of 28 applicants with military service in the Defence Forces being successful in the 2005 cadetship competition and a further 23 applicants with military service being successful in the 2006 cadetship competition.

In addition, in the past two years, 3 members of the Defence Forces were commissioned as officers from Direct Entry Competitions for appointments as Engineer Officers in the Corps of Engineers and Conductors in the Army School of Music.

Consultations with the representative associations are nearing completion regarding the conditions and procedures for the implementation of an internal Commissioning From the Ranks competition. I expect the Military Authorities to hold the competition in the near future. This competition will provide an opportunity for enlisted personnel who have passed the cadet entry age to compete for entry on a potential Officers Course and ultimately, a commission. The competition offers the possibility of enhancing the Officer Corps with the skills and expertise of these personnel.

The outcome of this competition will inform policy on the issue of similar future competitions.

Defence Force Regulations.

150. **Aengus Ó Snodaigh** asked the Minister for Defence if he will make a statement on the case of a person (details supplied). [8899/07]

Minister for Defence (Mr. O’Dea): The person referred to has been the subject of recent correspondence between his legal representatives and my Department. Defence Force Regulations provide that a man will automatically forfeit pay for every day during which he is either absent on desertion or absent without leave. This provision as regards forfeiture of pay is independent of any punishment that might be awarded from conviction for the offence of desertion or absence without leave under the Defence Acts 1954 to 2006

Question No. 151 answered with Question No. 91.

Question No. 152 answered with Question No. 109.

Question No. 153 answered with Question No. 110.

Defence Forces Property.

154. **Mr. Ó Fearghail** asked the Minister for Defence the nature and extent of improvement works undertaken at the Defence Forces training centre at the Curragh since 2002; the amount spent on such works since; when the Defence Force headquarters will be locating to the Curragh; and if he will make a statement on the matter. [8633/07]

Minister for Defence (Mr. O’Dea): My Department is engaged in an on-going capital and maintenance programme designed to modernise and enhance the training, operational and accommodation facilities available to the Defence Forces both Permanent and Reserve.

The programme focuses mainly on infrastructural projects such as the construction of new buildings, the refurbishment of existing buildings and major civil engineering works. This is complemented by an annual programme of on-going maintenance.

Since 2002 the total amount spent in the Curragh is in excess of €24 million. The following table which I propose to circulate in the Official Report details the major projects undertaken in the Curragh from 2002-2006.

A Government decision on decentralisation, announced by the Minister for Finance in his Budget statement on 3 December 2003 provides for the transfer of 300 Defence Forces headquarters staff to the Curragh, Co. Kildare. It is anticipated that Defence Forces Headquarters will relocate to the Curragh by late 2009.

[Aengus Ó Snodaigh.]

Defence Forces Training Centre
Building and Engineering Projects 2002-2006

Status	Project	Date Placed	Cost
			€
Completed	Refurb. Officers Mess Kitchen, Pearse Bks.	04-Sep-02	628,762.38
Completed	Container Storage Yard	09-Sep-02	996,939.92
Completed	I T Ducting	12-Sep-02	202,239.96
Completed	Upgrade of Sewage System	18-Oct-02	663,619.14
Completed	Computer Simulation Building — Pearse Bks.	13-Nov-02	207,303.98
Completed	Security Fencing to Storage Bld. Compound	01-Jul-03	72,640.00
Completed	Special Storage Buildings	18-Sep-03	2,114,034.22
Completed	Field Wiring etc, Phase 1	31-Oct-03	40,646.64
Completed	Reinstallation of Spraybake Unit	14-Oct-04	143,329.22
Completed	Combinrd Vehicle Workshop	02-Jan-02	9,038,649.45
Completed	Southern Boundary Security Fencing	26-Jul-02	166,175.94
Completed	Upgrade of Sewage System	18-Oct-02	711,345.58
Completed	Field Wiring etc, Phase 2	31-Oct-03	202,017.63
Completed	Renov. Equipment Storage Building	31-Oct-03	225,614.73
Completed	Plunkett Bks — Spray Paint Workshop	05-Feb-04	267,233.34
Completed	Const. Workshop and Office Facility, Plunkett	31-Aug-04	1,749,941.65
Completed	Conversion of Drawing Office Etc.	09-Sep-04	165,056.51
Completed	Reinstallation of Spraybake Unit	14-Oct-04	143,329.22
Completed	Construction of HQ Block	18-Oct-04	370,536.76
Completed	Security Fencing — Various	14-Dec-04	146,900.19
Completed	Refurbishment of McDermott Bks	11-Mar-05	832,134.94
Completed	Refurb. Block 7, Connolly Bks	18-Aug-05	1,585,195.31
Completed	CIS Stores Heating — 5 Block, Connolly	18-Aug-05	193,644.00
Completed	Heating etc, 1st Floor Plunkett	19-Aug-05	150,715.00
Completed	Sports Changing Facility	29-Sep-05	788,158.32
Completed	A D R — Storage Facility	29-Jun-06	459,713.62
In Progress	Infantry School Refurbishment	07-Jul-06	1,352,413.03
In Progress	Installation of Sheep Grids	10-Oct-06	321,058.58
In Progress	Security Works to Armoury (West)	10-Oct-06	333,805.00
In Progress	Replacement of Windows	12-Dec-06	123,081.67
		TOTAL	24,396,235.93

Question No. 155 answered with Question No. 95.

Question No. 156 answered with Question No. 92.

Defence Forces Equipment.

157. **Mr. Ardagh** asked the Minister for Defence when the new AB139 helicopters will come into service; the total cost of these helicopters; the duties they will perform; if the contract will be executed on time and on budget; and if he will make a statement on the matter. [8528/07]

Minister for Defence (Mr. O’Dea): A total of six utility AW 139 helicopters are being acquired

from Agusta S.p.A. at a cost of €75m, inclusive of VAT. The six helicopters are being built at the Agusta facility near Milan, Italy. Two AW 139s were delivered in November 2006, two will be delivered in the first half of 2007 and the final two will be delivered in 2008. Payments for the helicopters are spread over a number of years from 2004 to 2008. The contracts will be executed on time and on budget.

The six AW 139 helicopters will be operated by the Air Corps in a general purpose military operational and training role. Primary taskings for the helicopter will include training and operations with Special Forces, security and aid to the civil power, military exercises, infantry interoperability training and limited troop transport. They will also be used to perform air ambulance,

inland Search and Rescue, aid to the civil community and VIP transport tasks.

The first two helicopters are expected to enter operational service at the beginning of April, 2007.

Ministerial Travel

158. **Mr. Sargent** asked the Minister for Defence if he will report on the use of the Government jet by the Taoiseach; and if he will make a statement on the matter. [6328/07]

Minister for Defence (Mr. O’Dea): The Ministerial Air Transport Service is provided by the

Air Corps to facilitate members of the Government in fulfilling their official engagements at home and abroad. The Service is primarily provided by the Gulfstream IV and Learjet 45 aircraft, which were specifically acquired for that purpose. The Beech Super Kingair 200 turboprop aircraft, which is now used primarily in a training role, is made available for Ministerial Air Transport use from time to time, mainly for internal flights and a limited number of European destinations.

Details of An Taoiseach’s use of the Ministerial Air Transport Service in 2006 are outlined in the tabular statement set out below.

An Taoiseach 2006

Date	Return Date	Ministerial time on board (minutes)	Route
<i>Gulfstream IV</i>			
15-Jan-06	17-Jan-06	640	Baldonnel-Dublin-Budapest-Bangalore-Baldonnel
21-Jan-06	21-Jan-06	60	Baldonnel-Heathrow-Dublin-Baldonnel
23-Feb-06	24-Feb-06	195	Baldonnel-Dublin-Northolt-Dublin-Baldonnel*
13-Mar-06	18-Mar-06	1420	Baldonnel-Dublin-Winnipeg-San Jose-Washington-Dublin-Baldonnel
08-Mar-06	8-Mar-06	120	Baldonnel-Dublin-London-Dublin-Baldonnel
23-Mar-06	24-Mar-06	180	Baldonnel-Dublin-Brussels-Baldonnel*
25-Mar-06	25-Mar-06	90	Baldonnel-Brussels-Dublin-Baldonnel
27-Apr-06	27-Apr-06	60	Baldonnel- Dublin- Shannon- Dublin- Baldonnel
28-Apr-06	28-Apr-06	60	Baldonnel- Dublin-Derry-Dublin-Baldonnel
11-May-06	12-May-06	300	Baldonnel-Dublin-Vienna-Dublin-Baldonnel
26-May-06	26-May-06	60	Baldonnel-Dublin-Kerry-Dublin-Baldonnel
31-May-06	02-Jun-06	870	Baldonnel-Teteboro-Baldonnel
29-Jun-06	29-Jun-06	230	Rome-Dublin-Belfast-Dublin-Baldonnel*
30-Jun-06	30-Jun-06	320	Baldonnel-Dublin-Finland(Helsinki)-Dublin-Baldonnel
08-Jul-06	08-Jul-06	30	Baldonnel-Cork-Dublin-Baldonnel
05-Sep-06	05-Sep-06	30	Baldonnel-Knock-Dublin-Baldonnel
10-Sep-06	11-Sep-06	350	Baldonnel-Dublin-Helsinki-Dublin-Baldonnel
15-Sep-06	15-Sep-06	120	Baldonnel-Dublin-Northolt-Cork-Baldonnel-Cork-Dublin-Baldonnel
21-Sep-06	21-Sep-06	30	Baldonnel-Shannon-Dublin-Baldonnel
4-Oct-06	4-Oct-06	80	Baldonnel-Dublin-Belfast(Aldergrove)-Dublin
6-Oct-06	6-Oct-06	60	Baldonnel-Dublin-Shannon-Dublin-Baldonnel
09-Oct-06	09-Oct-06	250	Baldonnel-Dublin-Berlin-Dublin-Baldonnel
11-Oct-06	13-Oct-06	100	Baldonnel-Dublin-St Andrews-Dublin-Baldonnel
19-Oct-06	19-Oct-06	355	Baldonnel-Dublin-Helsinki-Baldonnel
8-Nov-06	8-Nov-06	180	Baldonnel-Dublin-Brussels-Dublin-Baldonnel
27-Nov-06	27-Nov-06	120	Baldonnel-Dublin-Northolt-Dublin-Baldonnel
29-Nov-06	29-Nov-06	180	Baldonnel-Dublin-Brussels-Dublin
04-Dec-06	04-Dec-06	120	Baldonnel-Dublin-Heathrow-Dublin-Baldonnel
Total		6,610	
<i>Learjet 45</i>			
14-Dec-06	15-Dec-06	180	Baldonnel-Dublin-Brussels-Dublin-Baldonnel
Total		180	

[Mr. O'Dea.]

Date	Return Date	Ministerial time on board (minutes)	Route
<i>Beechcraft</i>			
09-Jun-06	09-Jun-06	80	Baldonnel-Dublin-Galway-Dublin-Baldonnel
07-Jul-06	07-Jul-06	45	Baldonnel-Cork-Baldonnel
Total		125	
<i>Casa</i>			
09-Feb-06	09-Feb-06	90	Baldonnel-Dublin-Sligo-Dublin-Baldonnel
Total		90	

Defence Forces Property.

159. **Mr. Ó Fearghail** asked the Minister for Defence the barrack improvements his Department have planned in 2007; the value of these improvements; the progress made in the barrack improvements commenced in 2006; the amount allocated for these; and if he will make a statement on the matter. [8632/07]

Minister for Defence (Mr. O'Dea): My Department is engaged in an on-going building and maintenance programme designed to improve the training, operational and accommodation facilities available to both the Permanent Defence Forces and the Reserve. The programme focuses mainly on the construction of new buildings, the refurbishment of existing buildings and civil engineering work within the barracks. This includes on-going annual maintenance.

The funding available for 2007 is almost €43 million. The following table which I propose to circulate in the Official Report details the projects over €1 million planned for 2007.

In 2006, €31 million was spent on barrack improvements. The following table for 2006,

which also I propose to circulate in the Official Report, details all the main projects initiated in 2006 and the level of progress on each. All of these projects are progressing as anticipated.

Building and Engineering Projects (over €1 million) planned to commence in 2007.

Barracks Project

Air Corps, Baldonnel Sewage System Upgrade
 Aiken, Dundalk E-Block conversion to Offices & Storage Facility
 Cathal Brugha, Dublin Refurb. A & B Block as Other Ranks accommodation
 Cathal Brugha, Dublin Conversion House C to Officer Accommodation
 Curragh Camp Armoured Vehicle Garaging
 Curragh Camp Museum
 Finner Camp, Donegal Upgrade Billet Accommodation Phase 2
 Lynch Camp Kilworth New Accommodation Phase 1
 McKee Bks., Dublin Communications Building
 Naval Base, Haulbowline 25m Small Arms Range
 Renmore, Galway Accommodation Blocks A & B Refurbish

Building and Engineering Projects that commenced in 2006 (Capital)

Barracks	Project	Date	Cost	Completed Placed %
			€	%
McKee Bks, Dublin	Fire Doors and Screens, Officers Mess	14-Jun-06	190,849.56	100
Monaghan Bks	Upgrade Kitchen & Dining Hall	05-Sep-06	1,141,413.74	40
Monaghan Bks	Hire of Temporary Kitchen	05-Sep-06	124,461.02	45
McKee Bks, Dublin	New Gymnasium	05-Dec-06	2,552,298.00	10
Casement, Baldonnel	New Avionics Workshop	13-Jul-06	2,903,794.21	40
Naval Base, Haulbowline	Mast House — Refurbishment	13-Jul-06	772,531.77	85
Naval Base, Haulbowline	Block 6 — Refurbishment	18-Aug-06	2,446,559.79	55
Naval Base, Haulbowline	NCC — Naval Computer Centre	27-Sep-06	162,611.45	90
Naval Base, Haulbowline	Refurb Boat Transport Building	15-Nov-06	409,573.00	20
Naval Base, Haulbowline	Upgrade of the Sewage System	24-Nov-06	1,459,051.07	15
Curragh Camp	A D R — Storage Facility	29-Jun-06	459,713.62	100
Curragh Camp	Infantry School Refurbishment	07-Jul-06	1,352,413.03	70

Barracks	Project	Date	Cost	Completed Placed %
			€	%
Curragh Camp	Installation of Sheep Grids	10-Oct-06	321,058.58	35
Curragh Camp	Security Works to Armoury (West)	10-Oct-06	333,805.00	40
Curragh Camp	Replacement of Windows	12-Dec-06	123,081.6	75
Rockhill House, Donegal	Central Heating Dining Hall & Trg Building	20-Oct-06	129,333.25	100
Custume Bks, Athlone	Officers Mess Extension	18-Dec-06	1,416,618.8	35

Defence Forces Ombudsman.

160. **Ms McManus** asked the Minister for Defence the number of complaints referred to the ombudsman for investigation since that office was established; the number that have been resolved; the number that are still outstanding; and if he will make a statement on the matter. [8884/07]

Minister for Defence (Mr. O'Dea): The Office of the Ombudsman for the Defence Forces was established under the Ombudsman (Defence Forces) Act 2004. On the 19th September 2005, Ms. Paulyne Marrinan-Quinn SC was appointed by the President, upon the recommendation of the Government, as the first Ombudsman for the Defence Forces.

The function of the Ombudsman for the Defence Forces is to act as the ultimate point of appeal for, and administrative investigation into, complaints made by members (and former members) of the Defence Forces against another member (or former member) of the Defence Forces, or against a civil servant of the Department of Defence. The Ombudsman for the Defence Forces may investigate a complaint in respect of an action or decision, which may have adversely affected the complainant personally. The action or decision complained of must have occurred no earlier than the 1st December 2005.

To date, the office of the Ombudsman has sent me twenty-four (24) Final Reports. I have either responded to or am in the process of responding to the Ombudsman for the Defence Forces in respect of each of the Final Reports. The Minister for Defence is obliged to inform the Ombudsman for the Defence Forces of the measures taken or proposed in response to her recommendation.

I can also inform the Deputy that between 1 December 2005 and 1 February 2007 (the latest date for which information is available), some 106 complaints have been made within the military system under Section 114 of the Defence Act 1954, as now amended by the Ombudsman (Defence Forces) Act 2004, seeking redress of wrongs. Those redress complainants, whose complaints relate to matters occurring on or after 1st December 2005, are eligible to refer their complaint to the Ombudsman if a complainant so desires. I am advised by the Military Authorities

that there are some 86 complaints in this category, of which 25 have been referred to the Ombudsman so far.

The Ombudsman for the Defence Forces is, in accordance with the Act, independent in the performance of her duties. She is required to cause a report on the performance of her functions under the Act to be laid annually before each House of the Oireachtas. In these circumstances, I do not consider it appropriate for me to report on her behalf or to give details in relation to her reports on individual cases, complaints already submitted to the Office of the Ombudsman, the status of those complaints, or the current treatment of those cases by the Ombudsman.

I am happy to inform the Deputy that the primary focus in these cases to date has been on selection for promotion, selection for military career courses and selection for overseas service. I can also indicate that the reports of the Ombudsman for the Defence Forces have made a valuable contribution to the ongoing updating of selection procedures in these three areas.

Northern Ireland Issues.

161. **Mr. F. McGrath** asked the Taoiseach the position regarding the Northern Ireland talks. [9115/07]

Minister for Defence (Mr. O'Dea): Last October, the two Governments published the St Andrews Agreement. This Agreement is built on the twin pillars of power sharing and support for policing. It contains an explicit timetable leading to the restoration of the power sharing Executive on 26 March.

Since St Andrews, we have seen welcome progress on policing. The landmark decision by Sinn Féin opens up the prospect for the first time of inclusive policing across the entire community in Northern Ireland. With all-party support for policing, we also need all-party support for an inclusive power-sharing government.

Today's election is being held for the explicit purposes of endorsing the St Andrews Agreement and of electing an Assembly that will form a power-sharing Executive on 26 March in accordance with that Agreement and timeframe.

[Mr. O'Dea.]

If the Assembly fails to elect a power-sharing Executive by 26 March, then it will be dissolved. The Governments have made it clear that, in these circumstances, we will proceed to implement the Good Friday Agreement through new partnership arrangements.

After four years of suspension, the people of Northern Ireland are entitled to see devolved government restored and their elected representatives working actively and openly for them in a fully restored Assembly and shared government. We need to see all aspects of the Good Friday Agreement, including the North/South structures, fully honoured and implemented.

Gaming and Lotteries Act.

162. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform if there is a prohibition here on the purchase of British premium bonds by Irish citizens living in the State (details supplied). [9130/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): In Ireland, the Gaming and Lotteries Act, 1956-86 cover gaming and lotteries other than the National Lottery, which is covered by the National Lottery Act 1986, with the Betting Act, 1931 governing all matters relating to betting. In general, all forms of gaming are illegal in this jurisdiction except where specifically permitted.

Section 21, 26 and 34 of the 1956 Gaming and Lotteries Act disallow the promotion and purchase in this country of tickets for a foreign lottery. This restriction applies to all lotteries in any country outside of the Irish State.

Residency Permits.

163. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of a residency application by a person (details supplied) in Dublin 15. [8987/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by officials in the Citizenship Division of my Department that the applicant in question applied for naturalisation on the 13th January 2003. At the time of his application, he did not fulfil the statutory residency conditions as set out in the Irish Nationality and Citizenship Act, 1956, as amended.

It is now open to the applicant to submit a new application for naturalisation. This information has already been communicated to his solicitor by letter of 19 December 2006.

Garda Deployment.

164. **Mr. Perry** asked the Tánaiste and Minister

for Justice, Equality and Law Reform the progress made on the refurbishment of Aclare Garda Station; when a Garda Sergeant will be appointed as this region is in a rapidly expanding area; and if he will make a statement on the matter. [8988/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The information sought by the Deputy is currently being compiled by the Garda authorities and I will communicate directly with him when it is to hand.

Prison Staff.

165. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 151 of 24 February 2005, if he followed the procedures as specified in the 1877 Act, or rule 82(1) Rules for the Government of Prisons 1947 or the Civil Service Regulation Act 1956 when he terminated the employment of the person in question; and if he will make a statement on the matter. [9004/07]

166. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he or his Department will be issuing correspondence (details supplied); and if he will make a statement on the matter. [9005/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 165 and 166 together.

The person in question was for some years a prison chaplain on the nomination of his local Bishop. Subsequent to his taking up the appointment he initiated a large number of claims with different statutory bodies regarding his pay, grading and status as a prison chaplain and other terms and conditions attaching to such appointments including tenure in the post.

Prison chaplains are engaged only on the basis of a nomination by the Bishop and, because of the special relationship between a priest and his Bishop, have never been regarded by the Irish Prison Service as having the status of a typical employee. A number of the complaints made by the person in question derive from his view that no account whatever should be taken of the unique relationship a chaplain has with his church authorities.

As regards the termination of his contract, I am informed by the Prison Service that this was fully in accordance with the terms of his contract. He was employed on the nomination of his bishop and his employment terminated when his bishop withdrew that nomination in August, 2005. This was set out in the new contract of employment for full-time Catholic Chaplains which he signed as recently as 13 June, 2005. Although he has con-

sistently disputed this involvement in his assignment to the post by his nominating bishop, his appointment was expressly stated to be dependent on his continuing nomination by that bishop. He was paid four weeks in lieu of notice and, consequently, his last day of service was 30 September, 2005.

The complexities of the relationship between the Prison Service and prison chaplains and their unique status vis a vis their nominating Bishops was referred to by the Data Protection Commissioner. In his ruling the Commissioner accepted that in regard to personal data disclosure to the church authorities in this particular instance there had been an unintentional breach of the data protection legislation by the Prison Service and that the Service “had found itself in a difficult position because of the unusual employment arrangements for chaplains”. The Data Protection Commissioner accepted that the Prison Service, as far back as January, 2005, had taken steps to ensure there would be no repetition of this unintentional breach and that they regretted any distress caused in that regard.

Juvenile Offenders.

167. **Mr. Timmins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of young offenders currently in custody; the annual average cost of detaining a young offender; and if he will make a statement on the matter. [9011/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): There are currently 52 children detained in children detention schools and, as of 2 March 2007, 72 young offenders under the age of 18 years detained in St. Patrick’s Institution and other facilities under the Irish Prison Service.

The average cost of detaining a young person in a children detention school (formerly an industrial or reformatory school) in 2006 was €423,844. This is a provisional figure pending the final accounts for 2006, and has been provided by my colleague the Minister for Education and Science who had responsibility for the detention of children under 16 years of age up to 1 March 2007.

The average annual cost of detaining a young offender in St. Patrick’s Institution in 2006 was €90,700.

As the Deputy will be aware, the detention of young offenders in children detention schools is very different from the detention of adult offenders in the prison system as it is based on principles of care and education aimed at promoting the child’s reintegration into society.

On 1 March 2007, outstanding provisions of the Children Act 2001 came into force introducing a range of new measures including community alternatives to detention. This will provide the

court with more options for dealing with young offenders so that, in accordance with the Act, detention is used only as a measure of last resort.

Visa Applications.

168. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason a person (details supplied) who was granted a joint spouse visa for three months was only allowed to remain in the State for a period of one month. [9041/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was granted a C visit visa to enter the State on 15th December 2006 and was granted permission to remain until 4th March 2007.

A wrap-around information sheet accompanies every visa application form. That sheet makes it clear to the applicant that, in general, persons granted visas for particular purposes are not permitted to remain in the State for any purpose other than that for which the visa was granted.

Every visa applicant is required to state on the application form the dates on which he or she proposes to enter and leave Ireland. He or she is also required to declare that the information supplied is correct and complete.

A C Visa is granted for visits of less than 90 days. As a consequence it is not the general policy to extend permission to remain to persons who are admitted initially for a period of 90 days or less on a C Visa, save in very exceptional and unforeseen circumstances.

The person concerned must leave and reapply from outside the State should she wish to return. She should include in her new visa application the purpose and duration of her intended stay.

Garda Operations.

169. **Mr. Sargent** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cost of the Garda operation at Shannon Airport in 2006; and his views on whether there is merit in continuing with the operation in order to prevent security breaches by anti-war protesters. [9044/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the cost, including normal salaries, of ongoing Garda policing arrangements at Shannon Airport in 2006 was approximately €3.85 million. In this regard, the Garda authorities allocate resources in accordance with, inter alia, assessed threat, so it is the latter which ultimately determines the associated costs.

It is the statutory function of the Garda Síochána to provide policing services for the State with the objective of, inter alia, preserving public order and protecting life and property. In this

[Mr. McDowell.]

context, I am informed by the Garda authorities that local Garda management is satisfied that the continuance of the ongoing policing arrangements at Shannon Airport is essential for the integrity of the airport itself and of both its employees and clients.

Accordingly, I remain satisfied that Garda policing arrangements at Shannon Airport continue to be both necessary and appropriate.

Drug Seizures.

170. **Mr. Sargent** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of drug seizures in County Clare in 2005 and 2006; and the quantity and make up of each seizure. [9045/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that the information sought by the Deputy is not readily available in the time allowed and is currently being researched. I will contact the Deputy again when the information is to hand.

Garda Stations.

171. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a decision has been made to close Mountjoy Garda Station; if such a decision will be reviewed in view of the rapidly increasing population trends throughout the north city areas of Dublin City; if steps will be initiated to obtain a new site or building for a Garda station to replace Mountjoy before a move is made to close this strategically important Garda station; and if he will make a statement on the matter. [9057/07]

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 they have made no decision regarding Mountjoy Garda Station at this stage. I should add that the formulation of proposals in relation to the opening and closing of Garda stations is a matter, in the first instance, for the Garda Commissioner in the context of the annual policing plan, as provided for in section 22 of the Garda Síochána Act 2005.

Closed Circuit Television Systems.

172. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of the provision of a closed circuit television system for Athy, County Kildare; and if he will make a statement on the matter. [9069/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware I launched the Community Based CCTV

Scheme in June 2005 in response to the demonstrated demand from local communities across Ireland for the provision of CCTV systems. This Scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community CCTV systems. The scheme operates at two levels: Stage 1 for pre-development proposals and Stage 2 for fully developed proposals. Pobal have been engaged to administer the Scheme on behalf of my Department.

I have been informed by Pobal that Athy Town Council has been awarded a Stage 2 grant of €35,726.00 and as Athy is based in a RAPID area matching funds have also been awarded by the Department of Community, Rural and Gaeltacht Affairs.

I am further informed that Pobal are concluding arrangements with the Town Council to enable the first tranche (40%) of funds to be paid.

Garda Deployment.

173. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the next tranche of community Gardaí will enter the system; the number that will be assigned to the Kildare/Carlow division; and if he will make a statement on the matter. [9072/07]

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 also been informed by the Garda authorities that the total personnel strength of the Carlow/Kildare Division on 31 December, 1997 and on 5 March, 2007 was 281 and 370 (all ranks) respectively. This represents an increase of 89 (or 31.7%) in the number of personnel allocated since that date. The total number of designated

Community Gardaí within the Carlow/Kildare Division on 5 March, 2007 was 3. Of course, all uniformed Gardaí carry out community policing functions.

The next attestation of Probationer Gardaí will take place on 14 March, 2007. The needs of the Carlow/Kildare Division have been considered by the Garda Commissioner and he proposes that an additional 19 Probationer Gardaí will be allocated to this Division. I know that the Garda Commissioner will take full account of community policing in the allocation of resources to the Division in question. However, 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 Deputy may wish to know that 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 international best practice in this area.

Sexual Offences.

174. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that all existing legislation protects children; and the position regarding this matter. [9113/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I assume the Deputy is referring to the protection afforded by the criminal law to children against sexual abuse.

I am satisfied that the criminal law offers comprehensive protection to children against sexual abuse. However, these laws are kept under continuing review and if the need for amending legislation is identified the necessary action is taken. Since the early 1990s there have been many Acts giving greater protection to children and other vulnerable persons against sexual abuse. In that period the Oireachtas has passed eight pieces of legislation that dealt directly with sexual offences and several more that were relevant to protecting children and the trial process.

The Report of the Joint Committee on Child Protection was laid before the Oireachtas on 30 November and was published on that day. In conjunction with my colleague, the Minister for Children, I am examining this comprehensive report with a view to bringing proposals for implementation of its recommendations strengthening the

laws on child protection to Government for approval.

Site Acquisitions.

175. **Mr. Naughten** asked the Minister for Finance further to Parliamentary Question No. 164 of 14 December 2006, the status of the negotiations for the acquisition of a site in Mullingar; and if he will make a statement on the matter. [8982/07]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have informed me that they have agreed terms on a suitable site in Mullingar and the contract is being processed by the Chief State Solicitor.

Tax Code.

176. **Mr. Timmins** asked the Minister for Finance the situation with respect to an application from a group (details supplied) in County Wicklow for a revenue account number in order to assist the organisation in obtaining charitable status; and if he will make a statement on the matter. [9010/07]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that a tax registration form was received by the Wicklow Tax District in mid February. A letter issued to the applicant advising them of their tax registration number on 2 March 2007.

On receipt of the tax registration number the applicant can apply to the Revenue Commissioners, Collector-General's Division, Charities Section, Nenagh, Co. Tipperary in respect of their request to obtain charitable status for tax purposes.

Departmental Expenditure.

177. **Mr. P. McGrath** asked the Minister for Finance the projects which were earmarked for 2006 which had an underspend in that year; the amount of the underspend in each case; and if he will make a statement on the matter. [9024/07]

Minister of State at the Department of Finance (Mr. Parlon): The 2006 capital outturn figure for the Office of Public Works (Vote 10), in respect of an allocation of €309.65m is €253.935m. The difference in allocation and outturn is €55.715m. Of this amount €30.965m is the capital allocation which OPW was allowed carry forward from 2006 to 2007. To a large extent the capital carry forward allocation relates to projects which have a contractual commitment which arose in 2006 but for which the projected cashflow is slower than anticipated. This is not unusual and to a certain extent is why the capital carry forward provisions were introduced.

[Mr. Parlon.]

The remainder of the difference between the allocation and outturn, amounting to €24,750 relates to projects which were expected to be con-

tractually committed in 2006. It is anticipated that in certain of these, progress will be made in 2007. The programmes and projects include:

Programme/Project	2006 Estimate	Outturn	Difference	Comment
	€'000	€'000	€'000	
Garda Stations	22,204	20,647	1,557	Individual projects delayed due to, for example, planning issues, site acquisition issues
Rationalisation of Office Accommodation	30,000	14,714	15,286	Individual projects delayed due to, for example:— in one instance decision not to proceed, issues with landlords regarding lease terms delaying the procurement of accommodation
Flood Relief	20,000	14,228	5,772	Works did not commence in 2006 on certain schemes due to various issues, for example, planning issues
Longtown Farm Programme	1,000	133	867	Invitation to tender delayed, will become contractually committed in 2007.
Roscommon decentralisation	1,200	17	1,183	Negotiations ongoing with developer regarding final account

Community Employment Schemes.

178. **Mr. Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 746 of 27 September 2006 and in view of the response from the Health Services Executive, if she will furnish a response to the issue raised (details supplied); and if she will make a statement on the matter. [8978/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Community Employment Schemes come under the remit of my colleague the Minister for Enterprise, Trade and Employment. However, the issues raised in the Parliamentary question referred to by the Deputy, have been the topic of discussions between officials from my Department and the HSE. The HSE have indicated that they would work in tandem with the Department of Enterprise, Trade and Employment to assist in the mainstreaming of CE Schemes where possible.

Health Services.

179. **Mr. Stagg** asked the Minister for Health and Children if there are proposals to provide a health centre in Sallins, County Kildare which is served by the health centre in Kill, County Kildare and which arrangements takes no account of the growth in the population of Sallins; and if she will arrange for the people of Sallins to have health centre services provided in Naas while awaiting their own centre in Sallins. [8983/07]

Minister for Health and Children (Ms Harney): The Primary Care Strategy aims to develop services in the community to give people direct

access to integrated multi-disciplinary teams of general practitioners, nurses, home helps, physiotherapists, occupational therapists and others.

It has been estimated that up to 95% of people's health and social services needs can be properly met within a primary care setting and the establishment of new Primary Care Teams can contribute greatly to enhancing community based health services.

The provision of the appropriate infrastructure for the effective functioning of the teams is being considered by the HSE, having regard to a number of factors. These include the type and configuration of the services involved, the mixed public/private nature of our health system, the suitability of existing infrastructure and the capital requirements of the health services generally over the coming years.

As the Health Service Executive has the operational and funding responsibility for Primary Care services, it is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

180. **Mr. O'Shea** asked the Minister for Health and Children the number of speech and language therapists employed by the Health Service Executive and health boards in each of the past five years; and if she will make a statement on the matter. [8984/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive

under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

181. **Dr. Cowley** asked the Minister for Health and Children further to Parliamentary Question No. 195 of 28 February 2007, when the review of this application will take place taking into account that there are presently only 14 weeks left until the end of the current school term, that there are a group of children who will have to attend national school without any preschool interaction or education, that this group did not apply for a capital grant and that their building is ready; and if she will make a statement on the matter. [8985/07]

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. As I outlined in my reply to Parliamentary Question No. 195 of 28 February 2007, officials in the Childcare Directorate of my Office will be in contact shortly with a number of Groups, including the Group referred to by the Deputy, to advise them further in regard to their applications for staffing grant funding.

Where certain circumstances apply, including where an application is linked to a previous EOCP capital grant, applications for staffing grant assistance are continuing to be considered under the EOCP and, subject to the outcome of the review in each case, the applicants will be advised of the position as soon as possible. In the case of Groups which have been refused staffing grant funding under the EOCP and whose applications were not linked to a previous EOCP capital grant, the review of their applications for staffing grant funding will be undertaken as soon as the details of the new NCIP staffing grant scheme are announced. In each case, the review will be undertaken as quickly as possible to facilitate the Group concerned.

Health Services.

182. **Mr. Neville** asked the Minister for Health and Children if she will provide occupational therapy to a person (details supplied) in County Galway. [8986/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive

under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Rehabilitation Facilities.

183. **Mr. Dennehy** asked the Minister for Health and Children if, further to a previous parliamentary question on the matter, progress has been made on the provision of a rehabilitation unit for stroke and accident victims in the Cork area; and if she will make a statement on the matter. [9008/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department is currently examining the development of a rehabilitation action plan for people with disabilities including those with stroke and accident victims.

In the last two years the Health Service Executive (HSE), and the voluntary sector funded by the HSE, have undertaken specific actions in regard to service provision for stroke and accident victims such as the expansion of neurological services and the planned development of the rehabilitation capacity in the National Rehabilitation Hospital and Merlin Park Hospital. The issue of service planning and provision for stroke and accident victims has been, and continues to be a matter for discussion and examination between my Department and the HSE.

Health Services.

184. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an appointment for a psychologist; and if she will make a statement on the matter. [9009/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, 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.

185. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo was first referred for an assessment with an occupational therapist; when their assessment will be carried out in relation to their fine motor skills; and if she will make a statement on the matter. [9017/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

186. **Mr. Penrose** asked the Minister for Health and Children further to her reply to a previous parliamentary question, if she will take steps to expedite the payment of capital funding and other funding to a community organisation (details supplied) in County Westmeath as provision of these facilities in this area is important; the steps she will take to have same progressed and a grant awarded; and if she will make a statement on the matter. [9033/07]

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 my Office.

As I stated in my reply to the previous Parliamentary Question tabled by the Deputy regarding this application, as part of the process of closing the EOCP, the final date for reaching contract stage was 31 December 2006. As the Deputy will be aware, the EOCP is co-funded by the European Union, and timescales agreed with the Commission must be observed, as financial penalties will accrue to the State if they are not. It was not possible for the Group in question to meet the contractual deadline under the EOCP, and consequently, their applications under that Programme were declined. I understand that the Childcare Directorate of my Office has informed the Group of that decision, and recommended to them that they develop their applications within the context of the NCIP.

To date, there is no record of an application by the Group being made under the NCIP. If the Group intend to make such an application, they should contact their local County Childcare Committee (CCC). The CCC will assess this application, and that assessment will be considered by the Programme Appraisal Committee, which will make a recommendation to the Secretary-General of the Department of Health & Children, who in turn will make the final decision regarding funding.

Hospital Services.

187. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in

County Mayo will be called for an appointment with an occupational therapist; when this person was first placed on a waiting list for this service; and if she will make a statement on the matter. [9037/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under 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.

188. **Mr. Ring** asked the Minister for Health and Children the number of children that are currently placed on a waiting list following their referral for paediatric occupational therapy services on a county basis; the average length of time a child placed at a lower priority status can wait to receive an appointment; and if she will provide those details for each Health Service Executive region. [9039/07]

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 / issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

189. **Dr. Twomey** asked the Minister for Health and Children if health board paediatricians are being appointed to replace those retired or who have left the service; and if she will make a statement on the matter. [9050/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue 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.

Nursing Home Subventions.

190. **Mr. Ring** asked the Minister for Health

and Children further to a parliamentary question (details supplied), the reason incorrect information was given. [9054/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Parliamentary Affairs Division of the HSE has informed me that a response was issued by the General Manager's office in Mayo on the 21st February in relation to the issue of enhanced subventions.

The HSE may pay an enhanced subvention to people who cannot afford to meet the cost of care. An extra €30 million has been provided in 2007 for this purpose. On 29th January, 2007 the Executive circulated National Guidelines for the Standardised Implementation of the Nursing Home Subvention Scheme to all Local Health Office subvention officers. While most cases in Mayo may exceed the National Guidelines, the enhanced subvention remains in place throughout the country and the amount paid varies according to the cost of care and individual circumstances. All individual cases are considered in light of their particular circumstances as enhanced payment is a discretionary payment.

Health Services.

191. **Mr. McGuinness** asked the Minister for Health and Children the steps taken to provide speech therapy for a person (details supplied) in County Kilkenny; the other forms of support her Department will make available based on the psychologist's recommendations obtained by the child's parents; if her Department will agree on the level of support and services required and deliver same in a pro-active way. [9060/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

192. **Mr. McGuinness** asked the Minister for Health and Children if an early appointment will be arranged in the case of a person (details supplied) in County Kilkenny; and if she will make a statement on the delays being encountered for this service and the steps being taken by the Health Services Executive to improve the situation. [9061/07]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested

the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

193. **Mr. McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 725 of 31 January 2007, if she will insist on the medical card being issued to the applicant based on their medical circumstances and need for the card; if she will impose a time frame on the appeals section within which it is expected that these appeals should be dealt with; and if she will make a statement on the matter. [9062/07]

Minister for Health and Children (Ms Harney): The assessment of eligibility to medical cards is statutorily a matter for the Health Service Executive (HSE) and is determined following an examination of the means of the applicant and his/her dependants. Under Section 45 of the Health 1970 medical cards are provided for persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. Section 58 of the Health Act, 1970, as amended, provides for GP visit cards for adult persons with limited eligibility for whom, in the opinion of the HSE, and notwithstanding that they do not qualify for a medical card, it would be unduly burdensome to arrange GP medical and surgical services for themselves and their dependants. Persons aged 70 and over are statutorily entitled to a medical card, regardless of income. In all other cases an assessment of means is undertaken.

In assessing eligibility, the HSE use guidelines based on people's means, which includes their income, certain allowable outgoings and the effect of other factors which may impact on people's ability to meet the cost of GP services.

I am informed by the HSE that a communication issued to the Deputy on 28th February, 2007 regarding this particular case, and indicating that a decision would be issued to the applicant shortly.

Work is ongoing in my Department on a new legislative framework to provide for clear statutory provisions on eligibility and entitlement for health and personal social services. The aim is to produce a clear set of statutory provisions that ensure equity and transparency and to bring the system up to date with developments in service delivery and technology that have occurred since the Health Act, 1970.

Hospital Accommodation.

194. **Mr. F. McGrath** asked the Minister for Health and Children the position regarding the resolution of the accident and emergency beds

[Mr. F. McGrath.]

issue at Beaumont Hospital and practical efforts to increase bed capacity. [9110/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore the Executive is the appropriate body to consider the particular raised by the Deputy. My Department has asked 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 Malpractice.

195. **Mr. F. McGrath** asked the Minister for Health and Children if a case of malpractice was taken against a hospital (details supplied) in County Dublin in 1972. [9111/07]

Minister for Health and Children (Ms Harney): My Department has asked the Parliamentary Affairs Division of the Health Service Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

196. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be given a bed in a hospital in Dublin. [9124/07]

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 question raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Service Allowances.

197. **Mr. G. Mitchell** asked the Minister for Health and Children if the Health Service Executive will review the taxi fare assistance sought by a person (details supplied) who cannot manage to get her spouse to hospital without such assistance. [9132/07]

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 Execu-

tive is the appropriate body to consider the particular case / issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Ambulance Service.

198. **Mr. Kehoe** asked the Minister for Health and Children if it is possible for a person (details supplied) to meet with this Deputy and a deputisation from Wexford Ambulance Service; and if she will make a statement on the matter. [9159/07]

201. **Mr. Kehoe** asked the Minister for Health and Children the way the population of County Wexford and the level of ambulance service in terms of numbers of paramedics, ambulances and operation of the service compares with counties and areas of similar geographical area and population; and if she will make a statement on the matter. [9178/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 198 and 201 together.

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 issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have replies issued directly to the Deputy.

Health Service Executive Report.

199. **Mr. Kehoe** asked the Minister for Health and Children when the family of a person (details supplied) in County Wexford will receive a copy of the report by the Health Service Executive; the reason for the delay in making the report available; and if she will make a statement on the matter. [9160/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy is aware an Independent Review Committee, chaired by Dr. Joe Duggan, Consultant Physician and Geriatrician, was established in January 2006. The Health Service Executive has confirmed that the publication of the report of the Independent Review Committee on HSE Services provided to the individual the Deputy is referring to, has been deferred at the request of the Chief State Solicitors Office in consultation with An Garda Síochána and the Director of Public Prosecutions. The HSE has been advised that publication of the

report at this time, has the potential to prejudice the State case on this matter.

Home Help Service.

200. **Mr. Kehoe** asked the Minister for Health and Children the average time a person must wait from being approved for home help and receiving the assistance; and if she will make a statement on the matter. [9161/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 201 answered with Question No. 198.

Mental Health Services.

202. **Mr. Wall** asked the Minister for Health and Children the investigations into or reports or papers prepared by her Department into the anorexia nervosa disease; the action taken by her Department as a result of such reports, papers or investigations; and if she will make a statement on the matter. [9182/07]

203. **Mr. Wall** asked the Minister for Health and Children her views on correspondence (details supplied); her further views on the action taken by her Department in regard to this disease; and if she will make a statement on the matter. [9183/07]

204. **Mr. Wall** asked the Minister for Health and Children the number of deaths recorded by her Department as a result of the anorexia nervosa disease in each of the past five years; the age profile of those recorded; and if she will make a statement on the matter. [9184/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 202 to 204, inclusive, together.

The report of the Expert Group on Mental Health Policy, "A Vision for Change", was published in January 2006. The report addresses all aspects of mental health services, including services for those with anorexia nervosa. A number of recommendations are made concerning mental health services for people with eating disorders. These include support for health promotion initiatives that encourage greater community and family awareness of eating disorders,

the further development of primary and community care services and the provision of a full multi-disciplinary teams in a National Centre for Eating Disorders for complex cases that cannot be managed by local community mental health teams.

Responsibility for the implementation of these recommendations rests with the HSE. The HSE established an implementation group in July 2006 to ensure that mental health services develop in a synchronised and consistent manner across the country and to guide and resource service managers and clinicians in making the recommendations in "A Vision for Change" a reality. I have been informed by the HSE that they plan to publish a Progress Report and outline the proposed implementation programme over the life of "A Vision for Change" in the near future.

"A Vision for Change" notes that it is not possible to derive deaths due to eating disorders, including anorexia nervosa, from the Annual Reports on Vital Statistics, as these are not presented as a separate entity. Epidemiological data from other jurisdictions suggest an annual incidence rate of 10 cases of anorexia nervosa per 100,000 females and of 0.5 for males, this represents 400 new cases of anorexia nervosa each year in Ireland. In terms of outcome, anorexia nervosa is regarded as a very serious condition with an estimated mortality rate in the region of 20 per cent.

Complaints about the content of websites relating to anorexia nervosa can be made to the Internet Advisory Board (www.hotline.ie). The Internet Advisory Board is a non-statutory body established by Government in February 2000 to monitor developments relating to the illegal and harmful use of the internet.

In 2006, a sum of €26.2 million was allocated for the development of mental health services in line with "A Vision for Change". A further sum of €25 million has been allocated in 2007 to continue this development. €0.75 million of this additional funding is for the initial development of a dedicated eating disorder service in each HSE area through a combination of reconfiguring existing services and commissioning services from agencies.

Decentralisation Programme.

205. **Mr. Andrews** asked the Minister for Communications, Marine and Natural Resources the number of applications made through the CAF for the decentralisation of BIM's offices from Dún Laoghaire to Clonakilty; and if he will make a statement on the matter. [8981/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government's Decentralisation Programme involves the relocation of Bord Iascaigh Mhara (BIM), involving 95 posts to Clonakilty.

[Mr. N. Dempsey.]

The Public Appointments Service (PAS) have informed that the Central applications Facility (CAF) indicates 22 official expressions of interest for BIM posts in Clonakilty in addition to which staff surveys within BIM indicate that at least a further 16 staff may be willing to relocate.

The intention is to co-locate BIM and the Seafood and Coastal Zone Functions of my Department in separate buildings in a campus style development in Clonakilty. To this end a 3.5 acre (approx) site has been acquired to house both the Departments functions and those of BIM. Design and layout of accommodation have been agreed and a planning application has been lodged and is being considered by the Local Authority.

Alternative Energy Projects.

206. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the existence of green energy services companies; the support he has provided for these companies; the support he will provide for these companies; and if he will make a statement on the matter. [9175/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On 7 June 2006 I launched the Bioheat Programme which is a grant aid scheme for commercial renewable heat technologies. The scheme allows companies and small businesses to obtain grants for the installation of wood chip and wood pellet boilers in large buildings and commercial premises. Grant aid of up to 30% of overall costs is being made available depending on the overall size of the project. The scheme is being rolled out over a five year period and will potentially support the conversion to renewable energy in up to 600 installations depending on overall project sizes. A sum of €22m was originally made available for this scheme to 2010 and in Budget 2007 a further €4m was added to the programme, which is now being expanded to include solar and other renewable technologies, and to allow community and voluntary groups to avail of the grants.

On 3 August 2006 I launched an €11m grants package for Combined Heat and Power (CHP) to encourage industry and commercial users to generate their own electricity and heat. CHP units simultaneously generate heat and electricity in a single process on site. By combining these processes CHP saves around 25% of the energy that would have been required to produce electricity in a conventional power station and heat in separate heat-only boilers. The scheme is providing grant support to assist the deployment of small-scale fossil fired CHP (up to 1MWe) and biomass CHP systems.

This Government recognises the potential role for Energy Service Companies (ESCOs), which provide “whole energy solutions” to industry and utilities, in which the customer is guaranteed

energy savings and/or the provision of the same level of energy service at lower cost through the implementation of an energy efficiency (or renewable energy) project.

ESCOs are eligible to apply for funding under the Bioheat and CHP programmes and a number of applications are currently being considered in this regard.

This year’s budget allocated €3m in investment to allow Sustainable Energy Ireland (SEI) to extend the scope of its energy agreements with firms. As well as the new focus on SMEs the new initiative will include additional emphasis on the Energy Services sector.

Energy Conservation.

207. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources his plans, to introduce a ban on ordinary light bulbs to ensure a move to reasonably priced long life bulbs as seen in Australia recently; and if he will make a statement on the matter in view of Ireland’s moves in relation to the plastic bag tax initiative. [8967/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department continues to analyse all the options available with regard to the promotion of Compact Fluorescent Lamps (CFLs).

Taking the life of a CFL as 6,000 hrs, in use 3.5 hrs a day for almost 5 years, the savings to each customer for replacing just one traditional 100w bulb with a 20w is €78 over the lifetime of the bulb or approximately €16 per year. In one year, the collective savings, if approximately 2 million households in Ireland changed one traditional bulb with a CFL, is €32 million.

As part of the Power of One campaign, this Government is extensively promoting the use of CFLs in all media including TV, radio, press and web. There are enormous benefits from using CFLs in terms of reduced power generation, lower CO₂ emissions and money saved and we will continue to strongly encourage their use.

In addition the Bioenergy Action Plan for Ireland, which I launched on Sunday 4 March, gives a commitment that the public sector must lead the way on energy efficiency with a mandatory programme of efficiency measures including the sole use of energy efficient lighting in offices, hospitals and other public buildings.

Telecommunications Services.

208. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the funding available under the national broadband scheme for projects in County Westmeath who are awaiting the roll out of broadband to their areas; and if he will make a statement on the matter. [8995/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the Commission for Communications Regulation, ComReg, the independent regulator.

However, it has been clear for some time that the sector has failed to invest at the level necessary to keep pace with the demand for broadband. My Department's regional broadband programme is addressing the infrastructure deficit by building high-speed open access broadband networks, in association with the local and regional authorities, in the major towns and cities.

Furthermore, I am aware that, despite Government and private investment in broadband, there are areas of the country where the private sector is unable to justify the commercial provision of broadband connectivity. Accordingly, I have announced a new scheme, which will aim to provide a broadband service to these areas. This scheme will be confined to areas of the country that are not yet served by any broadband service provider and will, when it is fully rolled out, ensure that all reasonable requests for broadband from houses and premises in these unserved areas are met. All elements of the proposed scheme are currently being considered and work on the design of an appropriate tender is under way. It would not be appropriate to estimate the cost of this scheme as the services will be procured under a tendering process.

Motor Fuels.

209. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his or other Government Departments have responsibility in respect of the importation or storage and retail of petrol or diesel with particular reference to the standard and quality of these fuels; if checks are carried out with a view to ensuring that the quality of the fuel in all circumstances is up to a specific standard or in the event of there being no such standards or assurances, the measures taken to ensure the quality of the fuels in storage here or abroad, as anticipated in the NORA Bill, are of the highest quality. [9181/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regard to the standard and quality of petrol or diesel. There are no provisions in the NORA Bill for monitoring the standard and quality of petrol and diesel that is sold by the oil industry in Ireland. I understand that fuel quality standards are set by the EU and are monitored by the Department of the Environment, Heritage and Local Government.

Passport Applications.

210. **Mr. Morgan** asked the Minister for Foreign Affairs if he will introduce a reduced cost for Irish passports, both first time applicants and renewals, to people with a disability; when such a concession will commence; and if he will make a statement on the matter. [9042/07]

Minister for Foreign Affairs (Mr. D. Ahern): In 2005, the Government decided that, building on the existing free transport, television licence, phone and electricity schemes for older people, passports should also be available free to persons aged 65 and over. This was warmly welcomed.

This innovative scheme works satisfactorily as there are clear and fixed qualifications for persons to benefit under it.

On the other hand, the introduction of a reduced passport fee for applicants with a disability would require the introduction of a complex administrative structure in order to adjudicate on the various levels of disability and ensure that any reduced charge would be fairly and equitably applied. The Deputy's proposal, therefore, is not a realistic option. I should also emphasise, as the Deputy will be very aware, that the Government's deep commitment to the disabled is already reflected in a range of supportive ways.

Sports Funding.

211. **Dr. Cowley** asked the Minister for Arts, Sport and Tourism the position in relation to an application by a club (details supplied) in County Mayo; and if he will make a statement on the matter. [8961/07]

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.

Tourism Promotion.

212. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the initiatives his Department are taking, both in sport and tourism, to develop walkways here and to promote walking holidays;

[Mr. Deenihan.]

and if he will make a statement on the matter.
[8962/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Direct initiatives to develop walkways are an operational matter for the Irish Sports Council, under its Irish Trails Strategy (see <http://www.irishsportsCouncil.ie>) and Fáilte Ireland, under its various walking initiatives, most recently, its initiative on Looped Walks (see <http://www.walking.ireland.ie/Routes.aspx>).

Sports Funding

213. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to an application to his Department under the sports capital funding by a club (details supplied) in County Galway; if his attention has further been drawn to the benefit this club is to both boys and girls over a wide area; if his attention has been drawn to the fact that part of the proposal is to construct an astro turf surface which will provide greater opportunities for young people to train; if his attention has been further drawn to the fact that the club caters for children with special needs; and if he will make a statement on the matter. [9023/07]

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.

214. **Mr. Ring** asked the Minister for Arts, Sport and Tourism if he will sanction funding to a group (details supplied) in County Mayo. [9034/07]

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.

215. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the grants available from his Department for the provision of skateboard parks; the number of such grants drawn down in the past two years; the amount of funding involved; and if he will make a statement on the matter. [9066/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The sports capital programme, which is administered by my Department, provides funding for sports facilities and equipment at local, regional and national level throughout the country. Funding is allocated to voluntary, sporting and community organisations, to local authorities and, in some circumstances, to schools and colleges. The programme is advertised on an annual basis.

In regard to applications for skateboard facilities under the sports capital programme, only three applications in total were submitted between 2004 and 2006 and two of these were provisionally allocated grants totalling €165,000. None of this funding has been drawn down to date. The closing date for the 2007 sports capital programme was November 24th 2006. No applications for funding of skateboard facilities were submitted under that programme.

The Deputy should note that my colleague, the Minister for Environment, Heritage and Local Government, Mr. Dick Roche TD, introduced a specific scheme in November 2005 for the provision of skateboard parks by local authorities, through which local authorities may submit proposals for funding same.

Work Permits.

216. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment if he will grant work permits to an employer (details supplied) in County Galway. [9015/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Employment Permits Section of my Department has informed me that two applications were received in the Section on 28th February 2007 and they are being considered, however in regard to the third person, there is no record of a valid work permit application.

Job Creation.

217. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment the number of jobs created by the IDA in County Clare and the mid-west in 2006; the breakdown of the number of visits by foreign owned companies looking to invest, organised by the IDA to Clare and the mid-west in 2006; and the geographical breakdown of the areas the companies visited. [9046/07]

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, whereas, in 2006, Shannon Development had responsibility for indigenous industry in the Mid-West region and for the attraction of FDI to the Shannon Free Zone. Responsibility for supporting indigenous industry reverted to Enterprise Ireland on 1st of January 2007.

In 2006 there was a gross gain of 860 jobs in IDA supported companies in the Mid-West, of which 27 were in County Clare.

Also in 2006 there were 32 visits to the Mid-West region hosted by IDA Ireland from potential overseas investors, of which 5 were to Clare, 2 to North Kerry and 25 to Limerick.

Shannon Development assisted and, in addition, 1,743 jobs were created in the Mid-West region in Shannon companies, of which 703 were in County Clare.

Industrial Development.

218. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment the number of visits to County Clare sites by foreign owned companies looking to invest here organised by Shannon Development in 2006. [9047/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): During the course of 2006 Shannon Development organised visits by eleven foreign owned companies that were interested in the Shannon Free Zone as a potential investment location.

Housing Advice Services.

219. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment what a first-time house buyer who paid a deposit can do to challenge a developer who is not carrying out his duty on the transaction. [9107/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issues raised by the Deputy appear to relate to matters of contract law. In this regard the Deputy may wish to advise the first-time buyer concerned to consult his legal advisor to see how the developer can be obliged to perform the terms of the contract.

Motor Fuels.

220. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if his or other Departments have responsibility in respect of the importation or storage and retail of petrol or diesel with particular reference to the standard and quality of these fuels; if checks are carried out with a view to ensuring that the quality of the fuel in all circumstances is up to a specific standard or in the event of there being no such standards or assurances, the measures taken to ensure the quality of the fuels in storage here or abroad, as anticipated in the NORA Bill, are of the highest quality; and if he will make a statement on the matter. [9180/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I do not have responsibility for this area, however, I understand that the standards for unleaded petrol and diesel are as follows: The European Standard I.S. EN 228 “Automotive fuels — Unleaded petrol — Requirements and test methods” specifies requirements and test methods for marketed and delivered unleaded petrol. It is applicable to unleaded petrol for use in petrol engine vehicles designed to run on unleaded petrol. The European Standard I.S. EN 590 “Automotive fuels — Diesel — Requirements and test methods” specifies requirements and test methods for marketed and delivered automotive diesel fuel. It is applicable to automotive diesel fuel for use in diesel engine vehicles designed to run on automotive diesel fuel. In the context of the Fuels Directive (98/70/EC and its amendment 2003/17/EC, both of which were transposed into national legislation by the Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels)(Amendment) Regulations 2004 (S.I. No. 202 of 2004)) monitoring of petrol and diesel is carried out by a worldwide certification company. However as I understand it, this monitoring is more focussed on the quality of fuels in the context of air quality rather than quality as fitness for purpose. My colleague the Minister for the Environment, Heritage and Local Government will have more information on this matter. As sponsor of the NORA Bill, I refer the Deputy to my colleague the Minister for Communications, Marine and Natural Resources.

Social Welfare Benefits.

221. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact many social welfare recipients in Ballyfermot, Chapelizod and Palmerstown have not been receiving their social welfare cheques in a timely fashion; and if he will make a statement on the matter. [8990/07]

Minister for Social and Family Affairs (Mr. Brennan): All Social Welfare cheques are collected from a central area in my Department at agreed times daily by An Post. These cheques are

[Mr. Brennan.]

given priority treatment in the Dublin Mail Centre, where they are sorted for delivery to customers. No complaints of delays of receipt of payments have been received in my Department in respect of the areas mentioned. My Department has been advised by An Post that a collection and delivery change programme involving redesign and optimization of delivery routes has been implemented in the Dublin 10 and 20 areas. These new practices are designed to increase the efficiency and timeliness of delivery of all mail in the areas mentioned.

222. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will address the plight of women of 70 years and over who do not have independent means, property or pension; his views on whether information is available from the most recent census to analyse this situation taking into account the Government's claim that respect for older people and the dignity of older people are at the heart of policies here; and if he will make a statement on the matter. [8991/07]

Minister for Education and Science (Ms Hanafin): Definitive results on population are not available from Census 2006 yet, however, Population and Migration Estimates published by the Central Statistics Office in April 2006 give a figure of 189,600 women in Ireland age 70 and over. Information on the means and sources of income of this group is not generally available but work done in my Department in relation to women of pension age indicates that about 88% of this group receive support through the social welfare system in their own right or as a qualified adult on the pension of their spouse or partner. For many years now, the Government has been anxious to ensure that as many people as possible should qualify for pensions in their own right. In this regard, qualifying conditions for contributory pensions have been eased and special pensions such as the pre-53 payment have been introduced. In the last two Budgets a particular emphasis has been placed on non-contributory pensions with significant improvements in the means test and a higher rate of increase being granted than that given on the contributory side. These improvements are of particular benefit to older women who make up the majority of recipients of non-contributory pensions. As the House is aware, the Government is preparing a Green Paper on pensions and it is expected that this will be finalised by the end of March and published as soon as possible thereafter. The Green Paper will include a discussion of all aspects of our pension system including the position of people who do not qualify for social welfare pensions. Following the publication of the Green Paper a consultation process will then take place and the Government will respond to this by publishing a framework for future pensions policy.

Departmental Staff.

223. **Dr. Cowley** asked the Minister for Social and Family Affairs the new structure the job of community welfare officer will take on under his Department; if this position will continue to have the pivotal role it currently has in society particularly regarding the most vulnerable of Irish society; and if he will make a statement on the matter. [8999/07]

224. **Dr. Cowley** asked the Minister for Social and Family Affairs his views on establishing the community welfare officers as an agency within his Department, similar to that of MABS; and if he will make a statement on the matter. [9000/07]

225. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will guarantee that when the community welfare office is transferred to his Department, the role will be integrated rather than absorbed; the working arrangement his Department will have with these officers; and if he will make a statement on the matter. [9001/07]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 223 to 225, inclusive, together.

In February 2006 as part of its reform of the Health Sector, the Government decided to transfer certain functions from the Health Service Executive to my Department. The functions to be transferred include the supplementary welfare allowance (SWA) scheme as well as certain other functions. The SWA scheme is currently administered by some 700 Community Welfare Officers (CWOs) and 59 superintendents and supporting clerical and other staff within the Community Welfare Service of the HSE. They provide a service that is flexible, responsive and outcome driven. The transfer of functions will not change this. There will be no loss of flexibility, discretion or personal service on the part of CWOs. They will remain community based and will continue to provide key information, advice, advocacy and referral links between agencies. The implementation of the programme will be carefully managed to ensure that continuity of the SWA scheme and related services is maintained. I am satisfied that the transfer will harness social welfare provision in a more cohesive and a co-ordinated manner for the benefit of the disadvantaged in society.

It is not the intention to create an agency under my Department for the Community Welfare Service but to fully integrate Community Welfare Officers and other staff into the Department on a phased basis, allowing sufficient time for consultation and negotiations to take place on the variety of issues that arise from this major transfer of staff between the two organisations. It is envisaged that this process can be completed in

three years. The SWA scheme is already funded by my Department and is part of the wider social welfare code. In November 2006, my Department published a report of a Review of the Supplementary Welfare Allowance Scheme. The report points to the need for a more streamlined approach to the delivery of income support through the Social Welfare system actively supported by case management. In that regard, the report provides a valuable working template to support the transfer programme. My Department's commitments in "Towards 2016", the National Development Plan and the National Anti-Poverty strategy provide further underpinning for this enhanced approach. I am satisfied the approach I have outlined is the correct way forward. In recent years new types of payments, computer development and modernisation of services enable customers to confidently carry out their business with my Department. The transfer of functions will provide a platform from which to build on this and offers both a challenge and an opportunity for all staff both within the Community Welfare Service and my own Department in developing a model system for supporting those most disadvantaged in society.

Grant Payments.

226. **Dr. Upton** asked the Minister for Social and Family Affairs if a system will be put in place to enable people, particularly the elderly, to purchase cemetery plots at a price they can afford; if a grant system will be put in place to enable people to purchase such plots without undue hardship; and if he will make a statement on the matter. [9030/07]

Minister for Social and Family Affairs (Mr. Brennan): There are various schemes within the social welfare system to assist families in dealing with death and funeral expenses. The six weeks payment after death ensures that the household income is maintained for six weeks following the death of a social welfare recipient or a person in respect of whom carer's allowance or carer's benefit was in payment.

In addition to the six weeks after death payment, my Department makes once-off payments to assist with the immediate costs of bereavement, namely the widowed parent grant and the bereavement grant. The widowed parent grant is a payment to certain widows and widowers with children following the death of a spouse. In Budget 2007, I increased the level of the widowed parent grant by €1,300 to €4,000.

The bereavement grant is based on PRSI contributions and is payable on the death of an insured person or a family member, including a child under age 18, or under age 22 if in full time education. In Budget 2007, I increased the amount of the grant by €215 to €850.

Where there are insufficient PRSI contributions to qualify for bereavement grant, a per-

son may receive assistance under the supplementary welfare allowance scheme. Under this arrangement, the HSE may make a single payment to help meet exceptional expenditure, for example, for funeral expenses, which a family could not reasonably be expected to meet out of their income.

I will continue to keep the bereavement supports available from our Department under review.

Pension Provisions.

227. **Ms Burton** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that people in receipt of contributory pensions who were due an extra days payment in January 2007 due to changes in the system of payments have received this payment at the 2006 rate instead of at the 2007 rate; if his Department will make arrangements for recipients to receive the difference; and if he will make a statement on the matter. [9118/07]

Minister for Social and Family Affairs (Mr. Brennan): As part of improvements announced in the Budget measures for 2006, I introduced legislation (under the Social Welfare Law Reform and Pension Act 2006) whereby all persons in receipt of State Pension (Transition) who attain the age of 66 transfer automatically to the State Pension (Contributory). In these cases, a once-off payment of an additional days pension is being made in recognition of the changeover from a Thursday payday (for State Pension Transition) to a Friday payday (for State Pension Contributory) on reaching age 66.

This legislation was implemented in January 2007 in the case of customers being paid their pension by electronic fund transfer. Customers being paid their pension by means of payable order book will have the change implemented on the 30th March next.

The rate at which the additional days pension is paid depends on the date the customer reached the age of 66, and the transfer to State Pension Contributory became effective.

In those cases where the customer reached the age of 66 prior to the 1st January 2007 (when the 2007 Budget rates became effective), the additional day's payment is based on the pension rates which applied at that time, i.e. 2006 rates. In the case of customers reaching the age of 66 from 1st January 2007 (when the 2007 budget rates came into effect) onwards, the additional day is payable at the 2007 (post-Budget) rates.

Rural Transport Services.

228. **Mr. Naughten** asked the Minister for Transport his plans for the development of the rural transport initiative in County Roscommon; his further plans at a national level for the development of the service between now and

[Mr. Naughten.]

2013; and if he will make a statement on the matter. [9108/07]

229. **Dr. Twomey** asked the Minister for Transport the current rural transport scheme for the Wexford area; if there are plans to extend this scheme; if this scheme will be extended throughout parts of north County Wexford, in particular the Riverchapel area which has seen a sizeable increase in population over the past ten years but which is not serviced by essential services; and if he will make a statement on the matter. [8993/07]

Minister of State at the Department of Transport (Mr. Gallagher): I propose to take Questions Nos. 228 and 229 together.

I recently announced the arrangements for a new Rural Transport Programme (RTP). This new Programme builds on the success of the pilot Rural Transport Initiative and puts it on a permanent mainstreamed basis.

In line with commitments in Towards 2016 and in parallel with the implementation of Transport 21, Euro 9 million is being provided for the RTP in 2007: double the 2005 allocation. The National Development Plan 2007-2013 — Transforming Ireland, commits some €90 million to the Rural Transport Programme over its full term.

Thirty-four community transport groups throughout the country are currently being funded under the RTP to address the particular transport needs of their rural areas. Two of these groups — Wexford Area Partnership Ltd. and the South West Wexford Community Development Group — are operational in County Wexford, while two other groups — Auhgrim-Kilmore Development Association Ltd. and Tumna Shannon Development Company Ltd. — are operational in County Roscommon.

Pobal, which administers the Rural Transport Programme on behalf of my Department, will work closely with the existing groups to maximise the impact of the increased funding through, among other things, increased service provision and wider area coverage as well as ensuring continued value for money.

Existing Rural Transport groups proposing to expand their services or local community groups considering setting up of a new scheme should make contact with Pobal at Holbrook House, Holles Street, Dublin 2 (www.pobal.ie).

Services for People with Disabilities.

230. **Mr. Penrose** asked the Minister for Transport the number of the Bus Éireann fleet serving the midlands area that are wheelchair accessible and are capable of facilitating people with disabilities who wish to travel by such transport; and if he will make a statement on the matter. [8994/07]

Minister for Transport (Mr. Cullen): Significant progress has been made in recent years in the introduction of wheelchair accessible buses to the Bus Éireann fleet. Since the year 2000, all buses purchased by the company for urban services are low floor, wheelchair accessible. That purchasing policy will continue as the bus fleet is replaced and expanded over time. I recently announced that Exchequer funding of up to €50 million would be provided for up to 160 new buses for Bus Éireann in the period commencing 2007 for non-commercial services outside of Dublin, all of which will be wheelchair accessible. I should add that Bus Éireann has advised me that currently 2 of their 3 buses providing town services in Athlone are low floor wheelchair accessible.

While there is significant progress in the development and provision of accessible buses for urban and commuter type services, the production of wheelchair accessible coaches for intercity services is at an early stage across Europe and coaches of this type are only now becoming available.

The approach being taken to the provision of wheelchair accessible coaches is outlined in 'Transport Access for All, my Department's Sectoral Plan under the Disability Act 2005, a copy of which is in the Oireachtas Library.

Bus Licences.

231. **Mr. Connaughton** asked the Minister for Transport the reason an application for a route licence made to his Department by a company (details supplied) has not been processed; when the application will be processed; and if he will make a statement on the matter. [9028/07]

Minister for Transport (Mr. Cullen): I can confirm that my Department received two applications for bus passenger services in the Galway Area from the Company referred to by the Deputy. The first application was received on the 18 July, 2006 and the second application was received on the 28th July, 2006.

Within days of receipt, both applications were examined and the applicant was informed that in respect of the first application my Department had a prior notification from another operator for bus passenger services on and along the proposed route which would have to be finalised before a decision could be made on the application concerned.

My Department informed the applicant on the 23rd January, 2007 that the processing of the prior notification had been finalised and that in the context of the consideration of their application the Company has been asked to supply certain information that is required before a decision can be made on that application. This information is awaited.

The processing of the second application has been finalised and my Department is currently

awaiting outstanding documentation from the applicant before a licence can issue.

Open Skies Agreement.

232. **Mr. Sargent** asked the Minister for Transport if he is confident that changes will be made to the existing open skies agreement with the US in time for the summer 2007 season to allow Aer Lingus fly to more destinations in the US. [9049/07]

Minister for Transport (Mr. Cullen): Following recent intensive negotiations at EU US level, significant progress has been made in reaching a draft Open Skies Agreement. The draft text of the Agreement will be presented to the Transport Council for endorsement on 22 March 2007. If approved by Council, and by the US Administration, the Agreement could be signed at the EU-US Summit on 30 April 2007.

It was confirmed that approval of the Agreement by the Council of Ministers would enable its transitional provisions relating to Ireland to apply with immediate effect. Under the transitional provisions, Aer Lingus would be entitled to apply for traffic rights to operate services to three additional points in the US. The timing of the commencement of any new approved services would be a commercial decision for the Company.

Taxi Regulation.

233. **Mr. Wall** asked the Minister for Transport the position of the provision of taxi ranks; the person who is responsible for the provision of such ranks in the legislation of the Taxi Regulator; if there are grants available from the regulator to local authorities for the provision of such ranks; and if he will make a statement on the matter. [9071/07]

Minister for Transport (Mr. Cullen): Decisions regarding the location and operation of taxi ranks on public roads are matters for consideration by the relevant local authority. Under section 84 of the Road Traffic Act 1961, as substituted by section 15 of the Road Traffic Act 2002 and amended by section 42(10) of the Taxi Regulation Act 2003, a local authority is empowered to make bye-laws in respect of any specified area in its functional area appointing the places at which taxis may stand for hire. The making of such bye-laws is a reserved function of a local authority. The provision of funding for taxi ranks is primarily a matter for local authorities.

Section 11 of the Taxi Regulation Act 2003 provides that the Commission for Taxi Regulation may provide financial assistance to local authorities to support the development or provision of infrastructure to facilitate and support the operation of small public service vehicles. The preparation of proposals for a scheme of financial

support under this section in relation to the provision of taxi ranks is a matter in the first instance for the Commission for Taxi Regulation.

Road Network.

234. **Mr. McHugh** asked the Minister for Transport if, in his view a non-public road which has been improved under a local improvement scheme can be taken in charge by the relevant local authority; and if he will make a statement on the matter. [9119/07]

235. **Mr. McHugh** asked the Minister for Transport the process whereby a non-public road which has been improved under a local improvement scheme can be taken in charge by the relevant local authority; and if he will make a statement on the matter. [9120/07]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 234 and 235 together.

A local authority may, by order, declare any road over which a public right of way exists to be a public road. The procedures to be adopted by a Local Authority to do this are set down in Section 11 of the Roads Act 1993.

It is generally a matter for the Local Authority themselves to decide whether a specific road should be declared a public road or not. The criteria for doing so are also laid down in Section 11 of the Roads Act 1993.

Grant Payments.

236. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his changes for the provision of grant assistance to the farming community to refurbish old farm buildings into tourist attractions; the meetings he has had with interested groups in relation to the matter; and if he will make a statement on the matter. [9063/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Funding was available under the Area Based Rural Development Initiative for the 2000-06 round of structural funding for the development of tourist attractions in rural areas and the conversion of farm buildings into tourist accommodation.

The draft of the Rural Development Programme 2007-13 for Ireland is currently with the European Commission. This new Programme will provide a significant boost to the development of the rural/agri-tourism sector. A public consultation on the content of the draft Rural Development Programme took place in two stages in 2006 before the final draft was sent to the European Commission.

Officials from my Department are preparing draft Operating Rules for the new Programme and as part of this process a full review of grant assistance is being undertaken.

Ferry Services.

237. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs if the two tenders received for the Cape Clear ferry were both unsatisfactory; if so, the reason negotiations were then opened with only one of the tenderers; if his attention has been drawn to the widespread concern among the islanders on the manner in which the winning tender was selected; his views on the concerns of the islanders; and if he will make a statement on the matter. [9058/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I should clarify in the first instance that maritime transport services are not subject to the full provisions of EU and national regulations in regard to procurement (EU Directive 2004/18/EC and S.I. No 329 of 2006 refer). Furthermore, European Commission guidelines relating to the provision of maritime cabotage provide for the procurement of such services for small islands through a simple call of expressions of interest without launching a formal tender.

Notwithstanding the foregoing, with the objective of maximising competition and ensuring compliance with the principles of transparency and non-discrimination contained in the EC Treaty, my Department pursues a policy of procuring contracts for subsidised ferry services through a competitive tendering process.

Accordingly, in the case referred to by the Deputy, in September 2006, in addition to notifying 9 ferry operators directly, formal expressions of interest were sought for the provision of a subsidised ferry service for Cléire in a variety of national and local media and on the e-tenders website. Arising from this process, two tenders were subsequently received. As part of the evaluation process, clarifications were sought from both tenderers. On receipt of these, and in the absence of a tender that fully met requirements, the decision to enter into negotiations with one particular tenderer was taken as it was the considered view of my officials that the tender concerned was the one which could potentially best meet the required specifications.

I should also advise the Deputy that my Department held a meeting recently with a representative of the unsuccessful tenderer's company in order to provide a full debriefing as to why the company's tender was unsuccessful.

I am aware of the concerns of the islanders in this matter and, indeed as recently as last week, I met with a deputation from Cléire to listen to their views. Arising from this meeting, I have arranged for my officials to meet representatives of SIPTU in the near future to explain, as a matter of courtesy, the Department's position in regard to issues that have been raised.

I have arranged for a copy of my Department's press release of 2 March 2007 (available on the website www.pobail.ie), which contains a factual

account of the issues involved, to be forwarded to the Deputy.

Grant Payments.

238. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the grants available through his Department for a group (details supplied) in County Kildare in regard to a community centre that they voluntarily run for their community; and if he will make a statement on the matter. [9070/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department provides funding for projects such as the one that the Deputy refers to, through a number of schemes and programmes, and details regarding these are provided below.

It should be noted that each of the schemes and grant programmes operated by my Department are governed by rules and eligibility criteria, which projects have to meet in order to qualify for funding.

Programme of Grants for Locally Based Community and Voluntary Organisations

This Programme supports the activities of locally based community and voluntary organisations by way of three Schemes:

- the Scheme of Refurbishment Grants;
- the Scheme of Equipment Grants and
- the Scheme of Training, Education and Research Grants

A copy of the Programme Guidelines and the Application Form in respect of these Schemes, including eligibility criteria, can be accessed on my Department's website at www.pobail.ie.

Community Services Programme

The Community Services Programme operated by my Department is currently closed for applications, however, it is hoped to reopen the Programme again later this year and the project, that the Deputy refers to, can at that point apply through their local Partnership, Community Partnership or Leader group for funding. The objective of the Programme is to support local community activity to address disadvantage, while also providing local employment opportunities and regeneration of communities.

In the case of managing Community Halls and Facilities, funding is limited to small grants approximately the equivalent of 2 workers per project.

The Local Development Social Inclusion Programme

The Local Development Social Inclusion Programme (LDSIP) provides a series of Measures, funded under the National Development Plan

2007-3013, that are designed to tackle social exclusion.

The project that the Deputy refers to may wish to contact the Local Partnership Committee, which is Kildare Community Partnership.

LEADER Programme

The draft Rural Development Programme 2007-13 is at present under discussion with the European Commission. Full details of the funding opportunities under the programme will be made available when the draft programme is finalised.

239. **Mr. Ring** asked the Minister for Agriculture and Food if a REP scheme payment was made to persons (details supplied) in County Mayo in view of the fact that their REP scheme plan was submitted some time ago and soil samples, and so on were submitted several weeks later; and the position in this case. [8963/07]

Minister for Agriculture and Food (Mary Coughlan): The persons named were paid for their first year in REPS in June 2005 and were due to submit an amended plan and soil samples before their second-year payment could be made. Their application for second year payment should have been received in the Department before the end of August 2006 to avoid a late application penalty. However it was not received until 7 September 2006, and when it did arrive it was not accompanied by the amended plan and soil samples. My Department wrote to the persons named on 19 October 2006 requesting the amended plan and soil samples. There is no record of their having been received since then. When they are received, the payment will be processed, subject to the late application penalty.

240. **Mr. Hogan** asked the Minister for Agriculture and Food when a single farm payment will be granted to a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [8964/07]

Minister for Agriculture and Food (Mary Coughlan): The person named did not establish Single Farm Payment entitlements during the reference period 2000-2002.

An application for the Transfer of Entitlements by gift without land under the 2006 Single Payment Scheme to the person named was submitted on the 24th April 2006.

The Regulations governing the transfer of entitlements provide that Single Payment entitlements may be transferred without land only if the transferor has used at least 80% of his payment entitlements in one calendar year. This application for the transfer of entitlements to the person named was rejected as the transferor involved did not use 80% of his entitlements in 2005.

A formal letter outlining this decision was issued to the person named on 30th January 2007.

Farm Retirement Scheme.

241. **Mr. Penrose** asked the Minister for Agriculture and Food if she will review the scheme for early retirement from farming; if she will take steps to deem all applications received by her Department for participation in the scheme as joint ownership rather than joint management, and thereby accept the recommendation of the Joint Committee on Agriculture and Food, to include all past applications in such a review along the aforesaid lines; and if she will make a statement on the matter. [8965/07]

Minister for Agriculture and Food (Mary Coughlan): The Joint Oireachtas Committee on Agriculture published its report on the Early Retirement Schemes in February 2005. One of the Committee's recommendations was that all joint management cases should be re-classified retrospectively as joint ownership, and appropriate refunds made to the participants affected.

I responded in detail to the report in September 2005 and explained that, unfortunately, the Scheme does not allow for such retrospective changes unless there are new facts or evidence that show that individual applications were wrongly classified in the first place. The three application types under the Scheme (sole application, joint ownership and joint management) were clearly set down in the Department's Guidelines and the Scheme documents. The requirement for the deduction of both spouses' national retirement pensions under the joint management arrangement was also clearly stated. The participants, in consultation with their agricultural and/or legal advisors, had an opportunity to decide on how to structure the application to their best advantage, having regard to their individual circumstances and the Scheme conditions. My Department dealt with each application in accordance with the Scheme conditions.

Animal Identification Scheme.

242. **Mr. Naughten** asked the Minister for Agriculture and Food the number of equines with a passport issued under her Department regulations; the number of equines here without such a passport; the reason for her failure to enforce her Departmental regulations; and if she will make a statement on the matter. [8966/07]

Minister for Agriculture and Food (Mary Coughlan): Six equine breeding organisations have been approved for the purpose of maintaining a stud book under Regulation 3 of the European Communities (Equine Stud-Book and Competition) Regulations, SI 399 of 2004. Their obligations include the issuing of equine passports for equines included in their respective studbooks. In addition two organisations have been approved under Regulation 7 of the European Communities (Equine Stud-book and Competition) Regulations, SI 399 of 2004 for the

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purpose of issuing equine identification documents only.

My Department does not have the information on the number of horses on the various studbooks held by the bodies for the maintenance of studbooks or of the number of identity identification documents issued. There is no legal obligation on the bodies to provide this information to my Department. Most recent estimates provided to my Department recently suggest that there are about 200,000 horses in the country, a lesser figure had previously been estimated. A recent study on the horse sport industry for the Irish Horse Board estimates that there may be about 8% of horses unregistered.

Nonetheless my Department is actively following up on the requirement that equines be identified in accordance with these Regulations. The Department has written to the managers of some of the principal marts reminding them of the provisions of the Regulations. A publicity campaign is also being arranged to remind the general public of the regulations relating to the identification of equidae. As a follow on to this action Department Officers will carry out random compliance checks with regard to identification documents at sales, ports and other places where horses are assembled.

In the meantime my Department has also been in discussions with the European Commission regarding its forthcoming proposals on the identification of equidae. My Department has drawn the Commission's attention to the desirability, from a disease prevention perspective, to make it mandatory to register any premises in which horses are kept. The Commission has also been informed of my view that the proposal to introduce compulsory microchipping for equines serves no purpose without provision being made for the establishment of a compulsory central database that can link the microchip number to the animal identification.

Grant Payments.

243. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (detail supplied) in County Galway did not receive the second half of their 2006 single farm payment; and if she will make a statement on the matter. [9020/07]

Minister for Agriculture and Food (Mary Coughlan): The person named has received his full Single Payment for 2006. His payment was based on his standard entitlements. My Department has no record of having received an application to lease in entitlements under the 2006 Single Payment Scheme.

244. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not been granted

their entire single payment entitlements; the entitlements that have been built up by another person who originally had the herd number; and if she will make a statement on the matter. [9021/07]

Minister for Agriculture and Food (Mary Coughlan): The person named made application under the Consolidation measure of the Single Payment Scheme. The application is currently being processed and payment will issue in the coming week.

Animal By-Products Regulations.

245. **Mr. Connaughton** asked the Minister for Agriculture and Food the regulations governing the spreading of offal, belly grass and slurry from meat factories; if her attention has been drawn to the fact that such material is being spread on farms during the months of November, December and January; and if she will make a statement on the matter. [9022/07]

Minister for Agriculture and Food (Mary Coughlan): The legislative basis for the control and disposal of animal by-products not intended for human consumption is Regulation (EC) No 1774/2002, the Animal By-Products Regulation. Offal, belly grass and slurry are regarded as animal by-products under this Regulation.

Digestive tract content (belly grass) and manure (slurry) may be spread on land in accordance with Regulation (EC) 1774/2002 if the competent authority does not consider them to present a risk of spreading any serious transmissible disease. There is no provision for raw animal by-products (offal) from meat factories to be spread on land and the Animal By-Products Regulation provides that such material must be processed in establishments which are approved for that purpose.

Council Directive 91/676/EEC of 12 December 1991 (the Nitrates Directive) as implemented by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, S.I. No. 378 of 2006, regulates the application of organic fertilizers and manure to land.

These Regulations have been explained to farmers in an "Explanatory Handbook for Good Agricultural Practice for Farmers" produced by my Department. Specific rules apply in relation to the 'prohibited spreading period', with some variation between different zones of the country. If the Deputy has any specific information concerning non-compliances I would ask him to forward the detail to my Department, which will take the necessary action.

Grant Payments.

246. **Mr. Perry** asked the Minister for Agriculture and Food if she will reconsider the decision made on an appeal by a person (details

supplied) on single payment entitlements. [9106/07]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2006 Single Payment Scheme was received from the person named on 6 October 2006, the closing date for receipt of applications under the Scheme having been 24 April 2006. There was provision under the Terms and Conditions of the 2006 Scheme for receipt of late applications up to 18 May 2006, subject to a cumulative 1% penalty per working day that the application was late. However, as the application of the person named was received outside the period for receipt of late applications and, as the reason put forward by him person named for his failure to submit the application within the scheme timeframe was not deemed to represent acceptable Force Majeure, the application was refused for payment purposes. This decision was subsequently appealed by the person named to the Agriculture Appeals Office, which following an oral hearing of the appeal, decided to uphold my Department's decision in this case. Decisions of the Agriculture Appeals Office, which is statutorily independent of my Department, are binding on my Department, except where it is found that the Appeals Officer concerned erred in fact or in law. The Appeals Officer in this case was not found to have so erred.

247. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Wexford has not received the area aid payment for the first year for the scheme; the reason this payment has not been made; and if she will make a statement on the matter. [9121/07]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 Single Payment Scheme was received from the named person on May 16th 2005. Full payment in respect of this application was issued on December 1st 2005, and the cheque was cashed on January 9th 2006.

Turbary Rights.

248. **Mr. Ring** asked the Minister for Agriculture and Food the outcome of a meeting between an inspector from her Department and a person (details supplied) in County Mayo. [9122/07]

Minister for Agriculture and Food (Mary Coughlan): This case involves the use of and access to a turbary right over a bog plot. The position is that the person named in the details supplied, has applied to my Department, as successor to the Land Commission for a formal right of turbary over a plot owned by a third party. The person named is in dispute with the fee simple

owner of the land, over which the right will be exercised. My Inspector has proposed a solution, which involves my Department selling the right of turbary over part of the plot to the person named and the right of turbary over the remainder of the plot to the fee simple owner of both plots. Access to the plot to be used by the person named has still to be provided for and the Survey and Legal Services sections of my Department are attempting to find an acceptable solution to this problem, which will require the co-operation of the parties involved.

Food Industry.

249. **Mr. Ó Fearghail** asked the Minister for Agriculture and Food her plans for investment in research and development in the agriculture and food sectors. [9162/07]

Minister for Agriculture and Food (Mary Coughlan): My Department's Agri Vision 2015 Plan of Action and the National "Strategy for Science, Technology and Innovation 2006-2013" identify the necessary actions to build a knowledge-based, competitive, innovative and consumer focussed agri-food sector. Investment in Research and Development is at the forefront of these strategy documents and funding in this area has been a priority for my Department and is identified as a priority in the National Development Plan (NDP) 2007-2013.

As well as providing core funding for research carried out by Teagasc, my Department provides competitive funding of public good food research, from basic to pre-commercial, to the Universities, Institutes of Technology and Teagasc under the Food Institutional Research Measure (FIRM). An important role is also played by Teagasc's commercial subsidiary, Moorepark Technology Ltd, a pilot plant that provides industry and Teagasc with a commercial technology transfer vehicle. The Research Stimulus Fund (RSF) programme provides grant assistance, on a competitive basis, for agri-production research including agri-environment and biodiversity, advances in animal and plant bio-science, animal and plant health, rural economy and other areas of sustainable agriculture not covered in the major research programmes.

The main objectives of FIRM are to provide a base of information and expertise in generic technologies to support innovation and product development in the food industry and assure consumer protection by ensuring that product development is underpinned by attention to food safety and quality issues. Funding for FIRM under the NDP 2007-2013 will amount to some €14 million a year compared with average annual expenditure of €7 million between 2000 and 2006. Funding for RSF under the NDP 2007-2013 will amount to over €7 million on average annually compared with an annual average expenditure of some €1.5 million in the period 2000 to 2006.

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Funding to the food industry for in-company research and technology transfer is administered by Enterprise Ireland. My Department works closely with Enterprise Ireland to ensure that all aspects of food research, from applied to commercial, are facilitated and has supported initiatives by Enterprise Ireland to encourage greater involvement by the food industry in food research and development.

Under the new NDP my Department will continue to operate its competitive research programmes in sustainable agriculture, food and forestry, including development of non-food crops such as bio-fuels. These measures are operated in a coherent way with linked programmes in other Departments. In addition, the Teagasc R&D programme will continue to be a priority for my Department. In this regard I announced last year that some €27 million arising from the sale of Teagasc assets would be retained and re-invested in the Teagasc Research Vision programme to provide centres of excellence that will equip those involved in agriculture and food with the knowledge to improve efficiency, competitiveness and responsiveness to the market.

Healthy Eating Guidelines.

250. **Mr. Ó Fearghail** asked the Minister for Agriculture and Food her efforts to promote healthy eating amongst school children. [9163/07]

Minister for Agriculture and Food (Mary Coughlan): I recently launched a national healthy eating initiative known as the Food Dude Programme to encourage fruit and vegetable consumption among school children. Managed by An Bord Bia, it will, on completion, have been introduced to 600 schools over 3 years. The programme which was developed by the University of Wales, Bangor is based on positive role models (the Food Dudes characters), repeated tasting and rewards. Studies show that it can deliver long-lasting results across primary age range, regardless of gender, school size and socio-economic factors. It is designed to enable children enjoy healthy diets and to create a healthy eating culture within schools. The programme is funded on a fully exchequer basis and an amount of €4 million is being provided for this purpose in 2007 and subject to evaluation further funding will be provided in the following years. EU State aid approval has been received for the programme.

The programme is an extension of a pilot Food Dude Programme which was launched in 2005 and is co-funded by my Department, the European Commission and Wholesale Produce Ireland. Now in its second year of operation, it will, on completion, have been introduced to 120 primary schools over 3 years. The results from the pilot programme have been very encouraging with children who have participated consuming

more fruit and vegetables both at school and at home. The success of the pilot programme was recognized when it was awarded the International Best Practice Award from the World Health Organization in 2006.

Other measures taken by my Department include the Scientific Study on Children's Diet, which was co-funded by my Department and the Food Safety Authority of Ireland (FSAI) and was the first study to benchmark dietary intakes of a nationally representative sample of Irish children. The work was carried out by researchers in Trinity College, Dublin, and University College, Cork, who surveyed 600 children aged 5-12 years from primary schools throughout Ireland during 2003 and 2004. The researchers collected information on diet, physical activity and body measurements on each child in addition to lifestyle information for both the children and their parents.

In relation to diet, the Scientific Study identified inadequate consumption of milk, fresh meat and fruit and vegetables among the young. Responding to this study and to the recommendation of the Obesity Task Force, last August I launched a new school milk scheme. The new revamped scheme has a broader range of milk products on offer including flavoured milk, low-fat and fortified options and with the improved packaging will I believe encourage more milk consumption among schoolchildren.

Horticulture Sector.

251. **Mr. Kirk** asked the Minister for Agriculture and Food her efforts to assist the horticulture sector in recent years; and her plans for its future development. [9164/07]

Minister for Agriculture and Food (Mary Coughlan): My Department has contributed to the development of the horticulture industry particularly through its grant aid schemes under the National Development Plan. These schemes have been a catalyst for investment and growth and have assisted producers to upgrade or develop new production facilities and have also enabled commercial enterprises to improve marketing and processing facilities.

The Scheme to assist capital investment on farms under the National Development Plan 2000-2006 aimed to promote the specialisation and diversification of on-farm activities, improvement in the quality of products and to facilitate environmentally friendly practices and improved working conditions on farms. My Department has paid grant aid amounting to some €20m to producers for on farm capital investments under the NDP Scheme for Investment Aid for the Development of Commercial Horticulture. In addition, under the NDP Capital Investment Scheme for the Marketing and Processing of Agricultural Products a total of €18.7m has been awarded to operators in the fruit, vegetable and

potato sectors. Taken together, these two schemes have leveraged an investment of over €110m in these sectors so far in the new millennium.

Under the new National Development Plan 2007-2013, it is anticipated that further substantial funding will be provided. This Programme remains to be cleared by the EU Commission and must also fulfil EU State aid criteria. In addition to these two schemes, fruit and vegetable producers benefit from EU aid under the Producer Organisation (PO) scheme. POs provide their members the opportunity to concentrate marketing, reduce production costs and stabilize prices.

The proposals for reform of the Common Organisation of the market for fruit and vegetables, which were presented to the Agriculture Council on 29 January, identify a strengthening of the role for POs as the core part of the strategy for improving the competitiveness of the fruit and vegetable sector in the future. The proposals include measures for crisis management organized through POs and enhanced aid for measures both within and outside the PO framework to promote consumption of fruit and vegetables, particularly by young people.

Since 2000, twenty Irish POs have benefited from EU funding amounting to €24m. With proposals now on the table for greater flexibility in the EU rules, governing the formation and operation of POs, I hope to see them playing a much greater role in the future in supporting Irish producers of fruit and vegetables.

Social Partnership Agreements.

252. **Mr. Kirk** asked the Minister for Agriculture and Food the main benefits of the partnership agreement with the farming organisations; and the progress of discussions at EU level on the rural development programme. [9165/07]

Minister for Agriculture and Food (Mary Coughlan): One of the key features of the agriculture chapter of Towards 2016 has been the Government's willingness to provide a major increase in funding for agriculture from Exchequer resources. This has not only made up for the inevitable decline in EU funding, due to our economic success as a country, but has also provided the finance for the very significant enhancement of some major schemes which support the development of the sector.

Towards 2016 includes a commitment that National Exchequer funding for the farm schemes under the Rural Development Programme will be €4.7 billion for the period 2007 to 2013. This is an increase of 135% from the €2 billion in exchequer funds provided for the same schemes in the current round 2000 — 2006. The total agreed funding for the agricultural measures is €6.8bn, including €2.1bn from EU and modulation.

The draft rural development programme reflects the commitments contained in the partnership agreement and will cover both agricultural and non-agricultural measures. In line with the EU rural development framework, the measures in the programme will address competitiveness and sustainability.

The main elements include a 17% increase in payments under the Rural Environmental Scheme (REPS), an 8% increase in Disadvantaged Areas Scheme payments and the average forestry premium increase of 15%. The Installation Aid rate will increase by 56%, bringing it up to €15,000; a new Early Retirement Scheme will be put in place with a maximum payment rate of €15,000; and a total of €250m is allocated for an Animal Welfare, Recording and Breeding Scheme for Suckler Herds. There is capital investment funding of €100 million to support the dairy processing sector, and a €50m package for the beef and sheepmeat processing sector.

These are just a few of the measures contained in the agriculture chapter of the partnership agreement, which is a very comprehensive document. It includes actions on all the main farming sectors, as well as on the development of the food industry. It also includes important measures on animal health, including a 50% reduction in disease levies, and includes commitments to continuing high levels of service to farmers by the Department. The strong focus on the future in the document is further underlined in the sections on 'renewable energy', 'enhancing the environment' and measures to encourage structural change.

A draft rural development programme was sent to the EU Commission in December 2006. My Department is in regular contact with the Commission to assist in their examination with the intention of obtaining its early approval.

EU Regulations.

253. **Mr. J. Brady** asked the Minister for Agriculture and Food the position regarding her efforts to bring about the simplification of EU Regulations including the issue of cross compliance inspections as these are applied to the farming community. [9166/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that both I and my Department officials have been in regular contact with the European Commission with a view to simplification of the Single Payment Scheme with particular reference to the issue of the arrangements for cross-compliance inspections. I have also raised my concerns with Commissioner Fischer Boel and also with Minister Seehofer, the German President of the Agriculture Council.

I believe that the initiative on simplification of the CAP and the Commission's review of cross-compliance, which is expected to be finalised during March and debated in the Council of Agri-

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culture Ministers in April, provides an ideal opportunity to have a fresh look at cross-compliance and other Single Payment related issues. At the same time, the need to safeguard the €1.9m annual payments to Irish farmers under the Single Payment Scheme, REPS and Compensatory Allowances must remain a critical factor for Ireland.

My officials are currently undertaking a review of the various inspection report forms with a view to simplification and these will be discussed with the farming organisations in advance of the start of inspections under the 2007 scheme.

Farm Waste Management.

254. **Mr. J. Brady** asked the Minister for Agriculture and Food to outline progress under the farm waste management scheme. [9167/07]

Minister for Agriculture and Food (Mary Coughlan): Some 48,580 applications were received by my Department under the Farm Waste Management Scheme by the closing date of end-December 2006. To date, approx. 10,600 approvals have been issued to farmers to commence work and I am currently examining various proposals to speed up the approvals process under the Scheme. The Standard Costings used to calculate grants payable under the Scheme will be revised shortly and will be applied to all approvals issued by my Department to commence work under the Scheme since 1 January 2007.

Live Exports.

255. **Mr. Finneran** asked the Minister for Agriculture and Food her views on the live trade sector; the way it has performed over the past five years; her plans for its future development; and if she will make a statement on the matter. [9168/07]

Minister for Agriculture and Food (Mary Coughlan): The following table sets out details of the number of live cattle exported over the five-year period 2002 to 2006:

2002	2003	2004	2005	2006
148,094	221,093	130,347	185,267	249,414

The live export trade is an important competitive element in the livestock and meat industry and, as such, has my full support as an integral part of that sector. As can be seen from the above, the live trade is doing very well. Following the abolition of export refunds on live animals, other than for breeding, this trade is now almost exclusively with other E.U. Member States.

Afforestation Programme.

256. **Mr. Carty** asked the Minister for Agriculture and Food the prospects for the forestry sector in 2007. [9169/07]

Minister for Agriculture and Food (Mary Coughlan): I am reasonably optimistic about the prospects for the forestry sector in 2007. Afforestation grants continue to cover 100% of planting costs and farmers opting for forestry enjoy a 20-year premium of up to €574 per hectare. Furthermore, farmers can plant up to 50% of their land without affecting their Single Farm Payment.

The Forest Service of my Department has put together a new package of measures as part of the Rural Development Programme for 2007 to 2013. The Programme was submitted to the European Commission for approval in December 2006, following extensive public consultation. It includes a range of support measures for the agricultural and forestry sectors, some of which are co-financed with community aid while others are exclusively nationally funded.

Pending approval of the full suite of support measures, grant-aid is currently available for the first afforestation of agricultural land, the construction of forest roads and under a new Forest Environment Protection Scheme (FEPS). This scheme, designed to encourage the establishment of high-nature value forestry on REPS farms, is already a success with applications for just over 1,400 hectares received.

My Department has recently embarked on a joint initiative with the Irish Forestry Industry Chain (IFIC) under the heading 'Forests for a Bright Future' to highlight the multifunctional benefits of forestry and to stimulate up-take in the afforestation programme. National and regional radio advertisements have already been broadcast with further regional launches of the campaign planned for the near future.

Live Exports.

257. **Mr. Carty** asked the Minister for Agriculture and Food her views on the prospects for live exports in 2007; and if she will make a statement on the matter. [9170/07]

259. **Mr. Callanan** asked the Minister for Agriculture and Food the position regarding developments in the live exports sector. [9172/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 257 and 259 together.

Live cattle exports reached 250,000 head in 2006, up by 65,000 head on the previous year. The value of this trade is estimated at just over €145m. The principal drivers of this increase were a strong rise in calf and weanling shipments. A strong veal market combined with tight supplies from other exporters boosted Irish calf exports, particularly in the first half of the year.

The outlook for 2007 is reasonably good. However, exports of calves, in particular, could come under increased pressure from more competitively priced UK calf exports, with forecasts from the UK suggesting live exports could reach as high as 200,000 head. Furthermore, overall import demand for calves is likely to moderate on the Continent as veal demand returns to more historical levels. Any decline in calf exports is, though, likely to be offset by an ongoing demand for weanlings and store cattle in Spain and Italy.

Agricultural Processing Sectors.

258. **Mr. Callanan** asked the Minister for Agriculture and Food her plans for investment in the dairy, beef and sheep processing sectors. [9171/07]

Minister for Agriculture and Food (Mary Coughlan): In keeping with commitments given in the agri-Vision 2015 Action Plan, I announced last year, investment packages totalling €150 million to support the development of the dairy, beef and sheepmeat processing sectors. €100 million is for the dairy sector while €50 million is being provided for the beef and sheepmeat sectors. This substantial grant assistance, which should trigger investment in excess of €400 million, is yet another clear indication of the Government's commitment to the continued development of a modern, competitive, innovative and market-focused food industry.

Financial support will be made available towards the cost of the construction and acquisition of buildings, new machinery and equipment and will significantly assist the industry in improving efficiency and competitiveness. Indeed, it is important to acknowledge the constructive response, in recent years, of the dairy, beef and sheepmeat sectors to the challenges presented in an ever-changing market. This has made a major contribution to the enhanced status and reputation of Irish produce abroad. In Government we strive to lead that progress and assist stakeholders by adopting pragmatic, if ambitious, policies in supporting the development of the sectors.

The investment schemes will be managed by Enterprise Ireland who will evaluate the suitability of investment projects submitted for grant assistance.

I launched the Dairy Investment Fund in September 2006 with applications accepted until 23 November. The Dairy Fund will support Annex 1 dairy projects where the input and output is a minimum of 75% Annex 1. I was very pleased to be informed by Enterprise Ireland that the Dairy Investment Fund was over subscribed. The commercial and technical evaluations are currently underway.

The scheme for the beef and sheepmeat processing sectors was announced on 8 November 2006 and the response from the industry has been very positive. In order to underpin the effective-

ness of this fund, ongoing consultations are continuing between officials in my Department and Enterprise Ireland aimed at finalising the full eligibility criteria and terms and conditions of the scheme. These will be announced once they are finalised.

Question No. 259 answered with Question No. 257.

Alternative Energy Projects.

260. **Mr. Moloney** asked the Minister for Agriculture and Food her efforts to assist the biofuel sector. [9173/07]

Minister for Agriculture and Food (Mary Coughlan): Over the past few months, I have been participating in a Ministerial Taskforce on Bioenergy, to prepare a National Bio-energy Action Plan' to develop Ireland's bioenergy resources to 2020. The Action Plan was launched at the weekend and is a comprehensive strategy to increase the deployment of Ireland's bioenergy resources in the transport, heat and electricity markets.

The Plan sets out a number of Actions across the agriculture, enterprise, transport, environment and energy sectors to develop Ireland's biofuel and biomass resources. Among the commitments in relation to Agriculture are:

- Introduce an additional €6m energy crop 'top up' payment of €80 per hectare on top of the existing EU Energy Crops Premium of €45 per hectare payment;
- Introduce an €8m Bioenergy Scheme to provide establishment grants to encourage farmers to plant new energy crops such as miscanthus and willow;
- Introduce a €1.2m dedicated Wood Biomass harvesting machinery grant programme for wood chippers and forest residue bundlers;
- Encourage a rate of afforestation that is suitable for and sufficient to meet increased market demand for wood in the medium to long term;
- Introduce a Forestry Environment Protection Scheme to facilitate increased levels of afforestation;
- Develop and support the forest wood energy chain to deliver quality wood fuel at a competitive price;
- Fund research in collaboration with DCMNR & SEI to identify and select plant varieties and crop production and management systems that are most suited to biofuel production in the Irish context.

[Mary Coughlan.]

The Government have introduced a number of measures to stimulate the demand side of the bio-fuels market through the provision of excise relief measures in recent budgets. The latest excise relief scheme valued at €205m will deliver some 163 million litres of biofuels per year, when fully operational in 2008. This scheme will help drive additional demand for the production of energy crops. In a further boost to biofuels, the Government recently announced the introduction of 'biofuels obligations' to ensure 5.75% market penetration of biofuels by 2009 and 10% by 2020. This initiative was one of the key Actions recommended by the Ministerial Task Force on Bio-Energy and will help the biofuel market in Ireland develop to a more economical scale.

To link in with demand side measures, my Department has been working to support the supply side of the market by providing €14 million in funding to encourage farmers to grow energy crops. As indicated in the Bioenergy Action Plan, €6 million is being made available over three years to support a new national payment of €80 per hectare for growing energy crops. The additional €80 payment will be paid as a top-up to the existing EU Energy Crops Premium of €45 per hectare under the EU Energy Crops Scheme and increases the overall premium available to €125 per hectare. It is intended that the €80 payment will apply for three years and will be subject to a maximum ceiling per producer over the three years. The current maximum area per producer over the three-year period is 37.5 hectares. My Department is pursuing EU approval to increase this hectareage ceiling. I have also announced a new Bioenergy Scheme to provide establishment grants to farmers to plant willow and miscanthus for use as a renewable source of energy. The maximum grant aid payable is up to 50% of establishment costs, which means farmers, can receive up to €1,450 per hectare in aid. €8m has been allocated to this scheme over the period 2007-2009.

By products of farming and food processing also have significant potential as biofuel feedstock. For example the use of animal by products such as meat and bonemeal and tallow for production of heat and power would represent a significant bioenergy contribution from agriculture. These products can also be used in combination with purpose grown energy crops thereby making the production of biofuels more economically sustainable. Oilseed rape for example can be used in conjunction with tallow and recovered vegetable oil in the manufacture of biodiesel. As announced in the Bioenergy Action Plan, the Government will be expanding the REFIT feed in tariff support scheme to encourage waste to energy projects by supporting hybrid projects.

My Department is supporting research into biofuel projects through the Research Stimulus Fund Programme. Under the 2005 and 2006 calls

for proposals, five projects were selected that relate directly to biofuels and energy crops and received total grant assistance of €1.5 million. My Department has also secured €2.5m in funding under the Governments Strategy for Science, Technology and Innovation 2006-2013 for research on the farming aspects of bio-energy production. This is a collaborative project with the Department of Communications, Marine and Natural Resources, and involves research into the most suitable plant varieties and crop production systems for bioenergy production in Ireland.

Afforestation Programme.

261. **Mr. Sargent** asked the Minister for Agriculture and Food the reason there is no requirement to use a native species of tree in the national afforestation programme, Growing for the Future; and if she will make a statement on the matter. [9174/07]

Minister for Agriculture and Food (Mary Coughlan): The Planting policy on species selection seeks to increase the diversity of species planted in Irish forests.

For landowners planting under the national afforestation programme, the choice of species is a matter for the individual who is planting, subject to site suitability and its inclusion in the Forest Service's Approved Species List. This list includes several native species.

Vegetable Sector.

262. **Mr. Sargent** asked the Minister for Agriculture and Food the way she will respond to the Irish Farmers Association's claim that the vegetable growing industry will be gone within three years if the present situation with regard to the dominance of supermarket multiples persists. [9176/07]

Minister for Agriculture and Food (Mary Coughlan): The vegetable sector is a very important sector of the horticultural industry which is capable of further substantial growth and development. The value of farm gate output of field vegetables was around €61m in 2005 compared to €57m in 2004. While there has been a consolidation of grower numbers over the last number of years, production has remained relatively steady. As is common for all sectors of the food industry the vegetable sector has experienced strong competitive pressures from the highly concentrated retail chain which has resulted in static or falling prices. The Deputies will appreciate that in a free market situation the Minister does not have the power to set prices.

However, my Department provides substantial indirect support to the sector through the EU Producer Organisation Scheme and through the National Development Plan.

The Producer Organisation Scheme provides a mechanism for producers to work together to strengthen their position in the market place by becoming part of a larger supply base, and thereby putting them in a position to negotiate more effectively with the supermarket multiples. Since 2000 over €24m in EU aid has been paid out to Irish POs of which fruit and vegetable POs have received approximately €2m. The proposals for reform of the Common Organisation of the Market for Fruit and Vegetables, which were presented to the Agriculture Council on 29 January, identify a strengthening of the role for POs as the core part of the strategy for improving the competitiveness of the fruit and vegetable sector in the future. The number of vegetable growers involved in Producer Organisations is relatively small. All growers should be encouraged to consider the potential benefits which membership can bring to their enterprise.

Under the 2000-2006 NDP Scheme of Investment Aid for development of the Commercial Horticulture Sector over €20m has been paid out of which in excess of €3m was provided to vegetable producers. This scheme has enabled vegetable growers to reduce costs and improve the quality of products. Further grant aid of €10.5m has been provided for downstream developments in the edible horticulture industry of which the vegetable sector has been the main beneficiary. Under the new National Development Plan 2007-2013 some €49m is being provided for horticultural producers and I hope to be in a position to announce the commencement of this scheme shortly following its clearance by the European Commission. In accordance with the Agri-Vision 2015 Action Plan this support which will be strategically targeted will improve the overall development and competitiveness of the sector.

Pupil-Teacher Ratio.

263. **Dr. Cowley** asked the Minister for Education and Science her plans to rectify the situation where 56% of all Mayo primary school pupils are in a class size in excess of 24; and if she will make a statement on the matter. [8968/07]

264. **Dr. Cowley** asked the Minister for Education and Science her plans to change the fact that the average amount of pupils per class in County Mayo is 24 which is the second highest in Europe; her views on whether this differs to what her Department promised; and if she will make a statement on the matter. [8969/07]

265. **Dr. Cowley** asked the Minister for Education and Science when she will actively address the crisis situation in Mayo where class sizes need urgent attention taking into account that 26% of all primary school students are in classes of 29 and more; and if she will make a statement on the matter. [8970/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 263 to 265, inclusive, together.

Major improvements have been made in staffing at primary level in recent years. There are now 4,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes.

I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

School Transport.

266. **Mr. Ring** asked the Minister for Education and Science if a pick up point for school transport for persons (details supplied) in County Mayo will be sanctioned. [8971/07]

Minister of State at the Department of Education and Science (Mr. Haughey): To qualify for free school transport under the terms of the Primary School Transport Scheme, children must live at least 3.2 kilometres from, and be attending, their nearest school or school of amalgamation. The pupils referred to by the Deputy are not attending the school of amalgamation and are not eligible, therefore, for free school transport.

With regard to concessionary transport, Bus Éireann, which is responsible for the day-to-day operation of the school transport scheme, has advised that there is no primary school transport service available on which the pupils could be accommodated. However, a service to cater for post primary school opening and closing times operates in the area. My Department has no objection to the family availing of this service, as concessionary fare-paying passengers, on an incidental basis. Such an arrangement would be subject to spare seats being available on the service, the agreement of the school amalgamation being obtained and no additional State costs being incurred by way of re-routing the service.

If the family wish to enquire as to the possibility of a concessionary fare-paying service, they should contact their local Bus Éireann office in Ballina.

Schools Building Projects.

267. **Ms O'Sullivan** asked the Minister for Education and Science if she will allocate a capital grant in 2007 for a school (details supplied) in County Cork to build an extension in order that it does not have to rely on getting another prefab to deal with the expanding numbers in the school; and if she will make a statement on the matter. [8972/07]

Minister for Education and Science (Ms Hanafin): An application was submitted by the school referred to by the Deputy under the Permanent Accommodation Scheme 2007. On Monday, 5 March 2007, I announced details of the schools to receive funding under the Permanent Accommodation Scheme 2007. The application from the school to which the Deputy refers was successful.

Adult Education.

268. **Mr. F. McGrath** asked the Minister for Education and Science if she will support Aontas in matters (details supplied). [8973/07]

289. **Mr. O'Shea** asked the Minister for Education and Science her proposals in regard to the

demands of the Aontas pre-election campaign (details supplied); and if she will make a statement on the matter. [9179/07]

Minister of State at the Department of Education and Science (Mr. Haughey): I propose to take Questions Nos. 268 and 289 together.

The reply references the document entitled "AONTAS' 10 Demands", which was recently issued by AONTAS, the National Association for Adult Education, and which can be accessed on the Association's website. I am in regular contact with AONTAS and have had several meetings with them. One of these meetings was to discuss the document. I will respond to the 10 demands below.

D.1 I am satisfied that the absence of a structural relationship, or a defined cross-departmental responsibility or budget, does not impede inter-Departmental cooperation. There is regular contact and co-ordination between my Department and the others referred to, particularly the Department of Enterprise, Trade and Employment.

D.2 Following the formation of the ad hoc National Adult Learning Council in 2002, concerns emerged that the functions envisaged for it were too wide-ranging and were not sufficiently focused. Additionally, a number of developments had occurred which would impact on the work of the Council, including the establishment of the National Qualifications Authority of Ireland and the Further and Higher Education and Training Awards Councils. In that context, my Department undertook a strategic review of the role and functions of the Council to address these concerns. The results of this review are being considered.

D.3 Direct investment in adult education has increased by €56m, or 50% over the last five years. The increases announced in the 2007 Estimates for adult education represents an increase of nearly €19m., or 12%, as compared with the position in 2006. This compares with the increase in the overall Departmental provision of 8%.

The question of a capital provision for Adult and Further Education is under consideration. My Department has provided an increase of €7.4 million, or 21%, in the budget for Adult Literacy and Community Education in 2007. This will allow for 3,000 additional literacy places in 2007 as promised in Towards 2016 (Ten Year Framework Social Partnership Agreement 2006-2016). An additional €1 million has been allocated in 2007 to further expand the Adult Education Guidance Initiative.

D.4 Abolishing fees for part-time students undertaking undergraduate courses at higher education institutions would involve considerable extra Government expenditure and needs to be considered in the context of competing demands in the education sector. However in the "Towards

2016” Social Partnership Agreement 2006-2015, it has been agreed that a targeted fund of €10 million will be put in place to alleviate the fees in public institutions for part-time courses at third level by those at work who have not previously pursued a third level qualification. Tax relief is allowed on fees, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education.

D.5 Paid educational leave for workers with Junior Certificate qualifications or less would involve either employers or the Exchequer assuming the cost of the educational leave. Employers are likely to resist on the basis of cost and the threat to their viability and ability to compete. The number of adults with less than upper secondary education (one million) would represent a substantial cost for the exchequer to take on. One of the two top priorities in the Education Programme of the National Development Plan 2007-2013 is “the large numbers of Irish adults who have not completed upper second-level education” and their educational needs will be fully considered over the next number of years.

D.6 Grants towards the cost of childcare are given to VECs, to be used to assist with the payment of the childcare expenses of people in some Further Education programmes. The aim is to attract people whose attendance is currently prevented by childcare responsibilities to enrol on these programmes. The programmes in question are VTOS, Youthreach and Senior Traveller Centres. This year, the BTEI will be included for the first time.

D.7 The recommendation that people earning less than €35,000 should not have to pay any course fees to participate in the Back to Education Initiative (BTEI) will be considered as part of a review of the eligibility criteria for the part-time BTEI programme.

D.8 The Back to Education Allowance is within the remit of the Minister for Social and Family Affairs. The summer payment to BTEA participants has been discontinued. The non-payment affects only persons who were in receipt of Jobseekers Allowance (UA) or Jobseekers Benefit (UB) prior to their participation in the scheme. These persons can join the live register in the summer. BTEA participants who are in receipt of One Parent Family payments, Disability Allowance etc. are not affected by the discontinuation.

D.9 The White Paper on Adult Education “Learning for Life” published in 2000, proposed the establishment of an Inter-Agency Working Group to begin to address the issue of professional development and the future recognition of staff qualifications in the adult education and training sector. The recommendations of the

White paper are being implemented as resources permit, that is financial and staffing resources. The Department is currently in the process of introducing an integrated training budget and integrated training supports for adult education workers in VECs.

D.10 My policy is to seek to encourage and facilitate the participation of people with disabilities on programmes offered in the Further Education Sector by making available the supports required to enable them to access Further Education. While a forum has not been established, my Department hosted a conference on “Developing an Overall Strategic Approach to Disability in Further Education” in November 2006. The conference provided insight as to possible ways forward and will help inform the Department regarding future policy for persons with disabilities in Adult and Further Education. The Department is currently working with the National Office for Equity of Access to Higher Education and AHEAD to address special education needs of adults in further education. The Department has just launched an initiative in Youthreach to determine the most appropriate way to deal with the particular needs of this cohort.

Speech and Language Therapists.

269. **Mr. O’Shea** asked the Minister for Education and Science the number of students who graduated from the two year masters course in speech and language therapy in University Limerick in June 2005; the number of students pursuing the BSc courses at University College Cork and National University of Ireland, Galway in 2007; and if she will make a statement on the matter. [8974/07]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is set out in the following tabular statement. In May 2002, my Department approved the provision of 175 additional therapy training places to tackle shortages of physiotherapists, occupational therapists and speech and language therapists as identified in the report “Current and Future Supply and Demand Conditions in the Labour Market for Certain Professional Therapists”, which was undertaken by Dr. Peter Bacon and Associates in 2001 on behalf of the Department of Health and Children.

Commencing from 2003, there has been an increase of 75 places on new courses in Speech and Language Therapy. The additional places were equally divided between the BSc course in UCC, the BSc course in NUIG, and the Masters course in UL. The increase in intake has resulted in a significant increase in the number of Speech and Language Therapists graduating from the third level sector.

Speech & Language Therapy 2006/2007 Enrolments

1st November 2006

Institute Code	Prog Type	Mode of Study	Field of Education	Course Name	Year 1			Year 2			Year 3			Year 4			Grand Total					
					Males and Females	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total		
UCC	Undergraduate Honours Degree	Full-time	Health and Welfare	BSc (Speech and Language Therapy)		30		30	1	26		27		24		24		25	25	1	105	106
NUIG	Undergraduate Honours Degree	Full-time	Health and Welfare	Bachelor of Science (Speech and Language Therapy)		29		29		24		24		22		22		23	23	0	98	98

Speech & Language Therapy 2005 Graduates

Institute Code	Prog Type	Mode of Study	Field of Education	Course Name Males and Females	First Class Honours			Second Class Honours Grade 1			Second Class Honours Grade 2			Grand Total		
					M	F	Total	M	F	Total	M	F	Total	M	F	Total
LM	Masters Taught (Postgraduate)	Full-time	Health and Welfare	Speech and Language Therapy		7	7		12	12		4	4	0	23	23

School Accommodation.

270. **Mr. Bruton** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) has only got temporary accommodation; if she will make immediate arrangements to give the school permanent recognition and to support the school in finding a permanent location which can be procured with her Departments financial support in order that the school can meet the demand for enrolment and can continue to provide its services for children with special needs; and if she will make a statement on the matter. [8975/07]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers commenced operation in September 2002 with provisional recognition from the Department on the basis that it would be providing multi-denominational education in the Clontarf/Marino/Fairview area of Dublin.

It is a condition of recognition that the Patron must provide suitable accommodation in the stated area which must be capable of meeting the growing needs of the school. Accommodation remains the Patron's responsibility until the Department is in a position to provide permanent accommodation, assuming the school achieves permanent recognition.

In this case, the promoters were unable to find suitable accommodation in the area that it had intended to serve. Instead, it set itself up, as a temporary measure, in a vacated school building in Dublin 9, an area already providing multi-denominational education by two other schools.

Normally, ahead of making new provision of a similar type in an area, the Department, a matter of policy, seeks to maximise existing provision to reduce the burden on the State of resourcing a proliferation of small schools. In the context of the extent of multi-denominational provision in the area concerned, it is incumbent on the Department to strategically examine this provision to determine long term requirements and how these should best be addressed. The Department is carrying out this assessment which will be completed as quickly as possible.

Higher Education Grants.

271. **Mr. O'Shea** asked the Minister for Edu-

cation and Science her proposals to provide basic expenses for trainee teachers to cover the high costs that trainee teachers incur during their mandatory teaching practice placement (details supplied); and if she will make a statement on the matter. [8976/07]

287. **Mr. Wall** asked the Minister for Education and Science her proposals to overcome the stated problems in a submission (details supplied); the reason that trainee teachers have to meet such costs; when such payments commenced; and if she will make a statement on the matter. [9127/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 271 and 287 together.

Teaching practice is an integral part of the curriculum for the training of both primary and post-primary teachers and, as such, my Department does not provide special financial assistance for students towards costs associated with teaching practice.

The Deputy will be aware that teacher education programmes provided in approved third level institutions are also approved courses for the purposes of the Higher Education Grants Scheme. Under the terms of the Scheme, grant holders who are required to participate in off-campus placement as part of their course of study may have their grant entitlement paid in the normal manner.

Accordingly, student teachers who are eligible for grant assistance continue to receive their entitlements while undertaking teaching practice.

My Department funds four maintenance grant schemes for third level and further education students which are administered by the Local Authorities and the Vocational Education Committees. The Higher Education Grant Scheme operates under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. Generally speaking, students who are entering approved courses for the first time are eligible for maintenance grants where they satisfy the relevant conditions as to age, residence, means and nationality. An approved third level course for the purpose of the HEG and the VEC Scholarship Schemes means a full-time undergraduate course of not less than two years duration and a full-time postgraduate course of not less than one year's

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duration pursued in an approved institution. The Schemes outline the respective courses which are approved for grant purposes. Any student who is eligible to receive a maintenance grant under these Schemes continues to have the grant paid to them during their teaching practice.

In addition, my Department allocates funding each year to third level institutions under the Student Assistance Fund. This fund is available in order to assist students who may be experiencing difficulties in continuing their studies because of financial hardship. The disbursement of this funding is a matter for individual institutions in line with guidelines issued by my Department.

My Department has no plans to introduce an additional scheme of financial assistance, over and above the current provision, in relation to the training of teachers.

Special Educational Needs.

272. **Mr. Neville** asked the Minister for Education and Science if she will provide adequate educational resources for a person (details supplied) in County Galway. [8977/07]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education (NCSE) has been operational since 1st January 2005, and is responsible for processing applications for special educational needs supports through its network of Special Educational Needs Organisers (SENOs). The SENO is also a focal point of contact for parents and schools.

My officials have been in contact with the NCSE regarding the pupil referred to by the Deputy. The NCSE has confirmed that the pupil is currently in receipt of 3 hours resource teaching support and has access to full-time special needs assistant support in line with my Department's criteria for such support.

Departmental Properties.

273. **Mr. Ring** asked the Minister for Education and Science if a building (details supplied) in County Mayo is in the ownership of her Department; if so, the steps that will be taken to prevent the further dereliction and vandalism of the property; and if she will make a statement on the matter. [8998/07]

Minister for Education and Science (Ms Hanafin): This old national school building in question is not in the ownership of my Department and therefore the upkeep of the building is not the responsibility of my Department.

Site Acquisitions.

274. **Mr. Dennehy** asked the Minister for Education and Science if plans are in place, or being considered, for a primary level school at Roches-

town, County Cork; if her attention has been drawn to the fact that a site for a school there was identified in planning requirements by Cork County Council and that the planning condition is about to lapse; and if she will make a statement on the matter. [9007/07]

Minister for Education and Science (Ms Hanafin): My Department has identified the need for a new primary school in the Rochestown area of Cork. A site for this purpose has been reserved by the local authority and the Department has confirmed with the local authority the continued need for the site in question and is currently pursuing its acquisition.

Pupil-Teacher Ratio.

275. **Mr. Timmins** asked the Minister for Education and Science when the pupil teacher ratio figures for primary schools for 2006 to 2007 will be available; if she will provide the figures as requested in Parliamentary Questions Nos. 495, 496 and 602 of 27 February 2007; and if she will make a statement on the matter. [9012/07]

Minister for Education and Science (Ms Hanafin): The last Census of National Schools took place on 29 September 2006. As at 2nd March, 3,267 national schools had returned a complete set of enrolment forms and 1,249 of these had been processed and fully entered on the Database for Primary School enrolment. The process of inputting the data is continuing with a view to finalising it as soon as is possible.

School Accommodation.

276. **Mr. Timmins** asked the Minister for Education and Science if she will provide a list of the requested improvement accommodation works for the primary sector and post primary sector for schools in County Wicklow, as previously requested several months ago; and if she will make a statement on the matter. [9013/07]

Minister for Education and Science (Ms Hanafin): Between 2000 and 2006 my Department has delivered over 7,800 projects in schools throughout the country with an investment of €2.6 billion. The investment on school buildings under the new NDP for 2007 to 2013 is over €4.5 billion and will focus on delivering over 100,000 school places in rapidly developing areas. Projects in individual counties are listed on my Department's website as part of the rolling series of announcements on the school building programme.

Pension Provisions.

277. **Mr. Bruton** asked the Minister for Education and Science when she will be in a position to provide a gratuity and pension to a person (details supplied) in Dublin 17. [9014/07]

Minister for Education and Science (Ms Hanafin): Following a recent meeting with the Department of Finance in relation to the pensionability of this category of school staff, including the person to whom the Deputy refers, my officials intend to issue a circular letter and initiate the processing of these pension issues in the next month.

School Enrolments.

278. **Ms Burton** asked the Minister for Education and Science if her attention has been drawn to the fact that there is a waiting list of 60 applicants for a first year place in a school (details supplied) in Dublin 15 for the school year starting in September 2007; the measures she is taking to provide the additional second level places that are required in the area; if a decision has been made regarding whether to go ahead with a second post-primary community school; if she will provide a timetable for the development of this school; the position in relation to the progress on the second level school at Phibblestown; and if she will make a statement on the matter. [9035/07]

Minister for Education and Science (Ms Hanafin): Enrolment in individual schools is the responsibility of the managerial authority of those schools and the Department does not seek to intervene in decisions made by schools in such matters. The Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice. It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. In formulating an admissions policy a school must, however, ensure it is lawful. In particular, it must act in accordance with Section 7 of the Equal Status Act 2000 which, subject to very limited exceptions, prohibits schools from discriminating against people in relation to a number of matters including the admission of a pupil to the school. Under Section 29 of the Education Act 1998, the parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of the Department. Such appeals are dealt with within 30 days of their receipt. If an appeal is upheld, the Secretary General can direct the school to enrol the student. Otherwise, the National Educational Welfare Board is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child.

Officials in the School Planning Section of the Department have carried out a survey of the number of children who will leave primary school in the area concerned in June 2007. This survey indicates that there will be a total of 1,018 children seeking first year places in 2007/08 as compared with 897 in 2006/07. Given the increased mobility of pupils at second level as evidenced by the fact that a large number of pupils from the area travel outside of their immediate vicinity to other schools, and the fact that there is spare capacity at two post primary schools in the Dublin 15 area, I am satisfied that there are sufficient places to cater for demand, even though every pupil may not secure a place in the school of first choice. While I am satisfied that there are sufficient post primary places available both within the immediate area or within a short commuting distance to cater for demand currently, I am conscious that there is also significant ongoing housing developments in the area. The Department is examining the need for another post primary school on this basis.

To cater for the increasing numbers of children who will be seeking post primary school places in the coming years, I have given the go ahead for a new 1,000 pupil post-primary school in Phibblestown, Dublin 15. This new school will be delivered along with new schools in Donabate and Laytown under a design and build contract that is aimed at delivering 3,000 school places for these rapidly developing areas. The inclusion of these three projects in one bundle will further facilitate the achievement of value for money. The procurement process is well advanced for a Design Team to do the initial design of these 3 new schools. Thereafter, a Design and Build contractor will be appointed to complete the designs and build the new schools. The Department is working closely with relevant local authorities on the delivery of these projects. Assuming there are no delays during the design and planning permission phases it is envisaged that the schools will be completed as close as possible to the 2009/2010 school year. Sites have been reserved for further post primary schools in both Tyrrelstown and Hansfield and consideration is being given to the development of a further post primary school in Castleknock.

Schools Building Projects.

279. **Ms Enright** asked the Minister for Education and Science the progress to date of a school (details supplied) in County Leitrim; and if she will make a statement on the matter. [9052/07]

Minister for Education and Science (Ms Hanafin): My Department has approved the Stage 4/5 (Detailed Design/Bill of Quantities) of the proposed new school building project. The Vocational Education Committee in conjunction with their Design Team is now in a position to

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proceed through the tendering process and on to construction.

Schools Amalgamation.

280. **Ms Enright** asked the Minister for Education and Science the progress to date of a school (details supplied) in County Leitrim; and if she will make a statement on the matter. [9053/07]

Minister for Education and Science (Ms Hanafin): My Department recognises the need for a new Community School in Ballinamore to facilitate further the amalgamation of three post primary schools in the area. A suitable site for the new school building is however required before architectural planning for the project can commence. The Office of Public Works (OPW) are acting on behalf of my Department in this regard. A suitable site comprising two lots of land has been identified. The acquisition of the lands is not yet finalised, however, agreement has been reached with each of the landowners, subject to contract. The OPW is still waiting for draft contracts from the landowners' solicitors. On completion of the site acquisition the project can be considered further in the context of my Department's multi-annual School Building and Modernisation Programme.

College Closures.

281. **Mr. Gilmore** asked the Minister for Education and Science the position in regard to a college (details supplied) in County Donegal which is threatened with closure this season; and if she will make a statement on the matter. [9055/07]

Minister for Education and Science (Ms Hanafin): My Department decided that recognition for the purposes of providing summer courses in respect of which grants are paid by the Department would be withdrawn from the college referred to by the Deputy because a failure by the college authorities to comply with conditions laid down by the Department, and accepted in writing by the college authorities, for the recognition of the college in 2006. The authorities of the college were formally notified of the decision on 16th February, 2007. I understand that an application for recognition for the purposes of providing summer courses in respect of which grants are paid by the Department is being prepared for submission to my Department by the authorities of another college in the area. When the relevant documentation is received, arrangements will be made to have the application processed and a decision communicated to the authorities concerned as speedily as possible.

Schools Building Projects.

282. **Mr. Gilmore** asked the Minister for Education and Science if, in the interests of road safety, it is proposed to develop space for off road parking at a school (details supplied) in County Donegal; and if she will make a statement on the matter. [9056/07]

Minister for Education and Science (Ms Hanafin): The scope of works referred to by the Deputy is suitable for consideration under the Department's Summer Works Scheme. It is open to school management authorities to make an application under this scheme which is published each year by the Department. Alternatively, schools can use their minor works grant which is issued by the Department annually and which has recently been increased to reflect construction inflation. The revised grant is now €5,500 per school plus €18.50 per mainstream pupil and €74.00 for pupils in special classes or special schools.

Special Educational Needs.

283. **Mr. McGuinness** asked the Minister for Education and Science the steps taken to provide speech therapy for a person (details supplied) in County Kilkenny; the other forms of support her Department will make available based on the psychologist's recommendations obtained by the child's parents; if her Department will agree on the level of support and services required and deliver same in a pro active way; and if she will make a statement on the matter. [9059/07]

Minister for Education and Science (Ms Hanafin): Responsibility for the provision of speech and language therapy supports rests with the Health Service Executive which has been allocated funding for this purpose.

My Department or the National Council for Special Education (NCSE) has not had sight of the psychologist's recommendations referred to by the Deputy. The NCSE is now operational. A specific function of the NCSE, through its network of local special educational needs organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs. The SENO is a focal point of contact for parents and schools. It is open to a parent to contact the SENO directly regarding their child's needs. Contact details for the SENO may be accessed on the NCSE website at www.ncse.ie.

The Deputy will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs, preferably through the primary and post primary school network.

In this regard my Department has established:

- 182 special classes for children with autism attached to special and mainstream schools;

- 5 special classes for children with Asperger's Syndrome;
- 18 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 — 2 of these facilities have yet to be established.

In addition, my Department operates a home tuition scheme which provides funding to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement and also to provide early educational intervention for pre-school children with autism.

284. **Mr. Ring** asked the Minister for Education and Science if she will provide funding for an educational centre (details supplied) in County Mayo in view of the recent developments in this case. [9109/07]

Minister for Education and Science (Ms Hanafin): An application received from the group referred to by the Deputy to participate in the pilot scheme, which has facilitated the establishment of a number of ABA-specific units nationwide, is under consideration by officials in my Department.

The Deputy will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs, preferably through the primary and post primary school network.

In this regard my Department has established:

- 182 Special classes for children with autism attached to special and mainstream schools, 7 of which are in the Mayo area;
- 5 special classes for children with Asperger's Syndrome;
- 18 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 — 2 of these facilities have yet to be established.

Pupil-Teacher Ratio.

285. **Mr. F. McGrath** asked the Minister for Education and Science if the maximum support and assistance will be given to a school (details supplied) in Dublin 5 in 2007 particularly in relation to reducing class size. [9114/07]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts is determined by reference to a staffing schedule. The schedule is set out in a circular which issues from my Department to all primary school Boards of Management. Accordingly, all Boards are aware of the staffing position for their school in any school year.

Major improvements have been made in staffing at primary level in recent years. There are now 4,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

All primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The school referred to by the Deputy had an enrolment on the 30th September 2005 of 435 pupils which warranted a staffing for the 2006/07 school year of a Principal and 16 mainstream teachers. The school also has the services of 1

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Temporary Language Support teacher and 2 Permanent Learning Support/Resource teacher.

The Board of Management has submitted a report indicating that there were 422 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 by reference to the staffing schedule for the 2007/2008 school year which will issue to all primary schools before the end of March 2007.

To ensure openness in the teacher allocation system at primary level, the Primary Staffing Appeal Board is now in place to decide on any appeals on mainstream staffing. This independent Appeal Board has been in place since August 2002.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes.

I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Special Educational Needs.

286. **Mr. Ring** asked the Minister for Education and Science the extra support available for a school (details supplied) in County Mayo in view of the circumstances of that case; and if she will make a statement on the matter. [9123/07]

Minister for Education and Science (Ms Hanafin): My Department is currently considering an application from the school in question for additional teaching provision to support a number of traveller children in the school referred to by the Deputy.

The application will be examined as quickly as possible and will be considered in the context of the recently published Report and Recommendations for a Traveller Education Strategy. The school authority will be advised of the outcome once the examination has been completed.

The Deputy will be aware that my Department implemented a general allocation system of learning support/resource teachers to mainstream primary schools in September 2005. The system is intended to cater for children with high-incidence special education needs such as mild general learning disability and learning support needs. The school in question has been allocated 17.5 hours resource teaching support in the context of this initiative. It is open to the school to identify the pupils with learning support and high-incid-

ence special education needs that will receive this supplementary teaching support. The school can use its professional judgement to decide how these hours are divided between different children in the school, to ensure that all their needs are met. My Department issued a guidance circular to schools which contained detailed information on how the new system operates.

Question No. 287 answered with Question No. 271.

Irish Language.

288. **Mr. Perry** asked the Minister for Education and Science further to Parliamentary Question No. 471 of 27 February 2007 if she will again reconsider the decision made on this case (details supplied) in view of the certified medical evidence attached; and if she will make a statement on the matter. [9128/07]

Minister for Education and Science (Ms Hanafin): The original decision not to grant an exemption from the study of Irish in the case referred to by the Deputy was reviewed by my Department in the light of the new medical evidence submitted. However, it was decided that a reversal of the decision is not warranted. The school authorities have been advised accordingly.

Question No. 289 answered with Question No. 268.

Defence Forces Communications.

290. **Mr. Timmins** asked the Minister for Defence the regulations or procedures governing media interviews given by general staff of the Defence Forces; and if he will make a statement on the matter. [8957/07]

Minister for Defence (Mr. O'Dea): The question of public comment on official matters by any member of the Defence Forces is governed by Paragraph 27 of Defence Force Regulation A.7, which prohibits the airing of individual opinions on service matters, public business or politics. This prohibition is supplemented by a direction that comment, if any, touching on questions of a political nature — whether national or international — shall avoid strictly any reference which might be construed as being of a controversial nature.

These Regulatory provisions apply to all military officers, regardless of rank. There are no additional guidelines or restrictions that apply uniquely to senior officers. However, a tradition of strict political neutrality has governed senior public service managers since the foundation of the State and senior military officers have always been governed by that tradition.

On the matter of communicating official information or other interaction with the media, the Defence Forces may communicate the official

position on an agreed set of topics, relating mainly to military operational matters. On matters of policy one official position is defined either by the Government, by me as Minister for Defence (or through my officials). In this regard, judgement is required in distinguishing between purely operational matters and matters of policy.

In recent years, there has been a growing public interest in defence and security issues. As a consequence, a more wide-ranging public debate has ensued. I have no doubt that, as a former Commissioned Officer of the Defence Forces, Deputy Timmins understands the requirement that members of the Defence Forces should not make any comment whatsoever on matters of a political nature or on matters which are for decision by Government or which will come before either House of the Oireachtas for discussion or decision. The reason for this is simple: we live in a democracy and we alone, as elected politicians, are answerable to the people. I welcome the expression of views by senior military personnel on matters of current or proposed policy in private and through the chain of command. At the same time, it is of particular importance that officers of the Defence Forces do not become involved in public debate on the merits of any matter of defence policy.

I am delighted to have this opportunity to set the record straight on what my intentions were in writing to the Chief of Staff on 10 January last. I was disappointed that an internal letter from me to the Chief of Staff appeared in the media and was subject to distortion. Let me be very clear that the Chief of Staff has done nothing warranting a public rebuke. I have seen at first hand the contribution that the Chief of Staff has made to the Defence Forces in a distinguished career. This contribution should in no way be tarnished by the leaking and malicious misrepresentation of my letter.

I am satisfied that the Chief of Staff did not intend to enter into public debate on such matters. I did however consider it appropriate to re-state the position relating to publicity and interaction with the media by the members of the Defence Forces and to bring this to the attention of all relevant Defence Forces personnel. As I have said, I am happy to set the record straight in response to the appearance of the letter in the media and to state that the matter is now closed, and the Chief of Staff and I are dealing with business as normal as we have always done.

Search and Rescue Services.

291. **Mr. Callely** asked the Minister for Defence the role of the Defence Forces and the Civil Defence in search and rescue services; and if he will make a statement on the matter. [8538/07]

Minister for Defence (Mr. O'Dea): The Irish Coast Guard has overall responsibility for the provision of maritime Search and Rescue services

within the Irish Search and Rescue region. In accordance with the roles assigned to them by Government in the White Paper on Defence, the Defence Forces are committed to providing support to the civil authorities including in relation to Search and Rescue. In this regard, the Naval Service and Air Corps provide support to the Coast Guard as the need arises and within their available capability. The Defence Forces also provides personnel for large-scale searches within the State as and when requested by the Civil Power (An Garda Síochána) or the Civil Authorities.

The role of Civil Defence in Search and Rescue can be defined as a second-line support service to the Principal Emergency Response Agencies. Rescue activity in Civil Defence can be divided into three categories. Volunteers are trained in urban rescue, open country search for missing persons and water-based search and recovery. At local level, Civil Defence responds to calls for assistance in Search and Rescue operations as a service of the Local Authority.

Partnership for Peace.

292. **Mr. Callely** asked the Minister for Defence the training opportunities provided by Ireland's participation in Partnership for Peace to help further enhance and develop Ireland's Defence Forces; and if he will make a statement on the matter. [8539/07]

Minister for Defence (Mr. O'Dea): Ireland's participation in Partnership for Peace (PFP) to date is set out in our seven Individual Partnership Programmes (IPP), copies of which have been lodged in the Dáil Library. Ireland's seventh IPP, covering the period 2007-2008, was completed last year in consultation with the Department's of Foreign Affairs, Environment, Heritage and Local Government, Justice Equality and Law Reform, Health and Children, and Communications, Marine and Natural Resources.

A total of sixty seven (67) activities were chosen which focus on the enhancement of current skills and expertise of the Defence Forces in such areas as operational and generic planning for peacekeeping and peace support, communications, command and control, operational procedures and logistics. This will take the form of participation at appropriate meetings, seminars, training courses, workshops, conferences, staff exercises and tabletop exercises.

In the context of PFP, Ireland has participated in a number of Crisis Management exercises and technical workshops. Our participation has been in the planning phases, at a technical level, at observer level and at staff level appointments in multinational headquarters, the main focus being to enhance interoperability and familiarity with operating procedures in a multinational environment.

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Ireland also participates in the Pfp Planning and Review Process (known as PARP). In common with the other EU neutrals, Ireland is using the PARP process in connection with planning for humanitarian and rescue tasks, peacekeeping and crisis management, collectively known as the Petersberg tasks. The scope of our involvement in PARP is focused on enhancing interoperability and familiarity with operating procedures in a multinational environment.

Participation in Partnership for Peace (PfP) activities is entirely voluntary and is based on the principle of self-differentiation, that is, a State selects for itself the nature and scope of its participation. It is Government policy to stay in the mainstream of peacekeeping. Ireland's participation in Partnership for Peace (PfP) enables our peacekeepers to remain abreast of developments in preparation for peacekeeping in areas such as training, interoperability and humanitarian aspects of peacekeeping. Participation enhances the ability of our peacekeepers to work with those of other countries and also enables us to share our own peacekeeping skills with a wide range of countries.

Question No. 293 answered with Question No. 111.

Overseas Missions.

294. **Mr. Callely** asked the Minister for Defence the Government's policy with regard to the future development of the Defence Forces in overseas missions; if all such participation will have triple lock approval; and if he will make a statement on the matter. [8541/07]

Minister for Defence (Mr. O'Dea): In accordance with the provisions of the White Paper on Defence, the Government is committed to maintaining Ireland's contribution to international peace support operations through the deployment of Defence Forces personnel on UN mandated peace support operations. Ireland has offered, through the UN Standby Arrangements System (UNSAS), to provide up to 850 military personnel, configured as a light infantry mounted battalion, for overseas service at any one time. This figure equates to some 10% of Ireland's standing Army (excluding Reserves) and demonstrates Ireland's commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations.

Ireland is currently contributing 808 Defence Forces personnel to 19 different missions throughout the world. As such the Defence Forces are very close to the sustainable limit of its overseas deployment.

Deployment on all peace support missions is subject to what is referred to as "the triple lock" — i.e. Government Dáil and UN approval.

However, personnel may be deployed for training, for humanitarian operations and for other such reasons under the authority of the Government in accordance with the provisions of the Defence (Amendment) Act, 2006, which formalised arrangements in this regard.

Defence Forces Property.

295. **Mr. Callely** asked the Minister for Defence the position regarding the use of his Department's lands at Gormanstown, County Meath for use by the local authority for social and affordable housing options; the number of acres for such; the number of houses that will be provided; and if he will make a statement on the matter. [8542/07]

Minister for Defence (Mr. O'Dea): The Government decided on 1 July 2003 that lands at Gormanstown, Co. Meath would be among the State lands released for inclusion in the Sustaining Progress Affordable Housing Initiative. How land at this location might play a role in the delivery of affordable housing units is a matter in the first instance for the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the Affordable Housing Initiative.

Defence Forces Recruitment.

296. **Cecilia Keaveney** asked the Minister for Defence the progress made on the research he commissioned into the attitudes of women to careers in the Defence Forces; the nature and scope of the research undertaken; the persons surveyed; and if he will make a statement on the matter. [8996/07]

Minister for Defence (Mr. O'Dea): As you know, I am keen to increase the number of women applying to join our Defence Forces. To facilitate this I initiated research into recruitment and retention of women in the Defence Forces. To this end, following a tendering process, TNS MRBI, an independent market research company was awarded the contract to undertake research into the issue of recruitment and retention of women in the Defence Forces. The market research included interviews with currently serving female members of the Permanent Defence Force, former members of the Permanent Defence Force and members of the general public.

The research methodology used incorporated both a qualitative and quantitative approach. The qualitative research approach encompassed a series of 28 in-depth interviews with key informants, including women currently in the Defence Forces (10), ex-members of the Defence Forces (3), school leavers (4), parents of school leavers (4), career guidance councillors (5), and representatives of the National Women's Council and the

National Centre for Guidance in Education. The fieldwork was conducted from September to November 2006.

There were two quantitative phases undertaken, the first was a national survey of 522 females aged over 15 and the second was a survey of serving female PDF members. The national survey of females aged over 15 was conducted via telephone and is fully representative of the population. Quota controls were imposed for age, socioeconomic class and region. The fieldwork for this aspect of the quantitative phase was conducted from 17th-26th October 2006. The survey of all serving female PDF members was conducted between November 2006 and January 2007 via a self-completion questionnaire. The data was weighted by rank and location to reflect the population of serving females in the PDF.

This report has been submitted to me and is currently being considered by officials from my Department. The results of this market research will assist in the formulation of policy and practice in this area for the future.

Garda Investigations.

297. **Cecilia Keaveney** asked the Minister for Defence if the Garda Commissioner reported on the outcome of the Garda investigation undertaken into the death of a soldier (details supplied) in the Lebanon in February 1999; the scope of that investigation; if he has been in contact with the family of the deceased; and if he will make a statement on the matter. [8997/07]

Minister for Defence (Mr. O’Dea): Following my receipt of the report of Mr. Sean Hurley into the circumstances surrounding death of Private Kevin Barrett, I contacted the Garda Commissioner and asked him to provide me with his early views in relation to any possible assistance that the Garda Síochána might be in a position to provide. A Garda officer was assigned to the case to examine my Department’s and the Defence Forces files in the case, with a view to determining whether the Gardai could provide any assistance in the matter. Liaison arrangements were set up between the Gardai and the Defence Forces, who continued to provide the fullest cooperation to An Garda Síochána.

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

The Garda have now completed a thorough and detailed investigation into the matter. The Garda Commissioner in his letter to me has indicated that, having re-interviewed Professor Hiss, the Pathologist who carried out the post mortem

and having obtained the expert opinion of Dr Cassidy, the State Pathologist, together with the results of the detailed examination of the billet in question, the Garda investigation reached a number of conclusions.

The most significant conclusion was that the investigators are satisfied that the original findings were correct and there is no evidence to suggest any third party involvement. On 13 and 14 February, 2007, the Gardai briefed the family on the results of their findings arising from their investigation into Private Barrett’s death. The briefing took a considerable amount of time and the investigation team answered a large number of questions relative to their findings.

My Department has remained in contact with the family throughout the investigation. I am available to meet with the family should they wish to meet with me again.

Question No. 298 answered with Question No. 95.

Question No. 299 answered with Question No. 88.

Question No. 300 answered with Question No. 90.

Defence Forces Property.

301. **Mr. Durkan** asked the Minister for Defence the total receipts accruing to the Exchequer from the disposal of the military installations decommissioned in 1998; the costs of maintenance, security, consultancy or other fees in the period since then; and if he will make a statement on the matter. [9149/07]

302. **Mr. Durkan** asked the Minister for Defence the position in regard to the disposal or use of the military installations decommissioned in 1998; and if he will make a statement on the matter. [9150/07]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 301 and 302 together.

The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Naas, Castleblayney, Kildare, and Islandbridge, Dublin.

The sale of 97 acres approximately at Murphy Barracks, Ballincollig was completed in 2003 for a total of €42 million. The bulk of the lands were purchased by O’Flynn Construction. The sale of a site comprising c.2.7 acres to the Southern Heath Board for €1.73 million was completed in December 2004 and the sale of a further site comprising c.1.7 acres to the HSE South for a consideration of €1.1 million approximately is nearing completion. A half acre site is being transferred to the Office of Public Works (OPW)

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for a consideration of €1.45 million to facilitate extension of the existing Garda Station located on Main Street, Ballincollig. It was agreed at the time of the closure and sale of Murphy Barracks that an area comprising approximately 27 acres of the property would be transferred to Cork County Council for community use. The legal formalities in regard to the transfer of this area are being progressed in consultation with the Chief State Solicitor's Office.

An area comprising 19 acres approximately at the former Fitzgerald Camp, Fermoy, was sold to Cork County Council in 2001 for close to €1 million for economic development of the site in conjunction with the IDA.

Castleblayney Military Post, Co. Monaghan, comprising c. 10 acres, was sold to the North Eastern Health Board for €0.8 million approximately in 2002.

An area comprising 7 acres approximately at Devoy Barracks, Naas, Co. Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8.9 million approximately. The balance

of the Barracks lands — one acre — was sold to Kildare County Council for approximately €0.4 million in 2002.

Clancy Barracks, Dublin, comprising 13.6 acres approximately, was sold to Florence Properties Ltd. for €25.4 million in 2004.

The value of sales/disposals completed to date, in respect of the six barracks the subject of the July 1998 Government decision is in the region of €80 million. The Government decided on 1st July 2003 that Magee Barracks, Kildare, would be among the State lands released for inclusion in the Sustaining Progress Affordable Housing Initiative. How land at this location might play a role in the delivery of affordable housing units is a matter in the first instance for the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the Affordable Housing Initiative. The legal formalities relating to the transfer of lands at this location are being progressed with that Department and in consultation with the Chief State Solicitor's Office.

The security, maintenance, consultancy and other costs in respect of those Barracks identified for closure in 1998 are as follows:

	Security	Maintenance & Other Costs
	€	€
Murphy Barracks, Ballincollig#	1,120,604	257,113*
Fitzgerald Camp, Fermoy#	330,813	42,633
Castleblayney Military Post#	131,289	10,548
Devoy Barracks, Naas#	472,654	16,959
Magee Barracks, Kildare	197,561	15,677
Clancy Barracks, Dublin #	649,441	203,089

Now sold or no longer in the administration of my Department (no further costs will be incurred by the Department of Defence).

* Includes costs relating to the preparation of an Integrated Area Action Plan.

Defence Forces Equipment.

303. **Mr. Durkan** asked the Minister for Defence if the naval service is adequately equipped and upgraded to meet any likely requirements such as participation in international operations; and if he will make a statement on the matter. [9151/07]

Minister for Defence (Mr. O'Dea): The Naval Service provides the maritime element of the Defence Forces and has a general responsibility to meet contingent and actual maritime defence requirements. The Naval Service operates eight general purpose patrol ships. All eight ships are involved in coastal and offshore patrolling and surveillance for the State in that part of the seas where State jurisdiction applies such as Internal Waters, Territorial Sea and the Irish Sector of the Exclusive Economic Zone.

The Naval Service provides a fishery protection service in accordance with the State's obligations as a member of the European Union. The Service

is tasked with patrolling all Irish waters from the shoreline to the outer limits of the Exclusive Fishery Limits. At present, fishery protection activity accounts for roughly 90% of all Naval Service patrol time. However, as the need arises, Naval Service vessels may be deployed to other duties such as aid to the civil power, search and rescue, drug interdiction operations and assistance with pollution control. There are no plans for the participation of the Naval Service in international operations.

The Government is committed to continuous investment in the equipment needs of the Naval Service to enable it to carry out the roles assigned to it. A vessel replacement strategy for the Naval Service is currently under examination in my Department and I expect proposals will be submitted to me for decision in the coming weeks. The vessel replacement strategy, combined with a continuous process of refurbishment, ensures that the operational capability of the Naval Service is maintained at a very high level.

304. **Mr. Durkan** asked the Minister for Defence if upgrading of military equipment in the Army is ongoing or contemplated; and if he will make a statement on the matter. [9152/07]

Minister for Defence (Mr. O’Dea): The acquisition of new equipment for the Defence Forces continues to be a key focus for me as Minister for Defence. Significant investment has taken place in recent years throughout all facets of the Defence Forces and I will continue the good work in that regard. From the Army’s perspective the major investment has been in the contracts for Mowag Armoured Personnel Carriers with the acquisition of 80 APCs at a cost of €120m inclusive of VAT — the last tranche of 15 vehicles will be delivered this year.

In recent years a particular focus of the investment in the Army has been on equipment for the individual soldier. In this regard the introduction of the DPM Uniform with the provision of a full outfit of matching clothing for the individual soldier was a significant milestone for the Defence Forces.

In addition significant work has been carried out in recent years on the acquisition of an Integrated Protection and Load Carrying System for individual soldiers. This system includes Body Armour, Helmets, Back Packs (Rucksacks) and Battle Vests. The position with regard to the acquisition of these items is as follows:

- 8000 units of body armour for the individual soldier on operational duties have been delivered. The new body armour provides significantly greater protection, comfort and coverage than the old model as well as a doubling of the range of sizes available. The total value of the order was in the region of €8m.
- 12,000 helmets have been delivered. The value of the order was circa. €2.5m.
- 12,000 rucksacks have been ordered at a total cost of €3m, delivery will take place in 2007.
- To complete the modern integrated protection and load carrying system, one other competition is currently in train for the acquisition of 12,000 Battle Vests used for the carriage by the individual soldier of essential items such as ammunition, personal radio, water and ancillary equipment. An order will be placed later this year for these items.

The personal equipment which the individual soldier in the Defence Forces has at his/her disposal for operational use both at home and overseas is second to none and compares very favourably with the equipment in use by other Countries. I will continue the ongoing investment in equipment for the Army, Air Corps and Naval Service to ensure that the most modern and up

to date equipment is available for Defence Force’s personnel.

Question No. 305 answered with Question No. 88.

Questions Nos. 306 and 307 answered with Question No. 90.

308. **Mr. Durkan** asked the Minister for Defence if further upgrading of military equipment including aircraft in the Air Corps is completed; and if he will make a statement on the matter. [9156/07]

Minister for Defence (Mr. O’Dea): The acquisition of new equipment for the Defence Forces continues to be a key focus for me as Minister for Defence and significant investment has taken place in recent years in this regard.

The unprecedented level of expenditure on equipment for the Army, Air Corps and Naval Service was made possible by the Government’s decision that pay savings arising from the reorganization of the Defence Forces set out in the White Paper of 2000, along with proceeds from the sale of surplus properties, would be reallocated for investment in modern facilities and equipment.

Investment in new equipment for the Defence Forces is provided for under various Subheads of the Defence Vote relating to defensive equipment, mechanical transport, aircraft, ships and naval stores, engineering, communications and Information Technology equipment etc. All elements of the Defence Forces, the Army, Air Corps, Naval Service and the Reserve have benefited from the investment in new equipment.

With particular regard to the Air Corps, a total of six utility AW 139 helicopters are being acquired from Agusta S.p.A. at a cost of €75m, inclusive of VAT. The six helicopters are being built at the Agusta facility near Milan, Italy. Two AW 139s were delivered in November 2006, two will be delivered in the first half of 2007 and the final two will be delivered in 2008. Other major acquisitions for the Air Corps in recent years were the two EC135 helicopters and the eight Pilatus fixed wing training aircraft. A major mid life upgrade on the two Casa maritime patrol aircraft will take place in the period 2007/2008.

The equipment issued to the Defence Forces is in keeping with the most modern requirements and the highest international standards. The ongoing investment in the Defence Forces will ensure that this remains to be the case.

309. **Mr. Durkan** asked the Minister for Defence if all personnel in the Army, Navy and Air Corps have been issued with personal body armour or breathing apparatus; and if he will make a statement on the matter. [9157/07]

Minister for Defence (Mr. O’Dea): In the latter part of 2006, 8000 units of body armour for the individual soldier on operational duties were delivered. The new body armour provides significantly greater protection, comfort and coverage than the old model as well as a doubling of the range of sizes available. The total value of the contract was in the region of €8m.

The body armour is currently in stores in the Curragh Camp and will be distributed throughout the Defence Forces as considered appropriate by the military authorities.

Respirators are issued to each individual soldier in the Defence Forces as part of their personal equipment.

Question No. 310 answered with Question No. 111.

Local Authority Funding.

311. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of applications for grant assistance for the provision of playgrounds in County Kildare received from local authorities (details supplied) in County Kildare; if he will make a decision on the matter; and the position of each application. [9065/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Prior to the Local Authority Playground Grants Scheme 2004, my Department did not operate a specific scheme of grants for playground projects.

The 2004 Scheme provided up to 50% funding for the development of new, or renovation of existing, playgrounds throughout the country. While the scheme was administered by the National Children’s Office, the grants were paid out of my Department’s vote. Over €2 million was allocated to city and county councils in respects of 32 new or refurbished playground projects. €72,000 was allocated to Kildare County Council under the scheme for a playground at Kildare town.

The playgrounds grants scheme has been administered by my Department since 2005. Applications for grants for specific locations are not accepted from local authorities. Instead a fixed grant is allocated to each city and county council to fund the purchase and delivery of playground equipment to be installed at locations to be decided by the councils. In 2005 a fixed grant of €60,000 was allocated to each city and county council, including Kildare County Council. Kildare County Council indicated to my Department that the grant would be put towards meeting the cost of equipment for a playground at Bawnogues, Kilcock.

In 2006 a further fixed grant of €120,000 was allocated to each city and county council and I understand that the grant to Kildare County Council is being utilised for playgrounds at four

locations — Clane, Kill, Monasterevin and Kilcullen.

Waste Water Management.

312. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will address the issues in correspondence (details supplied); and if he will make a statement on this matter which will benefit both homeowners and the environment. [8979/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 205 of 22 February 2007.

Water and Sewerage Schemes.

313. **Mr. Cregan** asked the Minister for the Environment, Heritage and Local Government the progress that has been made within his Department in respect of the provision of a new sewerage scheme for Athea, County Limerick; and if he will make a statement on the matter. [8980/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Athea Sewerage Scheme, which is being advanced as part of a grouped project that also involves Askeaton, Foynes, Glin and Shanagolden, is approved for funding in my Department’s Water Services Investment Programme 2005-2007.

My Department is awaiting submission of Limerick County Council’s Preliminary Report for the project.

Land Designation Appeal.

314. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of an appeal on the designation of land (details supplied) in County Roscommon; if he will expedite the matter; and if he will make a statement on the matter. [9006/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The appeal in question is currently being examined by my Department and the appellant will be notified of the decision as soon as possible.

Water and Sewerage Schemes.

315. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding provision of the water supply scheme to Croom and Patrickswell, County Limerick. [9016/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The works to extend the Limerick County Trunk Water Mains to supply Croom and Patrickswell from the upgraded Clareville Water Treatment Plant have been approved for funding under my Depart-

ment's Water Services Investment Programme 2005-2007.

I understand that the Patrickswell element of the works is already in place. I approved Limerick County Council's proposals to invite tenders for new trunk mains between Patrickswell and Ballygeale in October 2006 and further progress on this project is a matter for the Council. My Department is awaiting submission of the Council's Contract Documents for the trunk mains from Ballygeale to Croom.

316. **Mr. Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if his Department has received submissions from Kildare County Council with regard to the provision of a second phase sewerage scheme for Allenwood, Naas, County Kildare; and if he will make a statement on the matter. [9036/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): No proposals have been received by my Department from Kildare County for further works to the recently completed Allenwood Sewerage Scheme nor was any such proposal included in the list of schemes submitted by the Council in response to my Department's request to all 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 Kildare County Council in that context will be taken into account in the framing of the next phase of my Department's Water Services Investment Programme.

Recycling Policy.

317. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the supports or structures the Government is putting in place to ensure that all used tyres are recycled and to prevent illegal dumping of these tyres, such as is occurring in many areas of County Louth including areas (details supplied); and if he will make a statement on the matter. [9043/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has had discussions with the Irish Tyre Industry Association (ITIA) with a view to establishing a Producer Responsibility Initiative (PRI). These discussions are continuing with the intention of concluding the necessary arrangements for such an initiative later this year. Draft Regulations which will provide a regulatory framework for this PRI are being developed and will be published for public consultation shortly.

I have publicly stated my concerns in relation to inappropriate practices in relation to the way waste tyres are managed. It is imperative that waste tyres are not subject to unauthorised burn-

ing, uncontrolled disposal or the formation of indiscriminate stockpiles. These practices are not acceptable as they can cause nuisance, pose both environmental and health hazards and infringe waste and other environmental legislation.

Animal Welfare Bodies.

318. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if funding is available from his Department to local authorities for the provision of dog shelters and dog wardens; and if he will make a statement on the matter. [9064/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not provide specific funding to local authorities for the provision of dog shelters and dog wardens.

The Control of Dogs Acts 1986 and 1992, place statutory responsibility for dog control on local authorities. The implementation of the Acts is vested in local authorities who finance their dog control service from general income, including that accruing through dog licence fees, on-the-spot fines, pound fees etc.

Sport and Recreational Development.

319. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his Department has a system of grants or proposals for grants for the provision of skateboard parks by local authorities; the meetings he has had with the Department of Arts, Sport and Tourism in regard to such grant aids; the results of such meetings; and if he will make a statement on the matter. [9067/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In May 2005, I introduced a new initiative for the provision of skateboard facilities by local authorities. Each City and County Council was invited to submit expressions of interest for grant assistance towards the provision of a skateboard park in its area. Applications were assessed in my Department in conjunction with the National Children's Office and some 21 projects in 21 different local authority areas were recommended for grant aid. A sum of €1 million had initially been earmarked for the scheme in 2005 but, in light of the number and quality of submissions received, I approved all 21 projects in November 2005 and increased the funding allocation to over €2 million which is expected to be spent over the two year period 2006 and 2007.

Discussions about this particular initiative were not broached between my Department and the Department of Arts, Sport and Tourism.

Social and Affordable Housing

320. **Mr. Wall** asked the Minister for the Envir-

[Mr. Wall.]

onment, Heritage and Local Government the number of affordable housing units built in Kildare in 2006; the cost to the applicant of such units; the mechanism used to determine such costings; and if he will make a statement on the matter. [9068/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information to end September 2006 on the number of housing units provided under the various affordable housing schemes in each local authority area is published in my Department's Quarterly Housing Statistics Bulletins, copies of which are available in the Oireachtas Library, and also on my Department's website at www.environ.ie.

While final data for the final quarter of 2006 are not yet available, provisional figures supplied by Kildare County Council, if confirmed, would indicate that 159 affordable units were delivered in the county over the course of 2006 as a whole. Detailed information on the cost of these units to applicants and on the mechanism used to determine these costs is not available in my Department.

Local Authority Housing

321. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government

the funding he has allocated to the local authority for the Cranmore regeneration project in Sligo; if his attention has been drawn to the circumstances encountered as outlined in correspondence (details supplied); the directive he will issue to them to deal with the difficulties encountered; and if he will make a statement on the matter. [9125/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Up to the 31 December 2006, nearly €1.3 million has been expended in respect of the regeneration of the Cranmore Estate out of an allocation of €1.8 million. The Council's proposal to refurbish vacant houses in the estate, on which approximately €500,000 has been spent to date, is currently underway.

My Department is actively engaged with the local authority in scoping the regeneration project and setting out the work programme. This is a major regeneration project, which will have a significant impact on the future development of Sligo as a Gateway City. The scheme is being advanced as quickly as possible given the complexity and range of issues that have to be addressed.

Regarding the specific matters raised in the letter, the key issue would appear to be concern about a lack of communication on the project. We have discussed this with the authority concerned who are committed to keeping the residents informed of developments in the area.