



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 24 April 2007.

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TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Máirt, 24 Aibreán 2007.
Tuesday, 24 April 2007.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Social Partnership Talks.

1. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the round table meeting of the social partners in Dublin on 15 February 2007; and if he will make a statement on the matter. [6758/07]

2. **Mr. Rabbitte** asked the Taoiseach if he will report on his meeting with the social partners in Dublin Castle on 15 February 2007; the main issues raised; and if he will make a statement on the matter. [8361/07]

3. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent meeting with the social partners. [8942/07]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach the discussions he has had with the social partners in relation to the implementation of the Towards 2016 agreement; and if he will make a statement on the matter. [9646/07]

5. **Mr. Sargent** asked the Taoiseach if he will report on his recent meeting with the social partners; and if he will make a statement on the matter. [11371/07]

6. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the social partners. [12302/07]

The Taoiseach: I propose to take Questions Nos. 1 to 6, inclusive, together.

As I indicated in my reply in the House on 13 February last, the inaugural plenary meeting with the social partners under the new social partnership agreement Towards 2016 took place on 15 February in Dublin Castle.

The Government was represented by myself together with my colleagues, the Tánaiste and Minister for Justice, Equality and Law Reform, the Minister for Finance and the Minister of State at the Department of Enterprise, Trade and Employment with special responsibility for labour affairs.

The papers from the inaugural plenary, including the addresses by myself, the Tánaiste and the Minister for Finance, together with the presentations by senior officials, on the following broad Towards 2016 themes — the National Develop-

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ment Plan 2007-2013, the national spatial strategy, sustainable development, developing the lifecycle approach, health service reform and North-South co-operation — have been laid before the Oireachtas, as has the first progress report, which was circulated at the meeting. The first progress report has also been made available on my Department's website.

A seminar was held on 2 April for the social partners focusing on the implementation of the lifecycle framework under Towards 2016. Collaboration and engagement with the social partners is important in helping to deliver the ambitious social agenda we have set out in Towards 2016, the new National Development Plan 2007-2013 and the National Action Plan for Social Inclusion 2007-2016. This event provided a useful opportunity to engage in some joint thinking on the key issues and challenges that lie ahead as we begin implementation.

As I indicated to the House on 13 February, the mechanisms for implementation of the new agreement are set out in detail in Chapter 4 of Part 1 of Towards 2016.

The reconvened steering group will continue to have overall responsibility for management of the implementation of the agreement as it applies to the wider non-pay issues. The quarterly plenary meetings of the social partner pillars will continue and there will also be an annual meeting of the parties with myself, the Tánaiste and the Minister for Finance.

The next steering group meeting has been arranged for Monday, 30 April. The meeting will focus on the people of working age lifecycle stage and will also receive updates on Transport 21, the Government's White Paper, Delivering a Sustainable Energy Future for Ireland, and the National Climate Change Strategy 2007-2012. The date for the next plenary meeting will be confirmed shortly.

I also met with the leadership of the ICTU last Wednesday to review and discuss issues that generally arise under Part 2 of Towards 2016.

Mr. Kenny: It is nearly summertime. Lest anyone thinks I would not do so, I offer the Taoiseach my congratulations on become a grandfather. Deputy Rabbitte said he hoped the Taoiseach would take a few weeks off to mind his grandchildren. I do not know if the Taoiseach is considering doing so.

I am glad the national implementation body is meeting the nurses' unions and the personnel involved today. It is claimed the criteria for assessment of legitimate claims within the benchmarking process are not sufficiently broad or flexible. Assuming the national implementation body and everybody concerned can arrive at a conclusion in respect of the reduction in the hours of work with a commensurate change in practice, efficiency and productivity, does the Taoiseach envisage similar situations finding their way into

the benchmarking forum so pay questions can be resolved within the social partnership framework?

Does the Taoiseach see the benchmarking process becoming more open and transparent? Last time, recommendations for pay increases were made but the method by which the recommendations were arrived at was not published and the relevant documents have been shredded.

Is the Taoiseach happy that no other group will break from the social partnership and benchmarking agreements, given the soundings being taken currently?

The Taoiseach: The normal agreements of recent years have led to a decline in the number of industrial disputes. The figure for last year was one of the lowest since the foundation of the State. There are always groups of workers who are not satisfied or do not believe their issues will be addressed in a way which they consider reasonable. It is inevitable such cases will arise from time to time. There was one group during the last round and there is one at present. Examinations were carried out on the claims of some smaller groups and the system was able to gather them in and deal with them. I cannot recall the exact number but a small number of cases were dealt with. The arrangements are sufficiently flexible to deal with such situations. The benchmarking process depends on the strength and presentation of the case and the history of the area. All of the groups preparing for benchmarking are making their own cases. The process is not the same as old one involving relativities and knock-on claims which started at point A and went all the way through to everybody in the system. That is what has happened over the past 30 or 40 years in one form or another.

There are certain difficulties in specific disputes. In the case of the nurses dispute, we cannot contemplate an outcome which undermines public service pay policy based on benchmarking and the wider agreements under social partnership. However, progress can be made in the context of hours of work and higher productivity on a cost neutral basis. While it will not necessarily be easy to do that, a great deal of work has been done on the matter over the past few weeks. I understand that further work will be required to establish how a reduction of working time and a full deployment of improvements in efficiencies can be produced given that it involves 7.7 million working hours in the system.

I accept Deputy Kenny's point that we require a framework in which change can happen. In this case, we have been talking about managing change in the health service but there are other areas. I agreed earlier in the year to a proposal from the Irish Congress of Trade Unions to establish a forum within which a more comprehensive approach to the management of change could be discussed. Most of the issues which arise do so in the context of the change agenda and are not sim-

ply normal cases. There are always difficulties in the change agenda. Almost all categories of staff working in the health service interact with others and change in any one grade or profession impacts on the others. We could produce a more coherent approach by examining all of the interdependencies involved in the round. We have had useful discussions with congress on that point.

The forum has been convened for two meetings under the chairmanship of the Secretary General of my Department and all of the health trade unions and representative bodies have participated together with the HSE and the Department of Health and Children. It would be better for them in the context of the forum's work if there was not an ongoing work to rule. However, one cannot plan these things perfectly. While the forum is at an early stage, I am hopeful that honest discussion in the context of a shared commitment to patients and the quality of the public health service will enable us to address even intractable problems. No problem is insurmountable, but we must find greater efficiencies to the benefit staff and patients alike. I have therefore accepted the congress proposal and I am working to implement it in the broad range of cases. As Deputy Kenny said, the NIB is working on the nursing dispute to try to find a solution.

Mr. Rabbitte: What assurances can the Taoiseach give employees who are concerned that the entire value of the pay increase provided for in the new agreement will be wiped out by the effect of inflation? What is the Taoiseach's assessment of the worryingly high level of inflation now?

The Taoiseach told me before the break that there were 60 labour inspectors in place last year and that there would be 90 this year. The Minister for Enterprise, Trade and Employment told me in a reply to a parliamentary question the same day that there were only 31 inspectors. I wish to withdraw the remark—

An Ceann Comhairle: The question is more appropriate to the line Minister.

Mr. Rabbitte: You have not even heard it yet, Sir.

An Ceann Comhairle: I did hear the question.

Mr. Rabbitte: I wanted to say to the Taoiseach that I wanted to withdraw the charge I made that he was telling me fibs. I must accept his word that it was inadvertent. Given that only 31 labour inspectors were in place before the break and the commitment is to have 90, how many are in post now and how many will be in post by the end of the year? I hope that has mollified the Ceann Comhairle.

An Ceann Comhairle: The matter still does not arise. The question should be directed to the line Minister.

Mr. Rabbitte: I do not want to cause the Ceann Comhairle's blood pressure to rise. I am in a very agreeable mood today as things are looking very sunny.

Mr. Durkan: Further mollification is not required.

Mr. Rabbitte: Was the issue of decentralisation raised with the Taoiseach in the discussions with the social partners? I notice that all Government Deputies boycotted the meeting in Liberty Hall on the forced relocation of civil and public servants to various parts of provincial Ireland which has been put in place instead of a balanced programme of negotiated decentralisation. The latter might have worked where the McCreevy plan has failed. Why did the Taoiseach's Deputies stay away from the meeting?

An Ceann Comhairle: That is a question for the line Minister. It does not arise out of these questions.

Mr. Rabbitte: Why not, sir? This is a meeting with the social partners.

An Ceann Comhairle: The Chair is not entering a discussion with the Deputy. The Chair has ruled on the issue. It is a matter for the line Minister.

Mr. Rabbitte: We are asking about the meeting with the social partners.

An Ceann Comhairle: Yes, Deputy, but detailed questions arising out of those meetings should be directed to the line Minister. We will be here all day.

Mr. Rabbitte: I do not know how in the next Dáil we will roll back some of the new precedents the Ceann Comhairle has established. They have made a joke of Question Time. Members have put down questions to the Taoiseach about his meeting with the social partners. I am asking him if decentralisation came up and what assurances he can give the very many people in this city who have children in education and put down roots and who are being given no choice about relocation out of Dublin. Would it not be better to go back to the drawing board to negotiate a voluntary programme of decentralisation in support of more balanced regional development in Ireland?

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

The Taoiseach: We have had a number of discussions and meetings on inflation. The figure is

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higher than we projected in the late months of last year. There are a number of actions and issues under discussion. Primarily, the figures are coming through under two headings, energy costs and interest costs, which account for half the rate of inflation. One cannot exclude consideration of those two headings given their effect on pay, but without them inflation would be 2.1%. We have reactivated the anti-inflation group and it has been calculated that inflation will drift down as the year goes on. However, the current rate will be crucial to the way in which people view the current pay round. The Irish Congress of Trade Unions pointed out as much in our discussions last week.

Wage moderation is a powerful counter-inflationary tool. We must do all we can to ensure we do not price ourselves out of any of the issues. Most of the difficulties are coming from the two areas I mentioned. Looking at many of the figures across the headings for the past few months, it is clear that electricity and natural and bottled gas registered zero price movements in March while liquid gas and solid fuel prices rose by 2% and 0.4% respectively. While in some cases natural gas prices fell by 10%, energy prices from the ESB have been extremely high.

While it is not clear what Jean-Claude Trichet and his colleagues in the European Central Bank will do on interest rates, indications are that there will be at least one more increase in 2007. We must do all we can to try to curb services inflation, in particular, which has increased to 10% or 12% in the past two months, which is extremely high. We must be careful in terms of wage increases and of fuelling the difficulties that exist although we have examined these in great detail. Inflation is high this month and will probably remain so for a few months and then pull back. That is the best estimate at this stage.

On inspectors, I accept what Deputy Rabbitte said — I did give him the wrong figure. Interviewing for new inspectors is currently taking place. I gave an update of the figures to the Irish Congress of Trade Unions last week. It will probably take until the end of the summer to get all the inspectors in place. The interview process is under way. The Minister for Enterprise, Trade and Employment, Deputy Martin, has given full details of the interview process to the staff and the advertiser. If I recall correctly, 42 posts require to be filled during the course of this year to meet the target set. The approvals have been given and the interview process is about to commence. I have been told it is hoped the required inspectors will be in place by the end of the year. Quite frankly, I do not understand why it should take that long. However, that is what I have been told. I would imagine that given the interview process is under way, it should be possible to have the inspectors in place during the next three months or so. The Department of Enterprise,

Trade and Employment hopes to have all positions filled by the end of 2007.

With the social partners we have also outlined a number of other mechanisms. The employment rights compliance Bill will be published later this year and a director has been appointed to the National Employment Rights Authority, NERA, for which a management team is substantially in place. As I stated, seven new inspectors were recruited in March. I am not sure what the figure is for April but 42 more remain to be recruited.

The Minister for Enterprise, Trade and Employment, Deputy Martin, announced in February proposals on regionalisation of the labour inspectors. During the discussions with the social partners last week we also discussed section 14, Part II of Towards 2016 which requires that legislation be enacted to provide NERA with the power to establish joint investigations by the Revenue Commissioners and the Department of Social and Family Affairs. The necessary legislation has been prepared.

The Revenue Commissioners are monitoring bogus self-employment. I know that Deputy Rabbitte is familiar with this issue. An enormous effort is being made by the Revenue Commissioners and the Department of Social and Family Affairs in respect of bogus self employment. They are focusing most of their efforts on the construction industry. Finally, almost 4,500 employers were visited last year as part of the campaign to stop abuses and fraud in the social welfare system.

Decentralisation is moving forward on the agreed basis. This issue was not raised during the meeting with the Irish Congress of Trade Unions. We are following the basis agreed with the public service workers, namely, that decentralisation will be on a voluntary rather than compulsory basis. The movement of officials, although slow, is continuing. A great deal of progress has been made. Decentralisation has taken place to centres in Cavan and Clonakilty and other centres are moving ahead. This is being done on a voluntary, not compulsory, basis.

Mr. Rabbitte: On the key issue of inflation, the Taoiseach stated that the two main elements contributing to the extraordinary position in Ireland are energy prices and interest rates. Is it not the case that those member states which are members of the eurozone are subject to exactly the same regime of interest rates and pay the same prices for oil and gas on the international exchange? Why is it that inflation in Ireland is more than twice the eurozone average?

What is voluntary, for example, about the forcible movement of FÁS and BIM staff out of the city? What is voluntary about their relocation? The objections made by them to Government appear to have fallen on deaf ears. The intention is to ensure they are moved out of the city irrespective of whether they want to. Would it not be sensible at this stage, given the endemic problems

in the health services, to agree a timeframe for the introduction of a 35 hour week for nurses? This would enable nurses to return to work.

An Ceann Comhairle: That matter does not arise on these questions. It is a question for the line Minister.

Mr. Rabbitte: It arises out of the Taoiseach's reply. He dealt with the matter at some length in response to Deputy Kenny. I am asking a question which arises from the Taoiseach's answer.

An Ceann Comhairle: We cannot have detailed discussions on issues.

Mr. Rabbitte: Can a timeframe be agreed that would permit the phasing in by a certain date of the 35 hour week and allow any pay claims to be dealt with by the existing machinery? Is that not the broad parameter of a settlement to this dispute? Ultimately, there must be a settlement. Why risk further alienating nurses whose work at the coalface is essential? Whoever is to blame for the shambles that is the health service, it is not the nurses.

The Taoiseach: I do not believe that is the issue that arises in this dispute. It is a question of 7.7 million hours not being worked. The introduction of a 35 hour week must be examined on a cost neutral basis. Otherwise, this would be seen as a straight pay increase which would have a knock-on effect for 350,000 public servants and the private sector. I do not believe that is what Deputy Rabbitte is advocating. This must be worked out and framed in a manner that meets the interests of the three nursing groups. That is not an easy task. Both sides are conscious of this and of the work and detailed preparation involved in moving to a 35 hour week. It was in this regard the Government offered to move towards the first reduction at the beginning of 2008 and then to work out the more detailed arrangements of moving from a 39 to 35 hour week. A complication arises in that if this is not done on a cost neutral basis, trade unions in the health service generally and outside of it have made it clear they will seek parity in terms of a 35 hour week. Other European countries which have introduced a 35 hour working week are arguing for the opposite claiming it is damaging their economies, and I do not believe it is the right way to go. We are trying to find a basis to do this within the agreement which does not breach the agreement or create a knock-on effect but which can facilitate nurses. However, this must be worked out between the management side of the trade unions and the State which have been engaged in this preparatory work during the past few weeks.

FÁS and BIM are not being forced to move out of the city. Painstaking negotiations have taken place to facilitate people who wish to move

within the wider public and Civil Service and to accommodate those who do not want to move. That is why the decentralisation process has been so slow. If it were forced, staff would have moved a long time ago. Staff are not being forced to move.

On inflation, our interest rates are the same as those across Europe. Unfortunately, our gas and oil prices are not. It has been clearly pointed out by the regulator that we are at the 3 o'clock end of the pipeline and our costs carry a premium. That is a major difficulty for an island that does not have a very large market. That point has been made time and again. I drew attention earlier to the fact inflation in consumer services was running at 9.3% per annum in March compared to only 0.4% in consumer goods. One does not need to be an expert to see that the difficulty is there is not enough competition in the services sector. That is what is driving inflation in Ireland compared to other countries. There is a very simple European Commission chart that shows where we are out of line. The issue is one of competition. In the consumer goods sector, right across a range of products, the rate of inflation was only 0.4%, which is very creditable compared with our European partners. In the services sector, however, inflation has risen to almost 10%. It is a question of competition which is an issue for all of us because it affects our purchasing power. It is an issue with which we must continue to deal.

Mr. J. Higgins: Does the Taoiseach agree the first five percentage points wage increase over a 15-month period which is provided for in the social partnership document Towards 2016 has been wiped out before it has been implemented, given the annual rate of inflation for March registered at 5.1%? Can he give us one good reason why workers should tolerate being constrained to these wage limits when the Government has added more than anybody else to inflation with increases in utilities and public service charges running at 9.3%, and the Alice in Wonderland policy in regard to electricity prices implemented by the Minister for Communications, Marine and Natural Resources whereby the regulator, acting on Government policy, has massively increased electricity prices to consumers in order to bring competitors into the market so prices will go down some time in the dim and distant future?

My second question I have tried to ask many times over ten years but the Taoiseach has never answered it satisfactorily. Now that we are in the dying days of the 29th Dáil—

An Ceann Comhairle: Will the Deputy get around to his question? Other Deputies are offering and I would like to facilitate them.

Mr. J. Higgins: The Ceann Comhairle called me at 3.04 p.m. I sat here patiently. I am asking my second supplementary question.

An Ceann Comhairle: The Deputy should ask a question.

Mr. J. Higgins: As we are in the swan song days of this Dáil, does the Taoiseach agree he has no moral authority to take a cudgel to beat back the nurses in their demands for equality and for a decent wage when not once in ten years did he raise a voice or a finger to stop speculators, developers and big builders putting homes out of the reach of ordinary working people? The Taoiseach mentioned the knock-on effect of the nurses' claims.

An Ceann Comhairle: The Deputy should confine himself to asking a question.

Mr. J. Higgins: Has he entertained the knock-on effects of profiteering in the housing market whereby, ten years on, a worker on the average industrial wage is scarcely able to purchase the doors and windows, let alone a house. In view of that, is social partnership not a sham which has added handsomely to the rocketing profits of big business at the expense of workers?

The Taoiseach: It is in regard to consumer services, not local authority services, that inflation is running at 9.3%.

Mr. J. Higgins: What about electricity?

The Taoiseach: The price of electricity is set. There was to be a large increase of 19%, but that was reduced by the regulator. The regulator, which is independent, must take all factors into account.

Mr. J. Higgins: The regulator is implementing Government policy.

The Taoiseach: The regulator is implementing legislation passed here setting up the Commission for Energy Regulation to ensure security of supply and that we can keep our electricity and gas companies going. That is the job of the commission. For a sustained period the Electricity Supply Board was able to provide electricity with no increase in cost, but that changed because of the international position.

On the question of pay increases, I have already said to Deputy Rabbitte that it has happened previously that the rate of inflation matched the rate of the pay increase and that does balance out things in wage terms. However, there are other issues related to tax which weigh the balance in favour of the worker. It is never welcome that inflation should eat into pay increases. However, it has happened a number of times in recent years and we have been able to counter it. We must try to do so again to the best of our ability, and I believe it is possible. We did it in 2003 when we halved inflation in a very short period by combined action on the part of the Government, the social partners and relevant

agencies. We can do so again. I do not agree with the Deputy's theory. Without centralised agreements there will be a spiralling cycle of wage increases pushing up inflation, reducing the value of wage increases to workers.

Mr. J. Higgins: The Taoiseach said nothing to the speculators.

The Taoiseach: On the property market, we have worked towards the position where this year we will build one third of the houses we built last year to bring supply and demand into equilibrium. We did nothing to encourage speculators other than to try to increase supply to enable people to get a house.

Mr. J. Higgins: The Taoiseach did not raise a finger to stop them.

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

The Taoiseach: Under social partnership agreements we have 600,000 more people working in the past decade. One third of the housing stock consists of new houses, and almost half of that went to first-time buyers. Deputy Higgins' analysis does not add up. There will always be people who experience difficulty purchasing a house. The Government has put an enormous amount of resources into social and affordable housing and has made great strides forward. Some 17,000 households will now benefit from social and affordable housing measures this year and approximately 60,000 households will benefit over the three year period to 2009. Approximately 140,000 people will benefit under social and affordable housing schemes during the life of the next national plan. That is a significant proportion of those seeking social and affordable housing.

Caoimhghín Ó Caoláin: What if the current average rate of inflation continues? Does the Taoiseach accept that the average rate for the first three months of this year is in the order of 5%? That is significantly greater than the 4.4% annualised increase, or 10% over 27 months, provided for under Towards 2016. What should happen if that trend continues? Has the Taoiseach specific proposals to counter the effect of prolonged inflation and the clearly devastating effects that must have on the daily living standards of workers throughout this State? Has he specific proposals in the event that that pattern is maintained, which all indicators suggest will be the case?

Why was no provision made for a review clause in this agreement? Such a clause was provided for in the previous agreement. On the same basis, no provision was made for local bargaining, which was another requirement. Does the Taoiseach not accept that he did not tolerate consideration of

an ability to pay clause, as against an inability to pay clause, to counterpoise the arguments that some employers would make in their self-interest? Are workers in the very successful sectors not entitled to a reward for their endeavours and contributions to success? Does the Taoiseach agree there is an imbalance in the fundamental approach to Towards 2016, the real effects of which are biting hard on ordinary workers today? How does he propose to deal with a pattern of continuing inflation that is well in excess of the annualised increases provided for in Towards 2016?

Mr. Gormley: On a point of order, I request that I be allowed to ask a short supplementary question, given that Questions to the Taoiseach ends at 3.15 p.m.

An Ceann Comhairle: Sorry, we are running out of time and I am calling on the Taoiseach to reply in fairness to Members who submitted questions to the line Minister.

Mr. Gormley: So did we.

The Taoiseach: Deputy Ó Caoláin asked about the work of the anti-inflation group. In the past few months, it had a detailed assessment prepared by the Central Statistics Office on contributors to the consumer price index and associated trends. It has been exploring the inflation drivers from a competitiveness perspective and was assisted by a detailed presentation given by the Competition Authority with the purpose of focusing on the areas in which we can make a difference. There are some areas in which we cannot make a difference but there are others in which we can. The National Consumer Agency and the Commission for Energy Regulation have been involved in the discussions in trying to make a difference. The purpose of these meetings is to ensure that the anti-inflation group can carry out its role in co-ordinating the fight against inflation on an informed basis. That analysis has been completed and it is now trying to make a difference, as it did four years ago.

In the longer term, the Government and the social partners acknowledge in the new social partnership agreement that adherence to its terms amounts to an important counter-inflationary measure. If one was to start conducting a review merely to chase inflation, all one would do is create a spiral. As that would be bad for the economy in terms of losing competitiveness and a disincentive to employment, it would be entirely the wrong thing to do. It is better that we focus our efforts and actions on those areas over which we have control. We cannot control interest rates and we can to an extent control energy prices, but can have an effect on many other areas which contribute to inflation.

On the pay issues, it is important to workers and everybody in employment that we reduce

inflation, but doing so on the basis of pay increases or by having a review or introducing any other system would be wrong.

Priority Questions.

Oileáin Mhara.

38. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhféadfadh sé a rá cad iad na hiarratais atá faighte ina Roinn ó Chomharchumann na nOileán Beag, Dún na nGall, ar oibreacha feabhsúcháin ar na hoileáin i mbliana agus cad iad na deontais atá ceadaithe go dtí seo i mbliana; agus an ndéanfaidh sé ráiteas ina thaobh. [15084/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá iarratais faighte ag mo Roinnse le déanaí ó Chomharchumann na nOileán Beag ar chúnamh i leith tograí ar Inis Oirthear, Oileán an Bhráighe, Inis Caorach, Gabhla, Inis Fraoigh agus Inis Mhic an Doirn. Tá sonraí faoi na hiarratais sin sa tábla ag gabháil leis an bhfreagra seo.

Tá na hiarratais seo á meas faoi láthair i gcomhthéacs an airgid a bheidh ar fáil do mo Roinnse le caitheamh ar thograí Gaeltachta agus oileánda i 2007-08 agus na n-éileamh éagsúil ar an airgead sin.

Mr. McGinley: Ní bhfuair mé mórán eolais as an fhreagra, ach sílim go bhfuil an tAire chun é a chur timpeall níos moille tráthnóna inniu. An é sin mar atá an scéal?

Éamon Ó Cuív: Tá liosta fada istigh leis an bhfreagra.

Mr. McGinley: An aontaíonn an tAire leis an obair éifeachtach atá ar siúl ag Comharchumann na nOileán Beag? Sin an scáthghrúpa a thacaíonn le Tír Chonaill agus na hoileáin go léir a bhfuil daoine ina gcónaí orthu. Luaigh an tAire cúpla ceann acu — Toraigh, Inis Bó Finne, Inis Meáin, Gabhla, Árainn Mhór, Inis Mhic an Doirn, Oileán Rua, Inis Fraoigh agus an chuid eile. Tá scéimeanna go leor ullmhaithe ag Comharchumann na nOileán Beag atá istigh leis an Aire sa Roinn.

B'fhéidir go bhféadfadh an tAire freagra a thabhairt ar chúpla ceann de mo cheisteanna. Cad é mar a sheasann an cheist chomh fada agus a bhaineann sí le cé Inis Bó Finne, atá ag titim as a chéile agus isteach san fharráige? Tá deacrachtaí agus trioblóidí móra ag muintir na háite ag dul i dtír ansin. Caithfear tosaíocht mhór a thabhairt do ché an oileáin sin. Cad é faoin aerstráice atá ceadaithe nó beartaithe d'Oileán Thoraí? Bhí mé ar an oileán seachtain ó shin, agus tá daoine ag fanacht go fóill. Tá duine éigin ag tarraingt na geos. Níl a fhios agam an é an tAire atá á dhéanamh nó an gcuirfidh sé an locht ar dhuine éigin

[Mr. McGinley.]

eile, ach is cinnte go bhfuil muintir Thoraí ag fanacht leis an aerstráice.

An bhfuil sé ar intinn ag an Aire aon airgead a chur ar fáil do na scéimeanna forbartha cuimsitheacha atá i gceist d'Oileán Ghabhla? Admhaím go bhfuil uisce á chur isteach, ach tá céanna, bóithre agus soilse sábháilteachta fágtha ar lár go fóill. An bhféadfadh an tAire léargas a thabhairt dúinn ar na pointí sin?

Éamon Ó Cuív: Beidh an-áthas orm é sin a dhéanamh.

Is eolas úsáideach é seo. Ón mbliain 1997, tá €1.3 milliún caite ar na hoileáin bheaga. Níl mé ag comháireamh Oileán Thoraí ná Árainn Mhór san fhigiúr sin. Chomh maith leis sin, tá €401,000 ceadaithe ach nach bhfuil obair déanta air. Tugann sé sin an figiúr go €1.7 milliún. Bheinn ag súil go rachadh Comhairle Contae Dhún na nGall ar aghaidh leis an obair atá ceadaithe. Maidir le cé Inis Bó Finne, tá tairiscint faighte ag an gcomhairle contae, agus tá sé molta go nglacfaí leis an bpraghas de €481,556. Tá sé curtha in iúl ag oifigigh na Roinne do Chomhairle Contae Dhún na nGall go bhfuiltear sásta breathnú go báúil ar an iarratas sin ar dheontas 75% a chur ar fáil — sin an gnáthrud a chuirtear ar fáil. Is cosúil gurb é an fhadhb atá ann ná nach bhfuil Comhairle Contae Dhún na nGall sásta an 25% eile a chur ar fáil is nach bhfuil sé aici. Mura bhfuil, is ionann é sin is nach mbeidh sé ar chumas na Roinne an deontas a cheadú.

Maidir le haerstráice Oileán Thoraí, teastaíonn ceannach éigeantach. Rinne go leor oibre le gach duine de na húinéirí talún. Bhí cruinniú ann le gairid leis an méara agus bainisteoir an chontae, agus d'iarr muid go speisialta ar an mbainisteoir contae dul ar aghaidh agus an obair pháipéir ar fad a dhéanamh ar an gceannach éigeantach. Íocfaidh mo Roinn as ach ní mór don chomhairle contae an obair a dhéanamh. Gheall sé dom go ndéanfadh sé iarracht tús a chur leis an obair sin agus nach gcuirfí ar an méar fhada í.

Aontaím leis an Teachta, tá díomá orm nach bhfuil an t-aerstráice tógtha mar teastaíonn sé go géar agus ní bheidh aon rath ar Oileán Thoraigh gan é. Bhí cruinniú an-tairbheach agam le muintir Oileán Thoraigh Dé Sathairn seo caite, ag cruinniú Chomhdháil Oileáin na hÉireann in Inis Meáin na Gaillimhe. Phlé muid na ceisteanna ar fad ag baint le hOileán Thoraigh agus tá súil agam go mbeimid in ann bogadh ar aghaidh ar cheisteanna a d'ardaigh said liom, an t-aerstráice san áireamh.

Mr. McGinley: An dtig leis an Aire a rá an bhfuil rud ar bith beartaithe aige don dhá oileán eile a luaigh me, Inis Meáin agus Gabhla? Tá pleananna leis an dhá oileáin sin — chonaic mé an liosta atá istigh ag Gabhla agus tá liosta eile ag Inis Meáin.

Éamon Ó Cuív: Tá sin fíor ach nach mbeadh sé níos fearr an t-airgead atá ar fáil cheana a chaitheamh? Tá €5,000 ceadaithe d'Inis Meáin agus tá muid ag fanacht ar Chomhairle Condae Thír Chonaill leis an obair a dhéanamh. Fuair Inis Caorach €75,000, Inis Mhic an Doirne €90,000 agus Uaigh €101,000. Cuirfidh mé an t-eolas ar fáil don Teachta má theastaíonn uaidh é.

Breathnóimid go balbh ar rudaí eile a cheadú. Tá coimhlintí ann agus daoine a deir gur ceart an t-airgead a chaitheamh ar na hoileáin a bhfuil cónaí buan orthu. Tá mise i bhfabhar nuair atá acmhainní ar fáil seans a thabhairt do na hoileáin bheaga seo. Cothromas atá i gceist. Tá clár ann do na hoileáin agus tá sé iarrtha ar na comhairlí condae moltaí a chur ar aghaidh. Ceann de na fadhbanna i dTír Chonaill ná an chomhairle condae ag rá nach bhfuil an t-airgead aici. Tá €400,000 tugtha do gach comhairle condae.

Mr. McGinley: Aithníonn an t-údarás áitiúil go bhfuil an céatadán ag dul suas i gcónaí.

Éamon Ó Cuív: I gcás bóthair, tá sé scartha ar bhunús 50:50. Tá na comhairlí condae freagrach as na bóithre agus faigheann siad airgead ón Stát-chiste leo. Más cé atá i gceist, faigheann an chomhairle 25% le teorainn £600,000, níl a fhios agam cé mhéad sin i euro, ar an méid ón chomhairle condae agus i gcás áise nach áis chomhairle condae í, íocann an Roinn 100%. As an €400,000 atá tairgthe againne don chomhairle condae, tá muid ag súil le €150,000 ón chomhairle condae fosta. Má deir an chomhairle condae, áfach, nach bhfuil pingin aici le caitheamh ar oileáin agus í freagrach as na bóithre agus céanna ar an hoileáin sin, ba bhocht an scéal é agus ní bheadh sin inghlactha domsa agus don Teachta ach oiread nach mbeadh an gnáthcheart ag na hoileánaigh teacht ar airgead ó na comhairlí condae ar nós chuile shaoránach eile.

Drug Abuse.

39. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date on the aim of significantly reducing the hardship caused to individuals and society by drug misuse; and if he will make a statement on the matter. [15277/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Problem drug use remains one of the key challenges facing Irish society. However, through the implementation of the actions in the national drugs strategy in the first instance and, second, the projects and initiatives operated through the local and regional drugs task forces, problem drug use in our society is being addressed and that the hardship caused to individuals and society is being alleviated.

With respect to treatment, it is important to note that more than 8,200 heroin users are now in receipt of methadone. This represents an

increase of 66% on the 4,936 recorded on the central methadone treatment list in December 2000.

The research outcome study in Ireland, ROSIE, commissioned by the national advisory Committee on drugs, NACD, found that the overall treatment of heroin users is very effective with the key achievements being significant reductions in heroin and other drug use; 27% abstinent from all drugs after one year; extensive reductions in drug injecting; improvements in physical and mental health; improvements in physical and mental health; extensive reductions in criminal activity; and increased contact with health and social care services. The substantially increased funding being provided by my Department illustrates the serious drive by the Government to alleviate the problem. I recently announced a 16% increase in funding to tackle drug misuse in 2007, which follows on the increases over the preceding two years. There has been an 87% increase since 2004 and therefore the figures for the past three years are 18%, 37% and 16%.

The increased funding this year is facilitating a doubling of the amount available for the roll-out of the action plans of the regional drugs task forces, the implementation of the 67 projects under the emerging needs fund in the local drugs task force areas and the implementation of initiatives under the young people's facilities and services fund and local drugs task force projects.

Over 440 projects are supported by the local drugs task forces; 470 facilities and services projects are being delivered through the young people's facilities and services fund, including the employment of 188 youth and outreach workers and over 20 sports development officers. The driving objective of the fund is to target and look after at-risk young people, offer them alternatives to getting involved in drugs and to try to keep them on the straight and narrow and away from the dangers of drugs. Through the fund, young people are offered access to positive pursuits, including sports and other recreational activities, that increase the potential for healthy lifestyles.

Investment in the fund has increased substantially in recent years. Some of the largest projects include the Cabra Parkside centre; Ballywaltrim Community Centre in Bray; St. Catherine's Community Sports Centre in Marrowbone Lane; St. Teresa's Hall, Donore Avenue; and Donnycarney Youth and Community Centre.

Additional information not given on the floor of the House.

In total, nearly 650 people are employed in drug-related initiatives funded by my Department. It is worth noting that the €50 million in my Department's Vote is only part of an overall allocation of well over €200 million provided by the Government across a number of Departments to tackle the drugs problem this year. It is also worth noting that last year I launched a report entitled *A Community Drugs Study* —

Developing Community Drugs Indicators, which was produced by the NACD and which examined the experiences and perceptions of three communities — Ballymun, Bray and Crumlin — with respect to drug use and associated issues. While problems persist in the communities relating to drugs, drink, anti-social behaviour and crime, the study noted significant improvements in regard to the school leaving age, reductions in some types of crime, the expansion of drug treatment services and improved employment opportunities over the period researched. The study also demonstrated clearly the merits of the approach underpinned by the national drugs strategy, stressing in particular the level of community involvement through drugs task forces.

Substantial progress is being made on the implementation of all aspects of the national drugs strategy and the increased funding is allowing us to build on the successes to date. Furthermore, the future implementation of the recommendations of the report of the working group on drugs rehabilitation, which will be launched in the next few weeks, will represent another big step forward. I am also expecting to receive shortly a recommendation from the National Drugs Strategy Team for an increased role for the Family Support Network, which was called for in the mid-term review of the strategy.

Overall, great efforts are being made from the ground up to tackle the ongoing problem of drug misuse in an ever-evolving global situation. While I acknowledge that much remains to be done to continue to tackle the problem, as is the case in all developed countries, I believe significant success has been achieved in reducing the hardship caused to individuals, families, communities and society at large.

Mr. O'Shea: I thank the Minister of State for his comprehensive reply. Let us consider the phrases he used regarding the national drugs strategy. He referred to the mid-term review and implied the aims and objectives of the strategy are fundamentally sound. My interpretation of this is that he is trying to adopt the right approach. He says frequently that progress is being made across the pillars, but this does not indicate its extent, which could be great or very small. The statement is vague and unfocused.

The fact that there are an estimated 300,000 cannabis users in the country, and possibly 28,000 dependent thereon, is one side of the matter. The Minister of State mentioned heroin in his reply and referred to increased treatment places. This increase is very welcome and I acknowledge it but I must draw attention to a case that arose in my area with which I dealt recently. A young man of approximately 20 years, whose weight has decreased to six stone and who lives on mashed Rice Krispies, is still taking a lot of heroin. He has sores and I am told his teeth are falling out and his veins are collapsing. I understand the only suitable setting for him is in a controlled detox

[Mr. O'Shea.]

bed. To the best of my knowledge, such beds are available in Beaumont but nowhere else. The young man is suicidal and in danger of dying and his mother, who communicated with me this morning, is receiving no responses from the system.

Highlighting one such case is not the best way to argue a point but one should note the circumstances I described arise elsewhere. It is fine to list statistics and percentages but when a family is faced with a case such as I have described, one must ask whether the system is able to provide for a very urgent need.

Mr. N. Ahern: I was trying to summarise and my reply was very long. When the Deputy looks at my script, he will realise there was more to it than I stated. The strategy is mainly about heroin because that is where it all started. It was the drug of most concern in disadvantaged areas. I hear what the Deputy is saying about cannabis and other issues and I am not suggesting everything is perfect.

On the issue of the young man whom Deputy O'Shea knows, I accept rehabilitation and a continuum of care have comprised two weaknesses. People need different types of treatment. A high dependency detox bed, of which there are approximately 25 in the public sector nationally, is not necessary in every case, but it was a recommendation of the Rehab report, which went before the last meeting of the Cabinet sub-committee on social inclusion and will be published in the coming weeks. The statutory bodies have agreed on the recommendation for extra beds. A HSE group is working on a report on detox beds in respect of alcohol and drug addiction services.

Much has happened. I am not suggesting the situation is perfect, but the gaps are being closed and the situation is better every year. A high dependency detox bed might be necessary in the case referred to by the Deputy, but many speak of how they cannot get into Beaumont Hospital or Cuan Dara when entry is not always necessary. Rehabilitation and detox in the community with relevant and appropriate after-care is probably more important for most people. This is what we are trying to provide.

Mr. O'Shea: I heard what the Minister of State stated and I accept that the case described is exceptional, but I was raising the fact that there does not appear to be anywhere for the young man to go when he is in such an awful state. On the other side of the coin, cocaine is a growing problem throughout the country. We cannot wait for the new drugs strategy to put effective new recommendations into operation. This issue must be addressed more urgently than is currently the case.

In terms of the suffering of individuals and families, is the situation better or worse after ten years of this Government and five years of the

Department? One can say it is better in terms of resources and funding, which no one disputes, but we are not keeping pace with the awful problems. Garda figures suggest that drugs with a value of €6.6 million entered my constituency last year. This problem also includes the recreational use of cocaine.

The Minister of State put his finger on the issue when he stated that, to some extent, the national drugs strategy is dated, as it was developed in respect of chronic heroin issue. Unfortunately, figures suggest that heroin use is increasing in my constituency.

Mr. N. Ahern: While there may not be enough places for young men such as the one referred to by the Deputy, there are places in Beaumont Hospital and Cuan Dara. There are a couple of dozen beds in private trusts and so on, but those in the medical field decide which cases are priorities. As another question has been asked on the issue of cocaine, in respect of which we commissioned a report, I will leave the matter alone.

The situation is better after ten years. Of course, I would say that, but a NACD survey called A Community Drugs Study: Developing Community Indicators for Problem Drug Use was conducted in the areas most affected by drugs and where the original drug task forces were located. In general, people spoke positively on the issue. The problems have not gone away, but the people surveyed in the communities ravaged by drugs for 15 or 20 years were not quoting me or any politician. They said that facilities, treatment and services had improved and they knew where to go for help which was available at statutory and community levels.

The strategy is not dated. It is due for review within the next two years. It has concentrated on the hardest drugs in the poorest areas and will continue to do so. Other drugs such as cocaine have come along but the emphasis will always be on the opiates and the poorest people who are most affected.

Community Development.

40. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide funding under the CLÁR and RAPID programmes for the transport of Mayo people with urgent hospital appointments and with no means of transport and for the upgrading of Ballycroy Health Centre which is in a CLÁR area; and if he will make a statement on the matter.
[15093/07]

Éamon Ó Cuív: There is no measure under the CLÁR programme to provide for the transport of people with urgent hospital appointments who have no means of transport. CLÁR provides funding for capital projects only and not for day-to-day operational matters.

My Department is holding discussions with the Health Service Executive, HSE, regarding the implementation of the next round of CLÁR's co-funded health measures for 2007-09. The project for the upgrading of the Ballycroy Health Centre should be submitted for consideration to the HSE, western region, Merlin Park Regional Hospital, Galway. The HSE is responsible for the identification and selection of projects in CLÁR areas to be included under the proposed measure for 2007-09.

My Department has no input into the selection of the projects to be funded under the measure. There are no designated RAPID areas in County Mayo.

Dr. Cowley: I thank the Minister for his reply. I heard the Minister say on local radio that there may be money available for people who need transport. Some people must borrow €110 to travel to Galway to have a pacemaker checked. Galway is almost as far from Blacksod in Belmullet as it is from Dublin. Older people cannot afford that price. The Minister for Health and Children told me that it is up to the HSE to deal with this problem, but the HSE says the legislation constrains its managers from any spending that will put it into debt and jeopardise the service. It appears that it will have a surplus of €2.5 million in running the emergency ambulance service so this expenditure would put it into jeopardy. If there is money available in CLAR, it should be provided if possible because these people have a right to transport. The HSE is willing and able to provide the transport if it has the money.

Ballycroy is in a CLÁR area which has suffered a massive 50% depopulation in 50 years. I greatly welcome the work of the CLÁR programme and congratulate the Minister in that regard. The health centre in Ballycroy is falling down. Neither the practice nurse nor the practice secretary have rooms. I am aware that the Minister is concerned about this hinterland which needs services. There are a plethora of services in other places but the service in Ballycroy is poor due to lack of infrastructure. The Minister agrees that this is the problem. If there was a health centre here, people would receive much better service, including paramedical services such as chiropody, physiotherapy, occupational therapy, dental treatment and leg ulcer treatment, etc. The existing health centre dates back to the time when doctors were treating diphtheria and people had to walk to the centre. It urgently needs upgrading. The former health board sold off the surrounding land which was a retrograde step. A new centre is needed and although the HSE must apply, I ask the Minister to consider it seriously.

Éamon Ó Cuíiv: The law does not allow me to pay current costs because I have only capital funds under CLÁR. I face the same problems in my constituency as the Deputy faces in his area.

I have beaten a path to the door of the HSE. It blows my mind how an organisation that has €15 billion a year to spend cannot find a million or two to provide essential basic services for people. I just do not understand it and I never will. While I realise one has to watch budgets, we are never stuck for €100,000 in my Department which only has a budget of half a billion euro. However, doctors differ and patients die, so let us talk about the money that is available. I provided €2.5 million for CLÁR capital projects for 2004-06. To date I have received bills for €1.363 million. That means I still have to get invoices for approximately €1 million. With another €2 million from the HSE that comes to €3 million which we sanctioned in 2004 for the 2004-06 period and we still have not got the work done. One of the projects refers to my own parish where the money was allocated in 2003, but has not been spent. That is very frustrating, with people saying they are short of money. Early in 2006, if not in 2005, we told the HSE we would go again because it takes so long to get these projects through. I met Professor Drumm, eventually, last November, and told him we had money on the table. I told him we were putting up a third of the cost of these capital projects and the HSE should put up two thirds, since they are health initiatives. We subsequently had meetings and it has now been agreed to put a 2007-09 programme in place, although a good part of 2007 has passed already. We have agreed to put €3 million in the kitty, with the HSE contributing €6 million, giving a total of €9 million.

I want to make it clear that I do not select the projects. If the HSE sends me a bundle of eligible projects totalling €9 million, which are in CLÁR areas and come under the top seeding as regards size of initiative so that we get a fair spread and deal with the more isolated areas, as indicated by the Deputy, there will be no delay in sanctioning them. However, I cannot sanction projects that do not come before me. I repeat that I find it hard to reconcile a shortage of funds with an inability to make application for the money that is on the table. The Deputy might be able to explain it as a doctor, but I cannot.

Dr. Cowley: This is one of the richest countries in the world. The Minister referred to a €15 billion spend. The point is that the older people who really need this service are not getting it. I know there is collective responsibility in Cabinet and the Minister is well capable of banging the table. I hope he will bang the table in this regard, bearing in mind that an older person, with no income but his or her pension, has no choice but to borrow €110 to travel to Galway for essential hospital services and get home again, and has no way of getting this money back. It is disgraceful and it is important that the Minister uses whatever time he has left in Government to address this issue.

Éamon Ó Cuív: I absolutely agree with the Deputy that what has happened is totally unsatisfactory. People from the islands, with very serious medical conditions, are not being afforded services to hospitals, but he wants me to bang the wrong table. As he knows, the Oireachtas passed a law giving executive responsibility to the HSE, so that the Minister cannot give a specific instruction in this regard. I will, however, continue to bang the table of the HSE, which has responsibility in this matter. I fully agree with the Deputy and am glad, since he has much more medical expertise than I have, that he is equally dissatisfied with this. It is absolutely wrong and I could not concur with him more. I disagree with him only as regards two points. There is money on the table, but the HSE has not picked it up yet and that is regrettable.

41. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na hiarrachtaí atá á ndéanamh ag Údarás na Gaeltachta maidir le tionscail agus fostaíocht a thabhairt go Paróiste Chloich Cheann Fhaola, Dún na nGall. [14982/07]

Éamon Ó Cuív: Mar is eol don Teachta, bíonn iarrachtaí leanúnacha ar siúl ag Údarás na Gaeltachta chun deiseanna fostaíochta agus forbartha a chruthú i ngach ceantar Gaeltachta, Paróiste Chloich Chionnaola ina measc.

Tá torthaí 2006 den suirbhé bliantúil d'fhostaíocht i dtionscail a fuair cúnaimh ón Údarás curtha ar fáil ó thús na bliana seo. Tuigim ón Údarás go léiríonn an suirbhé seo gur tháinig méadú ar an bhfostaíocht i gceantar Chloich Chionnaola le linn 2006, sé sin, 12 post breise lánaimseartha agus dhá phost breise páirtaimseartha nó séasúrach. Dá réir sin, ba iad na figiúirí deireadh bliana don pharóiste, na hoileáin mhara san áireamh, ná 132 post lánaimseartha agus 145 post páirtaimseartha nó séasúrach.

Tá béim agus fócas faoi leith á ndíriú ag an Údarás i 2007 ar Eastát an Fhál Charraigh chun tograí nua a aimsiú agus tá cuairteanna suímh ag dul ar aghaidh cheana féin. Tá tograí suntasacha ar bun i nGort an Choirce freisin. Mar shampla, tá ionad forbartha bia agus gorlann tograí bia á bhforbairt i Machaire Rabhartaigh agus breis áiseanna ar nós sólann agus linn snámha á gcur ar fáil in óstán áitiúil. Cruthófar fostaíocht bhreise sa cheantar de bharr na hinfheistíochta seo.

Mr. McGinley: Gabhaim buíochas leis an Aire as ucht an eolais sin. Tá mé cinnte go dtuigeann an tAire cé chomh tábhachtach agus atá ceantar stairiúil Chloich Cheann Fhaola ó thaobh na Gaeltachta de. Má cuimhníonn an tAire ar na scoileanna sa cheantar, beidh a fhios aige gur cheantar láidir Ghaeilge í Chloich Cheann Fhaola, mar go bhfuil an Ghaeilge mar theanga dhúchais na ndaltaí i Scoil Mhachaire Uí Rabhar-

taigh, Scoil Chnoc na Naomh i nDoire Chonaire, Scoil Ghort a' Choirce, Scoil Chaiseal na gCorr agus Scoil na gCroisbhealach sa bhFál Carrach. Tá sé de dhualgas orainn tacaíocht eacnamaíochta agus fostaíochta a thabhairt don áit. Cuirim fáilte roimh an 12 post lán-aimseartha agus an deich post páirt-aimseartha a cuireadh ar fáil i gCloch Cheann Fhaola i 2006. Má smaoinimid ar na deacrachtaí atá ag an bpobal mór sin maidir leis na tionscail agus an fhostaíocht a bhí ag braith ar achmhainní an Údaráis, is léir go bhfuil siad in ísle bhrí. Tá a fhios ag an Aire nach mbeidh iascaireacht bradáin, fiú amháin, acu i mbliana — tá deireadh curtha leis i Machaire Uí Rabhartaigh, i mBaile an Easa agus ar na hoileáin. Tá an talamhaíocht ag dul in ísle bhrí sa cheantar, cé gur dhúiche mhaith talamhaíochta a bhí ann san am atá thart. Ba mhaith liom iarraidh ar an Aire tréan-iarracht a dhéanamh níos mó fostaíochta a mhealladh isteach sa cheantair fá choinne daoine óga a choinneáil sa bhaile, leanúint ar aghaidh le labhairt na teanga agus an teanga a fhorbairt sa cheantar sin. Deirtear go bhfuil 145 post séasúrach sa cheantar. An bhfuil na daoine sin ag obair i bpostanna turasoíreachta — sna hóstáin, mar shampla? An féidir leis an Aire breis eolais a thabhairt?

Éamon Ó Cuív: Níl eolas cruinn agam faoi sin. Iarrfaidh mé ar Údarás na Gaeltachta an t-eolas a thabhairt don Teachta. Tá mé cinnte go ndéanfar suirbhé i mBaile Átha Cliath ar na postanna déantúsaíochta sa cheantar. Ní dóigh liom go raibh mórán méadú oraibh le blianta beaga anuas, mar go raibh méadú mór i bhfostaíocht sna seirbhísí. Caithfidh aghaidh a thabhairt ar na bhfíricí sin i gcomhthéacs na Gaeltachta. Dá bhrí sin, nuair a thosaigh mé ag obair mar Aire sa Roinn seo, chuir mé béim mhór ar athrú threo ó thaobh an Údaráis de. Go ginearálta, níl líon na bpostanna déantúsaíochta ag méadú go tréan sa Domhain Thiar, gan trácht ar Éirinn. Is de bharr sin go bheartaíomar anuraidh ar 30 post a chruthú i nGaoth Dobhair. Tá gach tacaíocht tugtha agam don Údarás chun páirc nua a dhéanamh as eastát tionsclaíochta Gaoth Dobhair. Tuigim nach bhfuil an paróiste céanna i gceist. Tá sé fíor-thábhachtach go ndéanfaí iarracht postanna a chruthú sna bparóistí — caithfidh an cheist seo a scrúdú. Sa chuid eile den tír, tá daoine ag taisteal deich nó 15 míle chun a chuid oibre a dhéanamh. Má tá fostaíocht gar go leor de dhaoine, in áit atá éasca taisteal chuige, tá sé ceart go leor an fhostaíocht a bheith suite sa cheantar i gcoitinne. Mar a dúirt mé go minic anseo, ní féidir le héinne in aon áit eile ar domhain dul san iomaíocht linn maidir le postanna a bhaineann leis an teanga a chruthú. Mar a luaigh an Teachta, táimid ag caint mar gheall ar ceann de na Gaeltachtaí is láidre sa tír. Tá mé ag smaoineamh ar rudaí ar nós bunú an acadaimh i nGaoth Dobhair nuair a labhraim mar gheall ar an chur chuige nua-aimsireach. Níli-

mid ag díriú go hiomlán ar déantúsaíocht. Tá agus beidh ról ag na tionscail traidisiúnta ó thaobh cinnteacht ioncaim de. Tá ról ag na gcoláistí samhraidh ó thaobh cinnteacht ioncaim agus postanna. Tá láidreacht mhaith déanta i dtalamhaíocht agus iascaireacht, mar shampla, le blianta beaga anuas. Níl an buan-fhostaíocht céanna á chur ar fáil is a bhí uair amháin. Caithfimid breathnú as an nua. Creidim go bhfuil na deiseanna fostaíochta is mó i rannóg na seirbhísí. Nuair a deirim “seirbhísí”, d’fhéadfadh aon chineál seirbhíse a bheith i gceist. Tá sé dúshlánach go maith ag leithéidí d’Údarás na Gaeltachta ó thaobh fostaíochta agus déantúsaíochta de, mar a bhí, mar shampla, i nGaoth Dobhair deich nó 20 bliain ó shin.

Mr. McGinley: Maidir le seirbhísí, dá mbeadh infheisteoir sa Ghaeltacht agus fonn air gnó éigin bunaithe ar sheirbhísí riachtanacha sa cheantar a chur ar bun, an aontaíonn an tAire liom gur beag cuidiú nó tacaíocht a bheadh ar fáil ó na heagrais Stáit nó a Roinn féin? An bhfuil bac ann go fóill? An é polasaí an Rialtais agus an Údarás é gan tacaíocht airgid a thabhairt do thionscnaimh ar seirbhísí iad? An mbíonn an fhreagracht orthu féin?

Éamon Ó Cuív: Go ginearálta, braitheann sé ar an chineál seirbhíse atá ar fáil. Mar shampla, ní bheadh fadhb ar bith ag an Údarás cúnaimh a thabhairt maidir le seirbhísí idirnáisiúnta airgeadais. Tá cúnaimh tugtha aige do sheirbhísí agus tionscail na Gaeilge ar nós aistriúcháin freisin. Ní thugann sé cúnaimh do mhiondíol ar an ngnáthbhealach, áfach. Glactar leis gur “deadweight” é, mar a thugtar air sa mBéarla. Níor cheart go mbeadh deontas ar fáil dó sin, agus bheadh ceisteanna iomaíochta, míchothroim agus mar sin de ag baint leis.

Más maith leis an Teachta, iarrfaidh mé ar Údarás na Gaeltachta a pholasaí i dtaobh seirbhísí a chur chuige chun an cás a mhíniú. Níl an scéal dubh agus bán, mar is léir go gcuireann an tÚdarás airgead ar fáil do sheirbhísí áirithe. Má tá duine ag iarraidh siopa a bhunú, ní chuirtear airgead ar fáil, áfach. Is fearr an t-eolas cruinn ón Údarás a chur chuig an Teachta.

Ag deireadh na bliana 2006, bhí 2,436 duine fostaíochta i dtionscail i dTír Chonail a fuair cúnaimh ó Údarás na Gaeltachta. Is é an chomparáid is fearr ar féidir a dhéanamh ná le ceantair taobh amuigh den Ghaeltacht. Tá na fadhbanna sa Ghaeltacht scoite amach, ach tá i bhfad níos mó ceantar cosúil leo taobh amuigh den Ghaeltacht.

Countryside Access.

42. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects that agreement will be reached on access for walkers and open access will be available.

[15086/07]

Éamon Ó Cuív: In February 2004, I established Comhairle na Tuaithe to address the three priority issues of access to the countryside, developing a countryside code and developing a countryside recreation strategy. Comhairle na Tuaithe comprises representatives of the farming organisations, recreational users of the countryside and State bodies with an interest in the countryside.

To date, Comhairle na Tuaithe has identified and reviewed a set of access parameters in the countryside, which it believes will serve as a basis for conflict prevention and integrate a variety of needs and responsibilities. It has also agreed the key features necessary for countryside code development, with a focus on the potential application of the internationally recognised Leave No Trace initiative. Details of the access parameters and the countryside code are available in a booklet and on my Department’s website at www.pobail.ie. It has also completed its work on the development of a national countryside recreation strategy.

In its report, Comhairle na Tuaithe made the following recommendations in relation to access: that the Attorney General be requested to examine restating and-or reflecting in legislation the current common law position in relation to the protection of landowners’ property rights where recreational access is allowed on their land; that the Law Reform Commission be requested to make recommendations on the broader issues of access to the countryside for recreational users focusing on the constitutional and legal position pertaining in Ireland; that Comhairle na Tuaithe considered that no cost burden or liability, within the meaning of the Occupiers Liability Act 1995, should attach to farmers-landowners as a result of allowing recreational users on their land; and that Comhairle na Tuaithe also recognised that farming organisations would continue to pursue direct compensation for access to land by recreational users of the countryside.

When I received its report in early September, I considered that these recommendations would be my first priority. To ensure that these issues were addressed as a matter of urgency, I established an expert group, comprising a senior counsel and officials from the Office of the Attorney General, the Department of Justice, Equality and Law Reform and my Department to urgently advise on tackling the legal issues raised in the report and to report back to me by the end of this month. When I receive the report from the expert group, I will carefully consider any recommendations it may make.

I have repeatedly made clear my view that a local community-based approach is the best way forward where issues of access to the countryside arise. Where it is not possible to reach agreement, in a particular location, alternative routes should be explored and developed so that landowners’

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rights over access to their lands are not interfered with.

I again restate that any proposal for direct Exchequer payment for access is not acceptable and is not under discussion.

Additional information not given on the floor of the House.

I have met representatives of the farming organisations in the past few months to discuss their views on the matter of access to the countryside in particular and countryside recreation in general. I am fully in agreement that there should be no cost burden on farmers for the maintenance of permissive ways open to the public at no charge.

The Deputy should note that I recently attended a meeting with Comhairle na Tuaithe and following from those discussions, my Department has drafted proposals in relation to the development and maintenance of new and existing waymarked ways and looped walks. These draft proposals were circulated for observations to the members of Comhairle na Tuaithe in the past few days.

Mr. Boyle: I thank the Minister for his reply. As this is the last time Priority Questions to the Minister for Community, Rural and Gaeltacht Affairs will be taken in the 29th Dáil, I thank him and the Minister of State for their engagement on this and other issues.

Mr. McGinley: One never knows.

Mr. Boyle: Getting back to the matter in hand, has the Minister a sense of urgency in bringing this issue to some degree of finality? His reply refers to his establishment of an advisory group to report back to him at the end of this month. None of us expects that to be acted upon considering the current electoral cycle. To what extent does the formation of the advisory group advance the timescale given in the recommendations of Comhairle na Tuaithe? What advice has the Minister or his Department sought from the Attorney General on the first recommendations? Will the Minister or his Department ask the Law Reform Commission to undertake a report on this matter? Have any timescales been provided in respect of either of those two measures? There is an impression that this is an issue that will continue to rumble on because of a lack of appropriate political leadership.

His response about the lack of the refusal of direct State intervention for the use of walkways and rights of way in these circumstances seems to be a new nuance on the part of the Minister as the issue at hand is whether landowners will have the right to directly charge for their use. I would have thought the Minister was more emphatic on this issue in the past. No one involved in this issue

has had any difficulty with the idea of compensation or the need for assistance in making the routes accessible for walkers but there is a great deal of controversy about being able to charge and to continue to charge for using open walkways in the countryside. I ask the Minister to be emphatic on that point in particular.

Éamon Ó Cuív: It amazes me the Deputy does not understand that we set up the expert group with a tight reporting timeframe by the end of April because of our opinion that if we went by the Law Reform Commission route, we would be waiting years for a comprehensive report, which would probably be very detailed——

Mr. Boyle: The Minister will still need to go to the Law Reform Commission.

Éamon Ó Cuív: We will not do that. The reason for setting up the expert group was to get the answers we needed to our questions within four months. I announced at the ploughing championships last September that I would not go to the Law Reform Commission. I stated that when we examined its proposal we thought we could short-circuit it and have a report by the end of April. Even if the Law Reform Commission had taken on the job, there is no possibility of its report being ready by the end of April. We have instead focused on the key issues and we are obtaining the expert legal advice. The Office of the Attorney General is involved in this expert group. The nature of legal advice is that until any such advice is tested in a court of law, one does not know whether it stands up.

I recently had a meeting with Comhairle na Tuaithe and we discussed the development of walkways and their maintenance, which is an important issue. All the parties engaged in a positive manner. I pay tribute to the members of Comhairle na Tuaithe who have moved this forward so far, considering where we all started from. These proposals were recently circulated for observation to the members of Comhairle na Tuaithe. People often confuse the issue of the walkways with the top of the mountain issue, but they are two separate issues that have become entangled. I have circulated my proposals on the walkways issue and I will await the response with interest. Before I circulated them I explained the general thrust of them to Comhairle na Tuaithe and I allowed it a few days to reply as to whether it considered them worth circulating. I hope this will progress the issue.

On the final issue, it is amazing that one can repeat something hundreds of times, and every time I repeated this statement I used the same formulation, that there will be no national State scheme of support for access. I deliberately used that formulation because it would be ridiculous if I, for example, prevented a local Leader company from purchasing or obtaining a lengthy lease on

100 metres of land relating to a monument or needed for access purposes. If I intervened in this way, people could say that I was using State money, directly or indirectly, having stated that no such money would be provided in respect of access. I am stating that there will be no scheme under which people will be paid a certain amount of money for access. I ruled out such a development from the beginning.

The Deputy also inquired about charging for entry. It is easy to state that one should never charge for access to land. However, one is charged for entry to Dublin Zoo, which is on land that is owned by somebody. One of the fundamental mistakes the Deputy could make would be to in some way infer that land that does not happen to be blessed by God with great fertility is any less owned by a farmer than that which is so blessed.

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

Éamon Ó Cuív: Is the Deputy stating that if I invested a great deal of money establishing a park on my land, I should not be allowed to charge people for entry? Is he of the view that people should not be charged entry to golf courses that are located on rough land? The Deputy must be extremely careful as regards definitions. I am fascinated by his question.

An Leas-Cheann Comhairle: We must conclude on this question.

Mr. Boyle: I wish to ask a brief supplementary.

An Leas-Cheann Comhairle: It must be very brief because we have exceeded the time allocated for this question.

Mr. Boyle: The Minister is deliberately misrepresenting the position. This issue relates to rights of way and traditional walking routes, which exist in urban areas as much as they do in rural areas. There would be a major public reaction against any attempt to introduce a charge in respect of a right of way in an urban area. In trying to seek a resolution to this problem, the Minister should once and for all state that he is not prepared to accept the principle of charging in respect of a right of way or a traditional walking route. I do not believe he is saying that; I am of the view that he is leaving the matter open.

Éamon Ó Cuív: The Deputy is aware that it would be illegal to charge people for using a right of way. I happen to live in one of the few parishes in which people have successfully defended their rights of way in the courts. I do not, therefore, need to repeat what the law states in this regard. I am no lawyer but, as I understand it, if a public

right of way exists, it is illegal to charge anybody for using it.

An Leas-Cheann Comhairle: We must conclude Priority Questions.

Éamon Ó Cuív: I do not understand the Deputy's question because what I have said is a statement of fact.

Other Questions.

Community Development.

43. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the progress he has made over the term of this Government in the matter of producing a more co-ordinated engagement by the State with communities throughout the country as they pursue their own development; and if he will make a statement on the matter. [15007/07]

Éamon Ó Cuív: The Deputy will be aware that my Department operates, either directly or through bodies under its aegis, a wide range of schemes and projects that support rural and urban communities throughout the country. As indicated in my Department's statement of strategy, the key principle underlying our activities is the provision of support that enables communities to identify and address problems in their areas. The purpose across the range of projects and programmes which my Department has inherited and which I have initiated is to provide support to communities in the most appropriate way as they work to shape their futures, address their common goals and achieve their full potential.

Bringing a strong, coherent focus to this area of Government policy has found particular expression in my Department's work to coordinate and streamline service delivery at a local level. Arising from the joint ministerial initiative on the review of local and community development structures, the Government agreed a series of measures in January 2004 designed to improve arrangements under which community and local development initiatives are delivered and to improve cohesion and focus across various measures. In the interim, I have overseen the cohesion process, which is informed by the following guiding principles: improving on-the-ground services, streamlining structures so as to avoid overlaps, duplication and undue administrative overheads; and bringing transparency, coordination and improved control to the funding and operation of local and community development measures.

Mr. O'Shea: I did not learn a great deal from the Minister's reply. The question I tabled was based on one of the aims set out in the Depart-

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ment's mission statement. One of the phrases used in the latter is "the co-ordinated engagement of the State with local communities". Is the Minister, after five years in office, in a position to indicate that such engagement has substantially improved, that duplication among Departments and agencies has substantially decreased, that taxpayers are getting a better deal and, more importantly, that communities are benefiting? If he is able to do so, what independent evidence does he possess to substantiate his claims?

Éamon Ó Cuív: The independent evidence to which the Deputy refers comes from communities throughout the country which indicate that the system is working. Experts can say one thing, while ordinary people can say another. However, those who are important to me are the ordinary people of this country. The latter really appreciate the progress we have made. That progress has been slow because we have tried to do things on foot of consultation. It might not be great but it would certainly would be quick if one could do it by diktat. However, that is not the way we do business.

The bringing of the community services project under the remit of the Department has meant that in many instances where we are providing capital, we will also be able to provide ongoing service provision. The delivery of the RAPID programme, which has grown quite considerably and which is seen by the relevant communities as vital to their future, is dealt with on a much more co-ordinated basis. The bringing together of the Leader and partnership companies so that one company in each area will deliver services will, in time, give rise to enormous benefits. The placing of the rural social scheme under existing structures so that a Leader company with capital might use the labour available under the scheme to develop community projects has been a major benefit.

People are beginning to see the practicalities and common sense in having a Department with many bodies that complement each other under its aegis. They also see the logic in that Department ensuring that a co-ordinated approach is taken in respect of service delivery.

Mr. O'Shea: I still do not get the point the Minister is making. He stated that the process has been slow. I fully agree with him in that regard. The process has been far too slow. The evidence he possesses in respect of improved services to community and voluntary bodies came in the form of responses he received from people on the ground. Is the Minister referring to the people he meets when announcing the allocation of grants? Is he discussing matters with the communities or with the service providers? I do not believe that he has made a case in respect of real progress being made in this essential part of the mission of

his Department, which was established when the Government was returned to power.

Éamon Ó Cuív: The Deputy has his view and I have mine. I meet community groups, service providers and ordinary citizens. The response to a large number of the initiatives taken by the Department has been extremely positive. Those to whom I refer are of the view that having a range of activities under one Department is beneficial.

If one considers the urban areas, the drug diversion programme, the RAPID programme — these are closely interlinked — the partnerships and the CDPs all come under one Department. We are, therefore, taking a much more co-ordinated approach than was the case heretofore. In the past, matters such as those to which I refer were dealt with by four or five different Departments. This led to great difficulties in the context of co-ordinating policies.

In rural areas, the bodies under my Department will deliver the LDSIP, the Leader programmes and the rural social scheme. This will mean that it will be possible for such bodies to deal with social inclusion issues by using the rural social scheme and Leader funding. Previously, there would have been two different bodies operating in this area and we would have established a third to run the rural social scheme. There has been a great improvement in terms of the co-ordinated approach to development and, regardless of the Deputy's opinion, this has been generally welcomed by people throughout the country.

As regards the Gaeltacht and the islands, which were previously the responsibility of another Department, progress in this area has been widely welcomed because their needs can be considered and then serviced by the various instruments to which I refer. We are no longer obliged to work with extremely limited resources.

Drug Abuse.

44. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date on the aim of significantly reducing the hardship caused to individuals and society by drug misuse; and if he will make a statement on the matter. [15008/07]

Mr. N. Ahern: This will be a continuation of the reply to Priority Question No. 39 which I did not finish. I listed a number of major capital projects completed under the young people's facilities and services fund in Cabra, Ballywaltrim in Bray, St. Catherine's Community Sports Centre on Marrowbone Lane, St. Teresa's Hall on Donore Avenue and Donnycarney. In total, approximately 650 people are employed in drug-related initiatives funded by the Department. The €50 million in the Department's Vote is only part of the overall allocation of approximately €200

million provided by the Government across a number of Departments to tackle the drugs problem.

In response to a supplementary question, I mentioned the report entitled *A Community Drugs Study — Developing Community Drugs Indicators*, which was produced by the NACD. It examined the experiences and perceptions of three communities which experienced drug problems, namely, Ballymun, Bray and Crumlin, with respect to drug use and associated issues. While problems persist in the communities relating to drugs, drink, anti-social behaviour and crime, the study noted significant improvements in a number of areas, including reductions in some types of crime, the expansion of drug treatment services and improved employment opportunities. The study also clearly demonstrated the merits of the approach underpinned by the national drugs strategy, in particular the level of community involvement through drugs task forces.

The future implementation of the recommendations of the report of the working group on drug rehabilitation, which will be launched in the coming weeks, will represent another step forward. I expect to receive shortly a recommendation from the national drugs strategy team for an increased role for the family support network, which was called for and recommended in the mid-term review. Major efforts are being made to tackle the various problems of drug misuse. I acknowledge more remains to be done but we are tackling the problem and having significant successes in a range of targets.

Mr. O'Shea: In the previous part of his reply, the Minister of State indicated the national drugs strategy was conceived in the context of the heroin problem which existed at the time. A major recommendation of the study mentioned by the Minister of State which was carried out in Ballymun, Crumlin and Bray was that indicators be developed to identify emerging drug problems earlier. Has anything happened with regard to this? Has the Minister of State directed any actions to be taken in this regard? The Minister of State will be long gone by the time the new drugs strategy will be in place. Has he come to a firm view with regard to whether alcohol abuse should be part of the next national drugs strategy?

Mr. N. Ahern: I stated the original strategy and local drugs task forces came out of problems in certain areas in the inner city and suburban communities of Dublin. These will always be a priority. Other people use cannabis and cocaine but they are from a range of various groups in society. The emphasis should always be on those who are most affected by drug misuse.

A different view is taken on alcohol. As called for in the mid-term review of the drugs strategy, a committee was established by the Department

of Health and Children to examine the issue and it includes people from a range of agencies and Departments. Various views are taken. Some feel the two strategies should be amalgamated and others feel links should be made on particular pillars.

At preventative level, where one addresses school children and teenagers, links already exist. One speaks about the danger of addiction and does not necessarily focus on drink one day and drugs the next. Major differences also exist and we must wait to see what the committee recommends. Whatever one may state about alcohol, it is a legal substance. Drugs are illegal. Similarities and differences exist and we must wait to see what comes out of the report.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ring — the progress on the provision of funding towards new facilities for a primary school in County Mayo; (2) Deputy Cassidy — the need to make funding available as a matter of urgency for extension and refurbishment of a school in County Westmeath; (3) Deputy O'Dowd — the need to increase the number of midwives employed at Our Lady of Lourdes Hospital to reduce the ratio of births to midwives; (4) Deputies James Breen and Pat Breen — the ongoing substandard drinking water quality in Ennis; (5) Deputy Michael D. Higgins — the need to take such measures as will immediately lead to meeting the needs of hearing impaired children in the Galway area; (6) Deputy Callanan — to ask the Minister for the Environment Heritage and Local Government to review the current practice of spraying human sludge in the Eyrecourt region of east Galway as it is causing great distress to local residents who are worried about any environmental impact on the local water table; (7) Deputy Wall — the need for the Minister for Arts, Sport and Tourism to make an announcement on the issue of individual grants for GAA players and the financial package proposed for the purpose of player welfare; (8) Deputy Keaveney — that the attention of Minister of State with responsibility for children is drawn to the fact that not all Irish children under six are receiving the early child care supplement of €1,000 announced in last year's budget; (9) Deputy Burton — the need to address the crisis of school places at primary level in Dublin 15 (details supplied); (10) Deputy McHugh — the need to outline the plans to appoint two full-time visiting teachers for the deaf to schools in Galway and the plans to appoint an audiologist to cover the Galway region; (11) Deputy Boyle — the need for the Minister for Health and Children

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state whether she believes the policies adopted regarding the detection, public information and ongoing support on TB are adequate; (12) Deputy Moynihan-Cronin — the reason for the delay in sanctioning the extension to Kenmare Community Hospital, Kenmare, County Kerry; (13) Deputy Howlin — the need for the Minister for Health and Children to outline the steps it is intended to take to inquire into the circumstances of the death of the four members of the Dunne family; and (14) Deputy Cowley — the need to provide immediate essential funding to the Neale, Cross and Kilmaine areas of County Mayo to repair all storm and flooding damage.

The matters raised by Deputies Keaveney, Howlin, Wall and James Breen and Pat Breen have been selected for discussion.

Leaders' Questions.

Mr. Kenny: My thoughts today are with the people of Enniscorthy in County Wexford and the unspeakable tragedy which is unfolding before our eyes. It is a scar on the conscience of the provision of our mental health services. I do not wish to dwell on this appalling tragedy today.

As we approach the Taoiseach's naming of the date for the dissolution of the 29th Dáil, the people have a clear choice between a tired and jaded Government and the opportunity to elect a Fine Gael and Labour Government full of energy and commitment. Confusion seems to exist among the Taoiseach's backbenchers throughout the country because when one is so long in office it is difficult to distinguish between the people's interest, property and resources and those of the party. This is why, as we approach the death knell of the 29th Dáil, I want reassurance from the Taoiseach.

Prior to the 2004 local and European elections, at least two Ministers used the official resources of the State to support party political campaigns. The then Minister for Education and Science, Deputy Noel Dempsey, commandeered material from the Department of Education and Science and the then Minister of State at the Department of Enterprise, Trade and Employment commandeered the resources of that Department. On 28 April 2004, the Taoiseach confirmed they had breached the code of conduct and quite rightly reminded all Ministers to comply with that code of conduct. His words were, "The rules are tight now and we must comply with them". I accept that.

The Taoiseach will name the day shortly, as is his sole and personal prerogative. Is it still his view that there is no breach by office holders in respect of such material under the code of conduct and there is no excuse for breaching the code which prohibits the use of public resources for party political purposes? On the eve of this great battle, will the Taoiseach assure the House that Ministers in his Government are not using

and will not use official facilities and resources for party political purposes?

The Taoiseach: As Deputy Kenny did at the beginning of his contribution, I offer to the extended family and friends of Adrian and Ciara Dunne and their two little girls our profound sympathies at this terrible time. I offer sympathy to the extended community in Monageer and the people of Wexford generally, who are left to come to terms with this issue. The Government discussed the matter and the Minister of State with responsibility for children, Deputy Brian Lenihan, has already stated the Government position.

With regard to Deputy Kenny's question, I confirm that the procedures as outlined in legislation and the code of practice from the Government secretariat have been given to every Minister. They outline how such Ministers must comply with the Electoral Acts and the judgment of the Supreme Court in 2002, and how all the facilities that would normally be allowable would be utilised in the course of the campaign.

Mr. Kenny: I thank the Taoiseach for his reply in which he indicated that the information has been given to every Minister, they must comply with the procedures and that obviously there is no abuse of facilities or resources. I have heard that before and, unfortunately, there is some explaining to be done.

Last week, the Fianna Fáil press director circulated a number of documents relating to the launch by the Minister for Finance, Deputy Cowen, and the Minister for Enterprise, Trade and Employment, Deputy Martin, of proposed policy in respect of employment and jobs. One of the documents is entitled Keeping Ireland Working: The Next Steps Forward. In examining the electronic version of this document, under the properties and author heading, one can see the author is the Department of Enterprise, Trade and Employment. After hearing the Taoiseach's comments I would like an explanation as to why a political party, which is clearly partisan in its nature, can have election campaign documents authored by using facilities and resources from a Department, for which the taxpayer pays. Departments are supposedly impartial by nature and are funded by the taxpayer.

In advance of this great gladiatorial electoral contest, will the Taoiseach indicate who, within the Department of Enterprise, Trade and Employment, worked on the Fianna Fáil document and which State facilities were used to produce it? Does the Taoiseach think it right and proper for a Department to be used in this fashion, particularly as these rules were circulated to all Ministers? Are any other Fianna Fáil propaganda exercises being created by Departments and funded by the taxpayer?

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

Mr. Kenny: Does the Taoiseach deny that using these State facilities for party political ends is a clear breach of the ethics code of conduct for office holders? Who will accept responsibility for this?

Mr. Durkan: That is a good question.

Mr. J. O'Keeffe: God help them.

Mr. Kenny: Will the Taoiseach order an immediate audit of what has gone on to date so we will not have a repetition of the matter? Does he accept that down the line, Fianna Fáil is utterly incapable of distinguishing the people's money from the party's money?

An Ceann Comhairle: I ask the Deputy to give way.

Mr. Kenny: Is it not a case that the taxpayers pay the price not only for the Government's failures but also for the Government's propaganda?

Mr. McGinley: Hear, hear.

Mr. D. Ahern: The Deputy is not so good at that himself.

Mr. Durkan: The Minister should take it easy.

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

Mr. D. Ahern: That died very quickly.

Mr. Allen: The Minister should not be nervous.

An Ceann Comhairle: I ask the Minister and the Deputy to allow the Taoiseach to reply without interruption.

Mr. Allen: Shake the trees, shake them well.

Mr. F. McGrath: It is the same old interruption. The Minister is starting to sound like the Steve Davis advertisement.

The Taoiseach: All the Fianna Fáil policy documents are printed through the Fianna Fáil headquarters or through printers nominated and paid for by Fianna Fáil.

Mr. Kenny: I am referring to the author.

An Ceann Comhairle: Allow the Taoiseach to continue please.

The Taoiseach: I do not believe any of our policy documents are authored by anybody other than people who would work for the party, or perhaps some advisers who work part time for the party outside their own work. As I said pre-

viously, the rules that apply under the Electoral Acts on how Ministers can use facilities, including constituency offices within Departments, have been clearly laid out by the Government secretariat. Every Minister and Minister of State has been given clear instructions on how such facilities must be used during the course of the campaign. Fianna Fáil's programmes and actions must be paid for by the party and cannot be paid for by the State.

Mr. Rabbitte: That is another brief the Minister, Deputy Martin, did not get.

Mr. Kenny: Who is responsible for this?

An Ceann Comhairle: I call Deputy Rabbitte.

Mr. J. O'Keeffe: A leopard does not change his spots.

Mr. Rabbitte: I join my colleagues in offering my condolences and those of my party to the relatives and friends of the Dunne family on the poignant tragedy that has been visited upon them and their community. In particular I offer condolences to Mrs. Mary Dunne, who lost a husband and two sons in recent weeks.

I refer the Taoiseach to today's Order Paper, in particular to the instruments laid before the House under the "Statutory" heading — I refer in particular to Nos. 27 and 28. Document No. 28, for example, is a policy direction issued on 14 July 2005 by the Minister for Health and Children to the HSE to begin a private hospital building programme on the grounds of public hospitals.

The reason these notices are on the Order Paper today is that a discovery was made in my office that the Minister had not complied with the Health Act 2004. Section 10 of that Act requires the Minister, when issuing a policy direction to the HSE, to ensure that within 21 days of issuing the direction, a copy of that direction is laid before both Houses of the Oireachtas. That appears in section 10 of the Act. The Minister was required to do that but she failed to do so. When I brought it to her attention last week, the response was an apology from the Department and a claim that it was an administrative oversight.

How is the biggest and most central plank in the Government's health services strategy, to build a number of super private clinics on the lands of public hospitals, an administrative oversight? Why did the Minister fail to comply with the law? We now know that if this is her central plank, she did not comply with the 2004 Act and she did not tell the HSE.

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

Mr. Rabbitte: She did not consult the chief executive of the HSE about this initiative. Why was a measure, enshrined in statute by the

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Houses of the Oireachtas, which requires the Minister to take a certain action, not implemented? Why is there a headlong rush, without any democratic mandate, to engage in a major shift in public policy towards an American style of for-profit health services, with the Minister failing to comply with the law?

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

Mr. Rabbitte: If there is anything more indicative of the incompetence of the Government, it is the change in direction from the health strategy that it campaigned on to provide 3,000 public hospital beds in 2002 to this American system, ideologically driven by the Minister's advisers. Does the Government, on the eve of the general election, still propose to proceed with these contracts? When will the contracts be signed? Are there tenders for inspection? Will we be provided with that information, or has the Government called this off, at least in deference to its backbenchers—

An Ceann Comhairle: Deputy, your time has concluded. I ask you to give way to the Taoiseach.

Mr. Rabbitte: —many of whom are as concerned about this matter as we are on this side of the House? One of his backbenchers even claims that one of his Ministers has assured him that it will not happen in any event and that "Harney", as he put it, will be thwarted. Is that the case?

The Taoiseach: An administrative oversight led to copies of two policy directions by the Minister for Health and Children in 2005 not being laid before the Houses of the Oireachtas as required by section 10(6) of the Health Act 2004. These related to a requirement for the Health Service Executive to prepare and submit a code of governance, which was issued on 18 February, and an issue related to co-location of private hospitals on public hospital sites issued on 14 July. Under section 10(1) of the Health Act, the Minister may issue written directions to the HSE for any purpose relating to that Act or any other enactment. Section 10(6) provides that a copy of such policy directions is to be laid before the Houses of the Oireachtas within 21 days.

The Department of Health and Children issued a press statement on 19 April indicating its regret concerning the administrative oversight and acknowledged the error in not having informed the Oireachtas in the manner prescribed and stating that it was taking immediate steps to rectify the situation by ensuring that copies of the policies directions issued would be laid before the Houses forthwith. The documents were laid before the Houses last Friday, 20 April.

On the second question Deputy Rabbitte asked, I would consider it just one of our initiatives in the health area. I do not consider it the main one. We have had many important initiatives, not least spending €500 million a year on the capital programme and employing 40,000 additional staff. The initiative is not based on a European, American or UK system. It is an initiative to transfer private activity from within the public hospital system to privately financed and managed hospitals to free up 1,000 additional beds for public patients and to try to improve the lot and the circumstances of public patients.

The new facilities, as I have said previously, will meet specific requirements, including the ability to admit private patients 24 hours a day, seven days a week from public hospitals — accident and emergency departments and GPs — and the capacity to treat all patients currently catered for in the public hospital, with joint clinical governance. There will be one accident and emergency entrance and service on the one campus.

On the information Deputy Rabbitte asked about, the Department of Health and Children has been informed by the HSE that invitation to tender documents were issued to the short list bidders on 19 April in regard to Waterford hospital, Cork University Hospital, Limerick Regional Hospital, Sligo General Hospital, Beaumont Hospital and St. James's Hospital. Invitations to tender for Connolly, Blanchardstown and Adelaide and Meath hospitals, incorporating the National Children's Hospital, Tallaght, will issue at a later date. Tenders are due to be submitted by 17 May. The HSE will then evaluate the tenders and select the successful bidders during the weeks after it. Following that there will be a stand-off period of two weeks, which must be done under procurement law, before an agreement can be signed. There will be a rigorous financial assessment of all the proposals at that stage. That will take account of value for money and the cost of any expenditure foregone. Obviously, it will take some weeks for that whole process to be followed.

Mr. Rabbitte: Does the Taoiseach agree that an admitted breach of the Act is not an administrative oversight? If the Act has been breached, surely what has been done is open to challenge by any person wishing to do so. The Taoiseach took up most of his reply by telling me what is in the Health Act. I know what is in the Health Act. The Minister did not know what was in the Act. The reason the documents were laid before the Houses on Friday was because of the questions we caused to be put to the Minister.

I do not know what other initiatives the Taoiseach is referring to when he says this is not the centrepiece of his new health strategy. I do not know whether he is referring to the 200,000 medical cards that were not delivered, the reform of the common contract which has not been delivered or the resolution of the nurses' dispute,

which has not happened. Every which way this Government has looked on any initiative, it has come to grief and the sufferers are the public patients waiting for access to hospital care. They are in that position because of the two tier system and where the Taoiseach is heading now——

An Ceann Comhairle: Your time has concluded, Deputy.

Mr. Rabbitte: ——will worsen that two tier system. The Taoiseach will permit the cherry-picking of the profitable procedures. He will turn the public health service into the poor relation. He is pushing ahead with that without any public mandate, knowing that the country is divided on it, knowing he has no support not just from this side of the House but from consultants and professionals working in the service, and the openly expressed reservations of the HSE.

Why is the Taoiseach pushing ahead in those circumstances or is he saying that no matter when he chooses to dissolve this Dáil, it is not possible between now and then to sign these contracts and that he will get out of it in his usual way by not taking a stand on the Progressive Democrats, by seeming to facilitate it and it will fall when this Dáil falls?

An Ceann Comhairle: Deputy, your time has concluded.

Mr. Rabbitte: There are people outside this House who want to know the answers because they know that we need those scarce public lands to provide the extra public hospital beds and the step-down and community care that will free up acute hospital beds and facilitate the smoother functioning of the accident and emergency service. The Taoiseach has no support for this initiative, not even in his own party, yet he tells us that he is pressing ahead and that the invitations to tender are gone out. Does he imply that they can be concluded before the general election because if he does, it is anti-democratic?

An Ceann Comhairle: Deputy, your time has concluded.

Mr. Rabbitte: The Taoiseach has no mandate to do it. He did not seek it in the last election.

An Ceann Comhairle: Deputy, I ask you to give way to the Taoiseach please.

Mr. Rabbitte: He did not seek it in the programme for Government. He campaigned on a health strategy to provide 3,000 public hospital beds which he failed to do.

The Taoiseach: I have given Deputy Rabbitte the timescale. Obviously, the timescale to complete the entire process will take several weeks after 17 May so the answer is that it cannot be concluded in the short term because that could

run for quite some period. That does not take from the fact that I agree with the initiative. In my view, public hospitals should be for the benefit of public patients. Forty per cent of the activity of public hospitals should not be taken up by private systems, involving private operations and people in private beds, that are taking away the ability of public patients to get into hospitals. That is the current system.

Regarding co-located hospitals on some of the sites, we have about 50 hospitals in the State. We are talking about half a dozen sites. A number of the other hospitals already have co-located private hospitals such as St. Vincent's Hospital and the Mater hospital where they work in co-operation with each other. I have listened to the consultants in many of these hospitals where there is total agreement among the consultants and medical staff on the co-located hospitals in a range of these areas. An area where there might not be agreement is that some other private hospitals would rather private beds came out of the public hospitals and went to their private hospitals, which is a different matter. That might be an argument around——

Mr. Rabbitte: The Taoiseach knows as well as I do——

The Taoiseach: Please, Deputy Rabbitte. I listened carefully to you.

Mr. Rabbitte: I know you did.

An Ceann Comhairle: Deputy Rabbitte, allow the Taoiseach reply.

The Taoiseach: There is a clear difference between Deputy Rabbitte and me on this issue. I acknowledge that and I hope he does——

Mr. Rabbitte: I acknowledge it.

The Taoiseach: ——but I do not accept that the current arrangement where the staff who work in a public hospital designate their beds and their times as private and public patients cannot get in. That is what happens.

Mr. Rabbitte: The Taoiseach has accepted it since 1922.

The Taoiseach: That is what happens, and it has grown. The Comptroller and Auditor General's report shows that it has grown.

Mr. Allen: The Taoiseach knew that before but he did nothing about it.

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: I have no difficulty about the arrangements and what is happening in the transit units, the step-down beds and all those other

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units, but the issue Deputy Rabbitte and I have been arguing about week after week, an argument which is likely to continue year after year, is that he is happy with the arrangement.

Mr. Rabbitte: I hope not.

The Taoiseach: I ask the Deputy to permit me answer. I listened carefully to him.

Mr. Rabbitte: If we are to continue to fight about it, the Taoiseach is doomed.

An Ceann Comhairle: Allow the Taoiseach to continue.

The Taoiseach: The Deputy is interrupting because he does not want me to explain. He would like to turn this into a complicated issue when it is very simple. The public hospitals are losing a significant amount of their public beds to private patients, which benefits those who operate that system.

Mr. Rabbitte: Now the Taoiseach is defending it.

The Taoiseach: I want them to be designated for public patients. Ideologically, Deputy Rabbitte should be on my side on this but he has other reasons. When I discussed this with ICTU, it understood the issue. It had a problem with it several months ago. I do not see why Deputy Rabbitte continues to hold to a system that is inherently wrong in that a significant number of private beds are dominating public hospitals and creating the difficulties in accident and emergency units. That is what I believe.

Mr. J. O'Keeffe: Bertie the chameleon right until the end.

Caoimhghín Ó Caoláin: I join with other Members in extending my deepest sympathy to all those who have been bereaved by the tragedy in Monageer, County Wexford. The deaths of two young children and their mother and father represent an appalling tragedy. We offer our deepest condolences to all the bereaved, and especially the members of the Dunne and O'Brien families, on their great loss. We have to state very clearly that there are lessons to be learned from this tragedy and that it must result in action being taken. Each and every one of us must take on board the fact that people may be at risk in every community throughout the length and breadth of this State. Unless the required interventions are made, we will see tragic repeats of the events at Monageer.

Does the Taoiseach agree that a full and vigorous investigation is now needed and that such an investigation must incorporate a full examination of the role, responsibilities and responses of the Garda and the Health Service Executive? Does

he acknowledge that the tragedy raises serious questions about the lack of resources for addressing mental health, suicide prevention and all the situations involving family and personal emergencies which can arise in our communities?

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

Caoimhghín Ó Caoláin: I am informed by people who have worked in the area of child protection that, because of an insufficiency of resources, they and their colleagues in social work teams have often been limited to fire-fighting responses when cases are referred to them. Is the Taoiseach aware that many professionals within social care teams who are doing support work under the aegis of the HSE have to prioritise on the basis of a weighed assessment of the cases that present and the queues for a response? Social workers are frequently in a position to respond urgently only where cases appear to be of an emergency nature. Unless trained professional assessments are properly available in every area, that apparent emergency requirement can easily be missed, understated or unnoticed, with often tragic results. What resources will the Taoiseach commit in terms of investing in mental health care and suicide prevention and to address the crises that can present for individuals and families——

An Ceann Comhairle: I ask the Deputy to give way to the Taoiseach.

Caoimhghín Ó Caoláin: ——particularly in the type of case that has demonstrated such tragic consequences over the past several days?

The Taoiseach: Deputy Ó Caoláin asked me a number of questions and it will be impossible to answer all of them. As I said earlier, I offer my profound sympathies at this terrible time to the community and to those who are directly related to Adrian and Ciara Dunne.

We discussed the tragedy this morning and agreed in principle to set up an independent inquiry to examine the full circumstances of this case. The nature and terms of reference of that inquiry will be decided as soon as the facts of the events have been established. The Minister of State at the Office of the Minister for Children, Deputy Brian Lenihan, has sought a report from the Health Service Executive and a meeting will take place later today between the Office of the Minister and the HSE. In so far as the Garda Síochána is concerned, the Garda Commissioner has appointed a senior officer from outside the area to investigate the circumstances surrounding the tragedy from its point of view. We should allow both these investigations to be conducted and take care that we do not rush to judgment about the case with the luxury of hindsight and in the absence of all the information. I do not want

to add to the grief of the families and the communities involved by going into the details of a situation on which the information is incomplete.

We know from the HSE's preliminary report that as late as midday on Friday a public health nurse visited the family for a routine development check-up of the children and had no concerns regarding the family. The HSE has also stated that it had no child protection concerns in respect of the family. I do not want to comment any further until the facts are fully known.

On the broader question asked by Deputy Ó Caoláin with regard to the appropriate level of child welfare generally, the HSE's primary aim is to provide child welfare and protection services within the family context, with the option of taking children into care considered as a last resort. The circumstances of each individual case are investigated with the aim of providing the necessary support and care at any given time. The question of appropriate levels of intervention in families where concerns about risks are expressed is extremely complex and difficult. Over the past year or two, we have debated that issue in this House in regard to other cases. In the case under discussion, the HSE has provided a counselling service.

Many other issues arise in regard to the wider question. These include issues that have arisen in other cases, in respect of which a working group is almost finished its report. There has been a large increase in staffing levels in these areas. Issues also arise with regard to out-of-hours services and in other areas which I may address later.

Caoimhghín Ó Caoláin: Does the Taoiseach not agree that social work of this kind cannot be organised and offered only on a nine-to-five basis? Is it not apparent from this and, indeed, the series of similar tragedies which have brought dark clouds over communities throughout this State that we need 24-seven cover throughout the areas of mental health and suicide prevention? This need has been expressed repeatedly. Does the Taoiseach agree that social work and family support teams must be fully resourced in terms of staffing and other facilities? What is he prepared to say this afternoon to confirm that he and this outgoing Government are going to exactly that?

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

Caoimhghín Ó Caoláin: Over the past several months, I have heard from colleagues in various parts of the country. My colleague, the Wexford councillor, John Dwyer, and others have raised the issue of the absence of supports in their respective communities where cases such as this have arisen. They have highlighted it repeatedly, and that is on the record, yet here is another situation where the agencies entrusted to respond

did not, on the evidence presented, act as they could and should have done.

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

Caoimhghín Ó Caoláin: There is a bounden duty to ensure that the agencies covered by the Children First guidelines, including the Garda Síochána, the Health Service Executive, schools and voluntary and youth work organisations, are resourced sufficiently to fulfil the role they must carry out. What is the Taoiseach prepared to do to ensure that this essential and very important area is properly resourced?

The Taoiseach: Last year there was a lengthy series of discussions between the HSE and the Office of the Minister for Children and the national working group to review the recommendations on the provision of out-of-hours child care services. The issue was examined on a national basis. The working group, which comprises the HSE, the Garda Síochána and Focus Ireland, reported on a comprehensive out-of-hours service for children and families. It has been developing a new model. Under the Child Care Act the Garda has a role and there are protocols. I understand that there is a protocol in force in Wexford but not every area has one. That model has been developed.

On the second issue of what we are doing, we all know that suicide is a very serious social problem. Reach Out, the national strategy for action on suicide prevention, has developed four levels of action in recent years: a general population approach, a targeted approach, responding to suicide and information research. The National Office for Suicide Prevention oversees implementation of that strategy, co-ordinates suicide prevention activities across the State and does very good work. Suicide prevention is an integral part of mental health and primary care services, and general practitioners play a key role in that. Effective action to prevent suicidal behaviour requires the involvement and collaboration not only of GPs, but also mental health professionals such as psychiatrists, psychologists, nurses and social workers. They are all involved with vulnerable people.

Last year, over €26 million was provided to develop mental health services in line with A Vision for Change, the report of the expert group on mental health policy. A further €25 million was allocated this year to continue that development and funding was allocated specifically for prevention initiatives and research. Money was also made available to develop a national training programme to complete the availability of self-harm services through accident and emergency departments and to implement the national positive mental health awareness programme. In light of the increased information in recent years, interim targets have been set for a reduction in

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the number of suicides across the State among people involved in self-harm programmes.

Such efforts do not always prevent problems and in this case, as in others, we must consider precisely what happened, if there were shortfalls, what were they and if something was missed, why was that the case? All that must be taken into account in an examination of the matter. I am pointing out what is being done and resources are being invested to make things happen. I agree with the Deputy on the out-of-hours issue. It is self-evident that these services should be provided not only on a 9 a.m. to 5 p.m. basis. That is an issue of negotiation in building a new model.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. M. Higgins: In accordance with the terms of Standing Order 31, I seek to move the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention: the pressing need for the Minister for Education and Science to take such measures as will immediately lead to our meeting the needs of hearing-impaired children in the Galway area, including the restoration of the service which has been suspended for almost five years and the appointment of two visiting teachers, which should be notified to schools and parents before the end of the current school year. There is a further need for the Minister of State with responsibility for children to secure the rights of hearing-impaired children through instructing the HSE to recruit an audiological scientist immediately, if necessary filling such a position following an immediate appropriate advertisement in Ireland, Britain and other countries. In view of the importance of the issue, I hope the Ceann Comhairle will agree to the request.

Mr. McHugh: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent local and national interest, namely, the need for the Minister for Education and Science to outline her plans to appoint two full-time visiting teachers for the deaf to schools in Galway and allow the Minister for Health and Children to outline to the House the measures she proposes to ensure that an audiologist be appointed to cover the Galway region, thus filling a post left vacant for the past five years.

Mr. Howlin: In accordance with the terms of Standing Order 31, I wish to move the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention: the need for the Minister for Health and Children to outline the steps she

intends to take to inquire into the circumstances surrounding the deaths of four members of the Dunne family, which has caused shock to their relatives and the general community in Monagear, County Wexford; and the further need to conduct a review into the adequacy of services offered by the HSE to families of individuals under stress, particularly at weekends. In view of the unique circumstances of this awful tragedy, I hope the Ceann Comhairle will agree to this proposal.

Mr. P. Breen: I seek the adjournment of the Dáil under Standing Order 31 on a matter of extreme importance, the ongoing substandard water quality in Ennis, whether the Minister will provide funding for Ennis Town Council so that bottled water might be subsidised for young children and the elderly for as long as the “boil water” notice remains in force; and the Ennis main drainage preliminary report, which is now out of date, having been with the Department of the Environment, Heritage and Local Government since 2002, a further major cause of crisis in the county town.

Mr. McEntee: I wish to adjourn the Dáil under Standing Order 31 to debate the following issue of urgent national importance: the lack of adequate forward or contingency planning to meet the pressing need for school places at Laytown national school in September 2007. Some 103 children have been told that they will have a place and as yet there is no contingency plan.

Mr. Boyle: I seek to adjourn the business of the Dáil under Standing Order 31 on an issue of urgent public importance, that the Minister for Health and Children state whether she believes that policies adopted on detection, public information and support regarding tuberculosis are adequate, in view of concerns expressed by parents affected by a recent outbreak in the Cork area.

Mr. J. Breen: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national importance, the ongoing health risks affecting the people of Ennis, County Clare, owing to the contamination of the town’s water supply, which has been substandard for some years. It is the subject of constant “boil water” notices, but no action has been taken. Furthermore, the water system is operating at maximum capacity and there has been a failure to upgrade it, including a lack of action on the waste-water consultants’ report commissioned by Ennis Town Council and forwarded to the Department of the Environment, Heritage and Local Government in 2002. The content of that report is out of date, further compromising the quality of the water and sewerage system and increasing the health risk to the public. It is envisaged that planning permission for housing developments will not be

granted for the foreseeable future, with a serious impact on the labour market and causing prices in an already inflated property market to rise yet further. That is what the Taoiseach thinks of the people of Clare.

An Ceann Comhairle: I call Deputy Morgan.

Mr. J. Breen: He sits giggling and talking while the people of Clare are left——

An Ceann Comhairle: It is not appropriate to expand on the motion submitted to the Office of the Ceann Comhairle.

Mr. J. Breen: Is the Taoiseach operating a double standard for the people of Galway and those of Clare?

An Ceann Comhairle: I ask Deputy Breen to allow Deputy Morgan to speak.

Mr. J. Breen: Is the Taoiseach accountable for the actions of his Ministers? I urge him to stop his giggling and talking. He got a shock in Clare at the last election and he is in for a bigger one the next time.

An Ceann Comhairle: I ask Deputy Breen to allow Deputy Morgan to speak without interruption.

Mr. Morgan: It is hard to beat the shock treatment, James.

I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public concern, namely, the unacceptable delay by the Minister for Health and Children and her Department in resolving outstanding issues with victims of symphysiotomy and the urgent need to honour the promise made in 2003 to carry out an investigation into the barbaric practice which was performed in some hospitals until 1982, long after it had ceased even in developing nations, and for these courageous survivors to be treated like those involved in the Michael Neary case.

Mr. Connolly: I seek the adjournment of Dáil Éireann under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the external remedial works scheme at Mullaghmat housing Estate, Monaghan town, whereby residents of Mullaghmat are being required to finance external painting and other remedial works within the front curtilage of privately-owned houses in the estate in contrast to the local authority-owned houses, the external works of which are 100% funded; the wide variations that exist with other local authorities, in particular, St. Finian's estate in Drogheda, where such Department-approved work is carried out at no cost to the private residents; and the need for the Minister for the

Environment, Heritage and Local Government to ensure the private residents of Mullaghmat receive parity of treatment in the housing remedial works scheme with residents of other such schemes throughout the country.

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

Order of Business.

The Taoiseach: It is proposed to take No. 16, motion re proposed approval by Dáil Éireann of proposed planning scheme for Poolbeg Peninsula, back from committee; No. 22, Criminal Justice Bill 2007 — Report Stage (resumed) and Final Stage——

Ms Burton: ——heresy.

The Taoiseach: ——No. 17, motion re proposed approval by Dáil Éireann——

Ms Burton: He is AWOL.

The Taoiseach: ——of the air transport agreement between the European Community and the United States of America.

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 on the conclusion of No. 17; (2) No. 16 shall be decided without debate; (3) the proceedings on the resumed Report Stage and Final Stage of No. 22 shall, if not previously concluded, be brought to a conclusion at 10 p.m. tonight by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Tánaiste and Minister for Justice, Equality and Law Reform; (4) the proceedings on No. 17 shall, if not previously concluded, be brought to a conclusion after 65 minutes and the following arrangements shall apply: (i) the speeches shall be confined to the Minister and Minister of State and to the main spokespersons for the Fine Gael Party, the Labour Party, and the Technical Group, who shall be called upon in that order, and who may share their time, which will not exceed 15 minutes in each case; (ii) a Minister or Minister of State shall be called upon to make a speech in reply which will not exceed five minutes; (5) the Second Stage of No. 6, the Electoral (Amendment) No. 2 Bill 2007, shall be taken in Private Members' time tonight and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 25 April 2007.

An Ceann Comhairle: There are five proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with No. 16, motion re Poolbeg Peninsula without debate agreed? Agreed. Is the proposal

[An Ceann Comhairle.]

for dealing with No. 22, Report and Final Stages of the Criminal Justice Bill 2007 agreed?

Mr. Howlin: It is not agreed, Sir. Members will recall that a last minute brokered position was achieved when the Tánaiste offered not to guillotine all Stages of the Criminal Justice Bill at the last sitting before the Easter recess. There are now 171 amendments, some of which are new and many of them from the Tánaiste. We have very tight time and have acted very responsibly on this. There has been significant disquiet outside this House about the way this House has dealt with this matter. The views of important and statutory entitled bodies have not been entertained in this debate. I ask that the guillotine not be pressed. We will do our best to proceed, as we

have done on Committee Stage, to have all matters concluded within the time allowed.

Caoimhghín Ó Caoláin: I wish also to object to the imposition of the guillotine again on this particular Bill. We have had the its application on a number of occasions during the course of the Bill's passage through the House and it is proposed to apply the guillotine once again to the Report and Final Stages at 10 p.m. tonight. This approach is inadequate. It will mean that significant and important amendments will not be properly addressed in this House. I urge the Taoiseach to withdraw the guillotine and allow the debate to take place fully and openly.

Question put: "That the proposal for dealing with No. 22 be agreed."

The Dáil divided: Tá, 65; Níl, 54.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Glennon, Jim.
Grealish, Noel.
Harney, Mary.

Haughey, Seán.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
Martin, Micheál.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Roche, Dick.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Breen, Pat.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.

Ferris, Martin.
Gormley, John.
Healy, Seamus.
Higgins, Joe.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McEntee, Shane.
McGinley, Dinny.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.

Níl—*continued*

Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.

Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 17, motion re air transport agreement between the European Community and the United States of America, agreed? Agreed. Is the proposal for dealing with Private Members' business agreed? Agreed.

Mr. Kenny: I looked at the list produced by the Government Whip covering the time remaining in the term of this Dáil and noted there are eight Bills to be published before the end of the session, as the Taoiseach has said on a number of occasions. There appears to be some confusion over the outstanding matter of stamp duty. The eminent Leader——

Mr. Cowen: There has been great confusion in the past week.

(Interruptions).

Mr. C. Lenihan: Do the Opposition parties feel the need to stamp on each other?

An Ceann Comhairle: Deputy Kenny without interruption.

Mr. Kenny: The eminent Leader——

(Interruptions).

An Ceann Comhairle: Ciúnas.

Mr. Kenny: We saw the aggression of the Minister for Finance, Deputy Cowen, last night, and we heard him also.

An Ceann Comhairle: Has Deputy Kenny a question appropriate to the Order of Business?

Mr. Kenny: The Tánaiste has his own proposals on this matter.

Cecilia Keaveney: Fine Gael has its own proposal, as does Labour.

Mr. Kenny: The House will be aware that Fine Gael and Labour tabled detailed proposals——

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

Mr. Kelleher: Labour has Fine Gael's.

Mr. Kehoe: At least we have proposals.

Mr. Kenny: ——to be dealt with as a priority in a single measure.

An Ceann Comhairle: Does the Deputy have an appropriate question?

Mr. Allen: He would ask it if he were not being interrupted.

Mr. Kenny: There appears to be inconsistency and confusion in the Department of Finance and the Fianna Fáil Party. As no legislation on changes to stamp duty is proposed, does the Taoiseach, as the leader of his party and the Head of Government, intend to introduce legislation in this Dáil session to amend the current stamp duty regulations?

Mr. Glennon: Why does the Deputy not ask Deputy Rabbitte?

An Ceann Comhairle: Is legislation promised?

The Taoiseach: No.

Mr. Durkan: We knew that.

(Interruptions).

Mr. Rabbitte: I omitted to join with my colleagues in congratulating the Taoiseach on his new happy condition as a grandfather. I presume he is as aware as I that there is a reputable body of medical literature stating that very young children should be protected from too many flashlights and cameras and that he will observe that in the three or four weeks ahead.

The Taoiseach: At least.

Mr. Rabbitte: On 24 April 2002, the House was adjourned *sine die*. In answer to my question on the private hospital building programme, the

[Mr. Rabbitte.]

Taoiseach seemed to tell me that the election would be on 17 May. Having regard to that, will he assure the House that he will not do as he did the last time when he slunk in here in the still of the night?

Mr. Kelleher: Deputy Rabbitte should have been around.

Mr. C. Lenihan: It was daytime. Deputy Rabbitte was in RTE canvassing in Donnybrook and doing a good job.

An Ceann Comhairle: Does Deputy Rabbitte have a question appropriate to the Order of Business?

Mr. Rabbitte: It is a shame the Minister of State, Deputy Conor Lenihan, will leave this Dáil like he entered it, namely, wrong. I was manning these benches on my own like Horatio on the night in question.

Mr. Cowen: As the Deputy will be again.

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte without interruption.

Mr. Rabbitte: Will the Taoiseach assure the House that he will not repeat that performance?

An Ceann Comhairle: That is not appropriate to the Order of Business.

Mr. Rabbitte: His predecessors gave notice to the leaders of the Opposition of their intention to dissolve the Dáil. For example, in 1997, Deputy Harney and the Taoiseach were invited to the House and were present at the time.

In light of the imminent dissolution of the House, will the Taoiseach give a personal guarantee that the ratio between the number of Deputies for each constituency and the population of each constituency are the same so the election will proceed without interruption by the courts?

The Taoiseach: On that matter, I told the Deputy that the Government got legal advice that there was no difficulty.

On the first question, I told Deputy Rabbitte that tenders are due to be submitted to the HSE by 17 May. I cannot understand how he read that to mean the election date. I want to clarify what I said.

Mr. Gormley: On the legislative programme, has the register of persons unsafe to work with children Bill been incorporated into other legislation? It seems to be missing.

The Taoiseach: The register of persons considered unsafe to work with children is to give effect to the recommendations of the child protection joint working group. The legislation arises out of the North-South Ministerial Council. The issue the Bill deals with will be dealt with under the proposals for the upcoming children referendum.

Caoimhghín Ó Caoláin: I understand the Taoiseach will have his breakfast in County Monaghan on Thursday morning.

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

Mr. Rabbitte: It is a long way to go for breakfast.

Mr. C. Lenihan: Can the Deputy's units tell the House what the Taoiseach will be having?

Caoimhghín Ó Caoláin: I hope the Taoiseach will enjoy——

Mr. Kelleher: I thought the Deputy's party abolished its surveillance.

Caoimhghín Ó Caoláin: One is always entitled to a good last meal. The Taoiseach might like to know——

An Ceann Comhairle: Does the Deputy have a question appropriate to the Order of Business?

Caoimhghín Ó Caoláin: I have.

(Interruptions).

An Ceann Comhairle: Allow Deputy Ó Caoláin to continue.

Caoimhghín Ó Caoláin: I understand the Taoiseach will be invited to another breakfast and I hope he will consider attending it.

Under the heading of health and children on the current status of legislation, the register of persons who are considered unsafe to work with children Bill is not on the legislative programme. Will the Taoiseach explain the issue to the House, as the Bill has been on the list of promised legislation for some considerable time, yet we find it is not on——

An Ceann Comhairle: The Deputy should allow the Taoiseach to answer his question.

Caoimhghín Ó Caoláin: ——the circulated list of promised legislation?

The Taoiseach: Does this not fall under the heading of repetition?

Mr. Roche: The Taoiseach answered that question a few minutes ago.

An Ceann Comhairle: Deputy Gormley's question has already been answered.

Caoimhghín Ó Caoláin: I am sorry, as I did not hear the answer.

Mr. Durkan: Neither did anyone else.

Caoimhghín Ó Caoláin: I was thinking about the Taoiseach's breakfast in Monaghan.

Aengus Ó Snodaigh: And what he was getting served.

Mr. Cowen: The Deputy was preoccupied with it.

Aengus Ó Snodaigh: He would join the Taoiseach.

The Taoiseach: I stated to Deputy Gormley, who raised the issue, that the register of persons who are considered unsafe to work with children was to give effect to the recommendations of the child protection joint working group. The legislation arises out of the North-South Ministerial Council. The issues in respect of the Bill will be dealt with under the proposals for the upcoming children referendum.

Mr. Durkan: On promised legislation, if it is not a dull subject in the midst of the skittishness and gallows humour of the other side of the House, what is the Government's intention regarding the broadcasting and minerals development Bills, which are happily on the Order Paper? Given their urgency, is it intended to bring them before the House before the dissolution of the Dáil? What is likely to happen to the electricity (transfer of transmission assets) Bill? Will it be tabled in a rush of enthusiasm by the other side to pass it through the House before the election?

The Taoiseach: Both Bills are listed for 2007.

Mr. Durkan: There are three Bills. Will they all be published in 2007? Is this the same 2007 we are discussing?

The Taoiseach: That is exactly the one.

An Ceann Comhairle: Deputy Durkan should allow his colleague, Deputy Kehoe, to submit a question.

Mr. Durkan: I only got an answer in respect of two Bills.

The Taoiseach: 2007.

Mr. Kehoe: The charity regulation Bill has been mentioned in the House numerous times. Will the Taoiseach update the House on that legislation?

The Taoiseach: The Charities Bill has been published.

Planning Issues: Motion.

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

That Dáil Éireann approves the following order in draft:

Specification of an area of the Poolbeg Peninsula as an area for which the Dublin Docklands Development Authority may prepare a planning scheme,

a copy of which was laid in draft before Dáil Éireann on 22nd March, 2007.

Question put and agreed to.

Criminal Justice Bill 2007: Report Stage (Resumed).

An Ceann Comhairle: Amendments Nos. 1 to 3, inclusive, are related and will be discussed together.

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I move amendment No. 1:

In page 7, line 6, after "1984," to insert "THE CRIMINAL JUSTICE (LEGAL AID) ACT 1962,".

These amendments are to the Long Title of the Bill. Amendment No. 1 reflects the fact that the Bill amends the Criminal Justice (Legal Aid) Act 1962. Amendment No. 2 deals with the fact the Bill amends the Criminal Assets Bureau Act 1996. Amendment No. 3 makes it clear that section 31 of the Bill empowers the Minister to make regulations governing the administration of cautions by members of the Garda Síochána to include a specific reference to increased detention powers provided to the gardaí under sections 49 and 50.

Mr. J. O'Keeffe: These amendments are consequential on changes being made and I support them with no difficulty.

Mr. Howlin: The debate has been unusual in that we recommitted most of the Bill and debated it on Committee Stage a second time. There were areas that were not touched upon and, as a result, amendments I have tabled on Report Stage have been ruled out of order. Is there any way to discuss them because if we get to the issue of detention periods, an issue we did not cover, only the Minister's proposals can be examined? We cannot discuss particular amendments and I regret that. It is ironic because many of the amendments we will make to the Bill are ministerial amendments that would not have been there if the original timeframe had been adopted. There is merit in giving sufficient time for these

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matters to be discussed. I have no difficulty in accepting these amendments.

Amendment agreed to.

Mr. McDowell: I move amendment No. 2:

In page 7, line 10, after “2006” to insert “, THE CRIMINAL ASSETS BUREAU ACT 1996”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 3:

In page 7, line 13, after “RESPECTS,” to insert the following:

“TO MAKE PROVISION IN RELATION TO THE ADMINISTRATION OF CAUTIONS BY MEMBERS OF THE GARDA SÍOCHÁNA TO PERSONS IN RELATION TO OFFENCES, TO PROVIDE FOR ADDITIONAL POWERS OF DETENTION BY THE GARDA SÍOCHÁNA OF PERSONS SUSPECTED OF CERTAIN OFFENCES FOLLOWING ARREST OR REARREST OF SUCH PERSONS IN CONNECTION WITH THE INVESTIGATION OF SUCH OFFENCES.”

Amendment agreed to.

Amendments Nos. 4 to 11, inclusive, not moved.

Acting Chairman (Mr. McGinley): Amendments Nos. 13 and 14 are cognate with amendment No. 12 and they will be taken together by agreement.

Mr. Howlin: I move amendment No. 12:

In page 8, line 22, after “failure” to insert “or refusal”.

This is a simple, technical amendment to ensure that refusal, as opposed to passive failure, is also covered. In section 3(2) I wish to insert “or refusal”. The repeal of subsection (1) of the enactment specified in Schedule 1 does not affect the application of those enactments to a failure or refusal to mention a fact to which those enactments relate if the failure occurred before the repeal comes into operation and those enactments apply to such a failure or refusal as if they had not been repealed.

It is important when we enact legislation of this sort that we are robust in repeal sections. My advisor suggests these amendments would make the section more robust in that regard. This is a technical issue, however, and I will be bound by the Minister’s view and that of the Attorney General.

Mr. McDowell: I have the greatest of respect for the Deputy’s adviser but every refusal to mention something if asked amounts to a failure to mention it but every failure does not amount to a refusal. I cannot imagine someone saying that when he was asked a question and deliberately did not answer it, that does not amount to a failure. It could, however, amount to a refusal. In the circumstances, therefore, I am advised that the greater includes the lesser and “failure” is adequate to deal with the matter.

Mr. Howlin: I simply wanted the matter to be checked and I am pleased to accept the views of the Tánaiste.

Amendment, by leave, withdrawn.

Amendments Nos. 13 to 15, inclusive, not moved.

Mr. J. O’Keeffe: I move amendment No. 16:

In page 8, between lines 27 and 28, to insert the following:

“PART 2
Quashing of an Acquittal

5.—(1) The Director may apply to the Central Criminal Court for an order—

(a) quashing a person’s acquittal for a stated offence, and

(b) ordering that he or she will be retried in respect of that offence.

(2) On an application under *subsection (1)*, the court shall—

(a) if satisfied that the requirements of *sections 6* and *7* are met, make the order applied for, or

(b) otherwise, dismiss the application.”

May I comment on amendment No. 16?

Mr. Howlin: The Deputy may not comment but he will.

Mr. J. O’Keeffe: In many ways the Minister’s effort are misdirected in parts of the Bill. We are discussing the quashing of acquittals following new evidence. This approach has been adopted in Britain and recommended by the Criminal Law Review Group. There is a great deal of support for this measure and I regret the Minister has not adopted my proposals. I can only assure him that in a short time, these proposals will find expression in law.

Amendment, by leave, withdrawn.

Amendment Nos. 17 to 19, inclusive, not moved.

Mr. J. O’Keeffe: I move amendment No. 20:

In page 8, between lines 27 and 28, to insert the following:

“PART 2
WITNESS INTIMIDATION

5.—The Minister shall, by regulation under this section, make provision for identification of suspects by witnesses, victims and other persons where the suspect can be identified through a one-way screen and the identity of the witness, victim or other person can be withheld.”.

I got the impression from the discussion on Committee Stage that there is approval for this approach and I want to see it put into place as soon as possible. I accept that consideration must be given to the practicalities of this matter but we must look at the principle. It is outrageous that we do not protect the victims of crime to the greatest possible extent, including during identification parades.

I mentioned a case on Committee Stage where a rape victim would not take part in an identification parade because she could not face her attacker. The obvious solution is identification using a one-way screen, where requested by the victim. In that way the identity of the victim or witness can be withheld. The amendment would empower the Minister by regulation to make provision for such an approach. Can we agree this in principle? I get the feeling from general comments that there is broad agreement on this approach, where the position of the victim is recognised.

The practicality of such an approach has been dealt with in other countries, it is not that we are trying to re-invent the wheel. Let us learn from best international practice and do something similar here. I do not believe it is necessary to have a separate room built for such purposes in Garda stations or otherwise. Portable screens may be erected and modern ingenuity is such that practical difficulties can be overcome. We are not talking about building special identification rooms in Garda stations. Perhaps that would be the wise course to take in some of the busier centres, but in general the practicalities are capable of being dealt with and I urge the Tánaiste, for that reason, to accept the amendment on the basis of empowering the Minister of the day to make whatever regulations are appropriate and necessary to introduce such a system at the earliest possible date.

Mr. Howlin: I support Deputy Jim O’Keeffe’s proposal. We had some discussion on this matter on Committee Stage, when the Minister talked about the practicalities of it, accepting that the most practical way to do this, perhaps, would be to have portable screens that could be transported to the Garda station where an identification process was due to take place. Both Deputy Jim O’Keeffe and the Tánaiste will be aware of the long discussions on this and related

matters that took place at the Joint Committee on Child Protection. While those discussions largely focused on child protection and the identity of perpetrators against children, I believe they have a more general application.

I will confess to the House that I was involved in an identity parade when I was a student.

Mr. J. O’Keeffe: Was the Deputy found guilty?

Mr. Howlin: As a young lad up from the country I was requested to stand in an identification parade. There was very little chance of being identified——

Mr. McDowell: I hope the suspect was not 6 ft. 6 ins.

Mr. Howlin: That is the precisely the point I was going to make. There was certainly a disparity in sizes and the point the Tánaiste makes is a fair one. In certain circumstances, when the elderly in particular are confronted by a perpetrator, it is not satisfactory that they should meet eyeball to eyeball, much less have to physically come into contact with each other. There is great merit in this proposal. I cannot recall why the amendment was not accepted, but I know there was broad consensus as regards the spirit of the proposal. Ministerial advisers are always reluctant to adopt such an initiative because if it is put into a Bill it has to be effected, whereas if it is checked in principle one may resile from it or it may be long-fingered in some way. I recommend it be adopted as it is an important issue in its own right and has merit, certainly, in the context of all the submissions on this matter, of which there were a great deal, to the child protection committee. It has general application, too, across other categories of crime perpetrated against the young, the elderly or anybody for that matter.

Mr. McDowell: I regard this as a very important issue. The conduct of identification parades is of pivotal importance, first, as regards their fairness. That jocose remark of mine a moment ago is significant in the sense that identification parades have to be fair. There is no point in having one that is unfair in its composition. Also, they have to be effective as I know from my practice as a barrister. I recall one incident where the Provisional IRA was intimidating a family in Monaghan. Eventually, the only method of identification available to the Garda was to put the identifying witnesses into a vehicle on a street where they knew the individual concerned walked up and down among hundreds of others. In those circumstances they were given an opportunity to identify the culprit at a distance. That type of arrangement has its problems because of concerns over what might be happening in the van as regards the possible prompting of the identifying witnesses, for example. That is an inherent

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difficulty. The same argument applies if the person who later ends up as the accused is in a room and is aware that he or she is facing a mirror, without knowing what is happening behind it. In the event, he or she may make the allegation that while in the company of others there was no way of knowing what the identifying witness was actually doing at the time. The question of the identifying witness's demeanour or whether he or she hesitated etc. are all potential matters of difficulty afterwards. At least the face to face arrangement had the dubious advantage that the accused could see whether the witness was being prompted, hesitating or whatever.

We correctly identified the proposition on Committee Stage that sometimes it is really frightening, particularly for the victim of a violent or sexual crime, to be asked to confront the alleged perpetrator in a face to face manner. There is a way around this, but it involves allowing the alleged perpetrator the right to have someone behind the screen to ensure all is well or else having some video record of what is happening behind the screen and the like. Best practice in an identification parade should usually involve the taking of a picture so that the jury may work out what value to attach to it. In a situation, for instance, where there might be numerous people of one race with one person of another race or whatever, such information should be brought to a jury's attention if it is to attach any weight to the evidence.

As I said on the last occasion, I am very positive about the notion of providing one-way screens. How it is to be done, practically, I do not know. One way of dealing with the issue would be to have a witness procedure behind it or an independent monitor to ensure that there is no abuse. It might well be, in such cases, that the accused has the benefit of a lawyer at this stage, who can stand behind the scene to see what is happening. There are ways of getting around that issue. However, I want to emphasise that it is not necessary for me to have regulatory power in this regard. For me or my successor to make a regulation does not make the situation fairer or less fair. Prescribing rules on a ministerial basis does not really address the issue. As I understand the issue, there is unanimity in this House that there should be a facility for victims of violent and sexual crime to not necessarily have to confront their perpetrators. In those circumstances I do not need a regulatory power to bring this about. I need to find a good way to do it and must have the will to do it. Those are the issues involved. I do not need a statutory instrument. The making of a statutory instrument would only complicate the issue, as far as I am concerned. It is really a matter of bringing in a memorandum or circular for the Garda that deals with this. It does not require a statutory instrument which will be pored over by defence lawyers to determine whether this or that paragraph is totally complied

with. I prefer to deal with this in a non-statutory instrument or non-legislative way by introducing some type of Garda circular that might be capable of being amended or improved on, as the case may be. Legislation is not required to achieve what everybody in the House agrees, namely, that there should be facilities for people to make an identification in trustworthy circumstances, without making eye to eye contact with the alleged perpetrator, where there is an issue of intimidation or where the victim might have genuine problems by reason of the violence or sexual nature of the crime.

Mr. J. O'Keeffe: On the basis of the amendment, if we have unanimity in the House for the introduction of one-way screens, then, to a large degree my mission is accomplished. I accept that the practicalities involved have to be ironed out and from that perspective I want to see an examination of these issues as soon as possible, and in particular to know what best practice is in other countries. It is the practical aspects that need to be addressed. On the basis of the Minister's assurance that his examination of the issue indicates there is not a need for a legislative underpinning to provide for the identification system, I will not press the amendment. Instead, for future reference, I will leave it on the record that there was unanimity in the House in favour of the introduction of such a proposed system.

Amendment, by leave, withdrawn.

Acting Chairman: Amendments Nos. 21 to 23, inclusive, are related and may be discussed together.

Mr. J. O'Keeffe: I move amendment No. 21:

In page 8, between lines 27 and 28, to insert the following:

“PART 2
EXCLUSIONARY RULE

5.—(1) Where evidence is obtained in contravention of a person's constitutional rights, whether numerated or unenumerated, such evidence may, having regard to the totality of the circumstances of the case and, in particular, the rights of the victim, be deemed by the court to be nonetheless admissible, unless—

(a) the evidence was not obtained in good faith, and

(b) the contravention of the person's constitutional rights was—

(i) intentional, and

(ii) significant in the context of the offence alleged.”.

As far as the public is concerned, one of the greatest scandals of the criminal justice system is when an accused person is freed from the courts

on technical grounds. The public can be further scandalised when it becomes aware there were large volumes of evidence against the accused, painstakingly gathered by the Garda, and presented to the court.

When I was a law student, I viewed the scales of the justice as being historically weighed against the accused. In our colonial history, the weight of the British Establishment was brought down heavily to bear on people who were largely uneducated and without proper representation which mitigated against their opportunity to an adequate and proper defence. My historical sympathies would have been towards the development of a proper system of defence so that the scales of justice were more evenly balanced.

In more recent years, I have changed that view and believe the scales of justice have gone the other way. In many instances, the accused are reasonably educated with access to the best lawyers through large pots of ill-gotten gains that enable them to put up substantial defences. Sometimes they have far more money for lawyers than what the State can afford.

The criminal justice system is not served by having people excused or not convicted of their crimes on the basis of evidence being excluded for purely technical reasons. The exclusionary rule is one of recent origin in this and other jurisdictions. I am impressed that in other countries, the rule has been tempered, which is the basis of these amendments. If we focussed more on these issues, we would serve the country better.

I accept the need to be careful in changing the rule and not to go overboard. The distinguished chairman of the Criminal Law Review Group, Dr. Gerard Hogan, for whom I have the highest regard, made a minority recommendation on this issue with which I do not agree. There is scope for change and I agree with the group's majority recommendation to allow a "Court to have a discretion to admit unconstitutionally obtained evidence or not, having regard to the totality of the circumstances and in particular the rights of the victim". This is one area that requires attention when bringing our criminal justice system up to date.

These amendments were tabled on Committee Stage. I have tried to draw them up to ensure there are compelling reasons for obtaining evidence unconstitutionally. I do not want the Garda Síochána to be given a free run. These proposals would address serious cases and crimes. There would have to be proof that the evidence was obtained in good faith with no intentional breach of the accused person's constitutional rights. It would be in the interest of rebalancing the criminal justice system, making the public more confident in it. That confidence is eroded when persons accused of heinous and serious crimes walk out of the courts on the basis of technicalities.

Mr. McDowell: On Committee Stage, I stated that I supported the minority in the 1990 Kenny

decision. The minority, or discretionary view, held that a balance had to be struck between rights rather than a rigid view being taken which I would prefer were reflected in our jurisprudence. The question is how can we arrive at that point.

Mr. Howlin: I feel a place on the judicial benches coming for the Minister from which he can make judicial announcements.

Mr. J. O'Keefe: He could also guarantee it.

Mr. McDowell: It might preclude me from sitting on such a case.

To arrive at such a point, the House could prepare a single clause Bill, stating it is a legislative recalibration of the Kenny issue. The President, at her discretion, can then decide to refer it to the Supreme Court, having consulted the Council of State, under Article 26. Alternatively, it could be enacted without reference to Article 26 until an individual challenged it.

The alternative method is to insert a wording into the Constitution to recalibrate the law to meet the Kenny judgment. This could come to 15 lines which makes it a less preferable method.

The best way is to draw up a single clause Bill and test its constitutionality. Alternatively, one could wait for a case to come before the courts to challenge the Kenny judgment but that has already happened unsuccessfully. The difficulty with that is that it normally falls to the DPP to make that decision. It is not competent for the Government of the day to direct a case to be fought in those circumstances. In most of these cases, the Director of Public Prosecutions decides independently the points he wishes to make.

I fully sympathise with what the Deputy is driving at which also represents my view of what would be a desirable outcome. However, to use the slightly colourful language I used on Committee Stage, for me to accept this amendment would be like carrying a ticking bomb on to an aeroplane because it would mean I was including something which was at the very least challenging in respect of an Article 26 reference. The whole Bill would collapse if the Supreme Court was to uphold its original position in the Kenny case. It would not be in the interests of the Garda Síochána, the community at large or, indeed, the justice system if an extensive Bill was to fall because we engaged in a bit of experimentation.

I agree with the spirit of what Deputy Jim O'Keefe proposes but it would be courting disaster to include something in a Bill that is at best a 50-50 proposition, even if the Attorney General were to agree to it, which is another issue with which I do not have to deal, to test whether the Supreme Court would be willing to revisit this matter for a third time. If this House got it wrong, we would be leaving ourselves in the position that

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we would have no legislation as a consequence. It is a matter for the next Dáil.

There are other issues for the next Dáil, including a pet of mine, namely, matters in regard to jury trial and an issue about which I am very strong, namely, the requirement that the accused in a jury trial be required to outline as part of the whole process his or her defence so the jury knows from the beginning of the trial what the case is all about and so the evidence that is irrelevant to the points at issue between the parties is not tendered to a jury unless there is a very good reason for doing so. We should introduce the concept of a formal defence where a person would say "I accept the girl was raped but I did not do it" or "I accept the house was burgled but that is not my fingerprint" so the jury knows the issue in a case rather than have everything open and have trial by ambush. That is the next phase of reform of the criminal law.

Mr. J. O’Keeffe: What is the situation where the accused does not give evidence?

Mr. McDowell: Whether the accused gives evidence — there are tempting provisions in the English statute on that issue as well — the jury would know exactly the points at issue between the defence and the prosecution at the beginning of the trial. If at the end of the trial and without any defence evidence it is argued that the circumstances for visual identification were inadequate and that the complainant’s evidence is wholly unreliable, at least let the jury know at the beginning of the trial that those are the issues in the case so it need not be bothered by evidence that is irrelevant to those issues. That is the point I make.

Mr. Howlin: The Tánaiste will have time to bring in a Private Members’ Bill in the next Dáil.

Mr. McDowell: Yes.

Mr. J. O’Keeffe: It might be accepted too. I am glad to hear views emerge around an approach that is important, namely, that we formulate an approach that will stop people accused of serious charges being acquitted on purely technical grounds.

The Tánaiste mentioned the original Kenny case. It is interesting that in that case the accused was charged with possession of drugs found as a result of a search of his house. The discovery of the drugs was the essential, core point. However, there was an obtuse discussion as to whether there were reasonable grounds for the issuing of the warrant signed by the peace commissioner. How ludicrous could it be? Significant also was that the trial judge held the warrant was valid and the Court of Criminal Appeal, which I presume comprised three judges, ruled that it may not have been valid but that the evidence was none-

theless admissible on the grounds that there was not a conscious or deliberate violation of the constitutional rights of the accused. At that stage, four judges were in favour of conviction.

The case then went to the Supreme Court where there was a three to two verdict. Of the nine judges who considered the case, six of them were in favour of conviction. However, because of the way we do our business, the three-two decision of the Supreme Court meant the evidence was not admitted. Somebody caught red-handed in possession of drugs was able to get away. That is the background to this issue.

The foreground to this issue is a recent case of a famous or an infamous nature with which we had to deal through a committee of the House. Again, the public was scandalised that evidence, which was clearly there in respect of a computer and otherwise, could not be admitted because of a defect raised in regard to the search warrant, namely, whether the seizure took place 12 hours before or after the expiry of the search warrant. We need to change this.

I am cognisant of the points raised by the Tánaiste. In advance, I am preparing to accept an instalment of his support for a change along the lines he suggested. It is probably the right approach. If there is difficulty in regard to the constitutional aspects, let us introduce a Bill covering this rule as soon as possible in the next Dáil and, if necessary, let it be referred to the Supreme Court. Some of the points made in this House will be referred to when the matter goes before the Supreme Court. On that basis, I will not press the issue further.

Amendment, by leave, withdrawn.

Amendments Nos. 22 and 23 not moved.

Aengus Ó Snodaigh: I move amendment No. 24:

In page 8, to delete lines 30 to 38.

It is good to see that at least one of the amendments survived. The intention is to remove the section which allows for the outsourcing of some of the classes of work the Tánaiste has outlined in this Bill. As far as I remember, it is the Tánaiste’s hope that electronic tagging would be outsourced and that he could prescribe or authorise a person to carry out that duty. On Committee Stage I argued that such a person should be at least in the employ of the State, preferably of the probation and welfare service, but the Tánaiste rightly said a probation and welfare officer would not be the correct person to carry out such duties. I argued at the time that it should be somebody employed by the service but not necessarily somebody who is of the same grade as the probation and welfare officer. They should be answerable to the service. He or she would be an employee of the State and as such would be answerable to his or her employer in all aspects.

What happens in other jurisdictions is that people involved in these services compete against others who tender for the work and the cheapest possible option is sought. The conditions of work and pay of such workers is not conducive to good practices. We should not go down that route of outsourcing and privatising any part of the justice system because of its importance and because of the need for the State to ensure justice is delivered fully and that the service is fully accountable to the State and the Minister.

I have made this point about a number of services such as the prisoner escort service. I know the Minister does not agree with my view but I have tried once again to outline the reason we should not go down this road. I note a number of other faults in this section of the Bill and most of my amendments have probably been ruled out of order because they were discussed on Committee Stage. However, due to the short-circuiting of the debate and its truncated nature I do not believe we had enough time to tease out the implications of some of the practical points even though there was some discussion of the major points. The short-circuiting of the debate has not allowed the House enough time to cross-examine the Bill in detail and to allow for the observations of others, including the professionals who operate in the various fields affected by this legislation. The observations and opinions of practitioners such as the Garda Síochána, the Irish Prison Service, the probation and welfare service, which will have to work with people in the private sector, should be considered. This Bill will result in major changes in the justice system but the Minister's approach of fast-tracking it through the House is fundamentally flawed. I am glad of the extra time which we have managed to wrangle out of the Minister but there has not been sufficient time and this will become evident in future when the Bill is put to the test.

Mr. McDowell: I have on a previous occasion and with regard to a similar matter expressed my view at some length to the Deputy. I do not think he will persuade me and I do not think I will persuade him. In the circumstances we should agree to differ on this issue.

Aengus Ó Snodaigh: The Minister has expressed his desire not to go down this road. His stated preference is that it would not happen, yet he admits that the eventuality could happen.

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

Amendment declared lost.

Acting Chairman: Amendment No. 25 in the name of Deputy Ó Snodaigh is out of order as it was negated on Committee Stage. Amendment No. 26 arises of out Committee proceedings. Amendment No. 27 is related. Amendment No.

26 and the amendment to amendment No. 26 and amendment No. 27 may be discussed together.

Amendment No. 25 not moved.

Mr. McDowell: I move amendment No. 26:

In page 9, to delete lines 18 to 21 and substitute the following:

“(e) any previous conviction or convictions of the applicant for a serious offence;

(f) any previous conviction or convictions of the applicant for an offence or offences committed while on bail;”.

Deputies will recall I accepted an amendment proposed by Deputy Howlin during Committee Stage to delete paragraphs (e) and (f) of subsection 1 of the Bill as published and replace them with a new paragraph (e). I was persuaded by Deputy Howlin that paragraph (e) as published was too restrictive in that it required the bail applicant to list only previous convictions for the serious offence with which he or she was charged and that paragraph (f) was too broad in that it referred to offences committed while on bail rather than convictions for offences while on bail. The result is that paragraph (e) now provides that applicants for bail must include details of all previous convictions and information as to which of those convictions, if any, concerned offences committed while on bail in the written statement that is required to be furnished alongside their bail applications. On reflection I believe paragraph (e) is now too widely drawn by requiring applicants to list all offences including minor offences such as road traffic violations. This might be almost impossible for somebody with a string of convictions. For instance, a bad driver might have collected quite a record on the PULSE system which he or she might not have a diary note of nor be in a position to tell anybody about. It would be almost impossible for someone with a poor record to provide the level of detail and in any event it may be neither necessary nor relevant.

My proposal is a compromise that would require applicants to detail previous convictions for all serious offences and to detail all convictions for offences committed while on bail. The term, “serious offences” is defined in the Bail Act so it does not need to be redefined here.

Deputy Howlin then tendered an amendment to my amendment that would require applicants to furnish details of all serious offences and any other offences committed in the previous ten years. This would include minor offences. The Deputy's proposal, even with the ten-year limitation, is still too wide. It would be virtually impossible for a career criminal ever to furnish details of all minor offences for the preceding ten years. That level of detail would not be of much use to the prosecution or to the court in arriving at a view on the matter. Information that is of

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most relevance to the court, previous convictions for a serious offence and any convictions for offences committed by the applicant while on bail, are provided for in my proposal and therefore I am not disposed to accept Deputy Howlin's amendment to my amendment. If Deputy Howlin's amendment were to be accepted, the word "other" would need to be inserted before "offence committed within the previous ten years", but this is a drafting point.

Deputy Ó Snodaigh's proposal seeks the deletion of paragraph (g) of the new section 1A. The applicant's history of bail applications is of relevance to the prosecution and the court and it will assist the prosecution in determining whether to oppose bail and the court in deciding whether to admit the person to bail. The nature of any conditions to be imposed could also be affected. It does not tie the hands of the court when deciding on the bail application before it, but it is information that should be before the court and therefore, I am not disposed to accept Deputy Ó Snodaigh's proposal. It should be noted that Deputy Ó Snodaigh made the point on Committee Stage that no timeframe is included for the submission of the statement even though the section allows the court to extend the period for production of same. I undertook to consider that point. Subsection (3) sets out when the statement is to be furnished and I do not propose to elaborate further on that point.

Mr. Howlin: I move amendment No. 1 to amendment No. 26:

In paragraph (e), after a "serious offence", to insert the following:

"or for any offence committed within the previous 10 years".

I saw the Minister's amendment since we had the reasonable debate on Committee Stage and he had accepted my amendment and substituted my wording of subsection (e). I wondered why the Minister was bringing forward two new subsections now and I thought it might be just to fill the gaps since the Bill as published has subsections (a), (b), (c), (d), (e), (g). It seems subsection (f) has fallen off the agenda entirely in the sequencing. I thought the Tánaiste might divide paragraph (e) to create a paragraph (f) and improve the sequencing.

On reflection, I am inclined to agree with the Tánaiste. The original wording was quite flawed and he has accepted that point. The Tánaiste suggests a compromise in respect of convictions for serious offences. Perhaps he will read into the record the definition of "serious offence" under the Bail Act. I understand that what is now proposed is that, in making a bail application, an individual will be required to list all previous convictions for serious offences and any convictions relating to offences committed while on bail. On balance, that is probably adequate. My suggestion

that we should add the phrase "or for any offence committed in the previous 10 years" was for completeness. However, this might lead to the capture of rather minor issues and place too onerous a burden on bail applicants. I am not going to press amendment No. 1 to the Tánaiste's amendment.

Mr. J. O'Keeffe: My recollection of the provisions of the Bail Act is that a serious offence is characterised as one which, on conviction, carries a penalty of more than five years.

Mr. McDowell: Such an offence must also be listed in the Schedule to the Bail Act.

Mr. Howlin: Perhaps the Tánaiste will read into the record the list of serious offences.

Mr. J. O'Keeffe: We are trying to ensure that as much relevant information as possible will be placed before the courts when decisions relating to bail are being made. I approve of the requirement that information relating to a person's sources of income within the preceding three years, to his or her property, whether inside or outside the State, and to his or her previous convictions be made available. As a country attorney, my approach to these matters is to consider the practicalities. On Committee Stage, I referred to someone with convictions relating to 79 offences and the fact that he or she would not have a hope in hell of listing them all. I would not like a legal requirement to be put in place in this regard because there is no point in making provision in respect of something that cannot be achieved.

The compromise that has emerged in the wake of the amendment tabled by Deputy Howlin on Committee Stage strikes the correct balance. A court should be made aware of any previous convictions in respect of serious offences. It should also be made aware of any convictions relating to offences previously committed while on bail. That is a fair balance. I would like to see such information being placed before judges charged with making decisions on bail. I accept that offences relating to an accused having bald tyres on his or her car or not possessing road tax for that vehicle are not entirely relevant in this context. In addition, it is not practical to make provision in respect of such offences. On balance, therefore, I support the approach now emerging.

Aengus Ó Snodaigh: Amendment No. 27 in my name proposes the deletion of paragraph (g), which would solve the sequencing problem to which Deputy Howlin referred.

I have a difficulty with this because a judge should be able to make a decision with regard to the merits of an application before him or her rather than on the basis of previous decisions made by other judges. The Tánaiste is trying to capture everything in paragraph (g) but there is other relevant information which it does not

cover. I refer, for example, to the fact there is no requirement to indicate why bail was or was not previously granted. Under the paragraph, there is only a need to indicate whether bail was granted and outline the conditions associated with that bail. A person charged with a serious offence might, for example, be granted bail on foot of the fact that a considerable period might elapse before the commencement of the court case. In addition, bail might be granted where a person was obliged to resolve a family or some other matter.

The paragraph does not cover every eventuality and accused persons will argue that they should have the opportunity to ensure all the relevant details they require to be raised will come to light. I do not know whether this is contemplated by the written statement that an accused is required to provide. I have difficulties with the entire section but my main concern is that a judge will be obliged to make a decision based on the findings or other judges rather than on the basis of his or her own findings. For those reasons, I am seeking the deletion of paragraph (g).

Mr. McDowell: To some extent, there is an element of truth in that. If, however, in imposing sentence in a case, a judge has regard to the previous convictions of the accused, he or she is having regard to other judges' findings and the sentences they imposed. We must take a commonsense approach and a judge must have a fairly complete picture of what has gone before.

I am glad there appears to be general agreement on this matter. I visited the Garda vetting unit in Thurles yesterday. I was shown two application forms relating to jobs that involve working with children which were submitted for vetting and on which the applicants had forgotten to include information on major sexual offences involving children. Persons applying for bail must be put under some pressure, therefore, to rack their brains and supply information relating to serious offences they committed in the past. It is important that a court, in the context of whether bail should be granted, should be presented with a good picture of an accused and his or her general character. I am happy with the consensus that has emerged.

Deputy Howlin asked me to outline the Schedule to the Bail Act. The Schedule is extremely lengthy and covers virtually everything that could be considered a serious offence, including treason, murder, rape—

Mr. J. O'Keeffe: Piracy.

Mr. McDowell: Yes.

Mr. Howlin: Does it cover every offence in respect of which a penalty of over five years in prison applies?

Mr. McDowell: I do not know whether that is a fair description but it covers virtually any act someone involved in serious criminal activity could commit.

Amendment to amendment, by leave, withdrawn.

Amendment No. 26 agreed to.

Amendment No. 27 not moved.

Acting Chairman: Amendments Nos. 28 and 35 are cognate, amendments Nos. 29 and 36 are also cognate, amendment No. 30 is related and amendments Nos. 31 and 33 to 36, inclusive, are technical alternatives to the same part of the Bill. Therefore, amendments Nos. 28 to 31, inclusive, and 33 to 36, inclusive, will be discussed together.

Aengus Ó Snodaigh: I move amendment No. 28:

In page 10, line 15, to delete "may" and substitute "shall".

I argued this point before and the Tánaiste responded so I will not go into major detail. With regard to amendment No. 28, section 6(9) states:

The court may, if it considers that publication of any examination of the applicant in relation to the statement or any part of it or of any submissions made to the court may prejudice the applicant's right to a fair trial, by order direct that no information relating to the examination or submissions be published in a written publication available to the public or be broadcast.

The phrase, "The court shall" is more appropriate. If there is any chance that a publication would prejudice a trial a court must definitely prevent it. Amendment No. 29 has the same intent. We also argued the other matters on Committee Stage or during recommittal to Committee Stage, I cannot remember which.

Amendment No. 31 proposes to delete section 7 which provides that the opinion of a member of the Garda Síochána should be given greater authorisation or standing than the opinion of somebody else with regard to a bail application. An opinion is not evidence in such a case because it is not cross-examined and I am not sure whether it is under oath. Until recently, an opinion had standing in court proceedings during which the defence and the prosecution can argue the point and where it is stated under oath. A judge then came to a decision based upon evidence supporting the opinion, such as material relevant to the case, video footage or other witnesses rather than based on the opinion of a member of the Garda Síochána who may not be tied to the case, does not know the accused and does not need to know the full details of the case but must be of a certain rank.

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This presumes those at the rank of chief superintendent would never lie, be vindictive or ensure somebody did not remain at liberty. Events in Donegal and elsewhere in the not too distant past show gardaí are similar to the rest of society and are not beyond reproach. We place great trust in the Garda Síochána to operate professionally. We should not include a section which states that the opinion of a chief superintendent is above that of others until the opinion is given in a court of law as part of proceedings against somebody rather than during bail proceedings. I am not alone in questioning this section and the raised status given to an opinion, in this case that of a Garda superintendent. The Human Rights Commission queried this in its observation on the Bill, as did the Irish Council for Civil Liberties.

As far as I understand it, the section does not explain the extent to which an accused has the opportunity to cross-examine opinion evidence. On past occasions when opinion evidence was used, privilege over the information on which that opinion was based was claimed by members of the Garda Síochána which meant the defendant did not have an opportunity to mount a defence. This matter is raised with regard to bail and serious crime. When one considers the length of time it takes for cases to reach court it is a serious matter to deprive somebody of their liberty for two or three years. It might be different if cases reached court and were sorted out much quicker. On the balance of justice we could then accept such a ruling.

We should not go down this road. It is a similar power to that given to the Garda Síochána under the Offences Against the State Act, which was abused. Over the years, changes were made whereby gardaí had to produce additional evidence. However, the most recent instance I recollect in which this type of privileged information was used was where a Garda superintendent swore it was his opinion that somebody was a member of the IRA. When asked to prove it, he initially refused and then stated that his opinion was based on Garda files. The court forced him to produce the files but they were only made available to the prosecution and the judges. The defence had no opportunity to challenge statements, hearsay and other material contained in the files. It made a mockery of the concept of a fair trial. Will this provision take us down the same road? Will the Tánaiste again consider what is intended or what could be the result of section 7?

Mr. Howlin: The Tánaiste tabled an amendment to this section which captures the argument I made on Committee Stage to delete the word “considered” because the original draft added a great deal of confusion. The Tánaiste has redrafted that amendment. Other than dropping

the word “considered” in the new section 2A(1) I am not sure what other changes are necessary.

I made a detailed submission on Committee Stage based on advices presented to me and published advices from a distinguished former Attorney General that the provision was unconstitutional. I am not happy about this. The provision that a member of the Garda Síochána not below the rank of chief superintendent can give as evidence that he or she believes it to be the case that refusal of bail is reasonably necessary for the purpose of a person not committing an offence does not sit well with me. Concrete evidence should be presented and the garda should state the reason he or she believes it and convince the judge of it. This tramples on the discretion of the judge who should have all the evidence adduced before him to show compelling reasons. There should not be simply opinion cases.

I know that when this State was under very serious threat we had a similar provision to allow the protection of the integrity of the State and its fundamentals, which provided for people to be incarcerated on the basis of opinion evidence from senior police officers. This would take such an idea and transpose it into a different category.

This has certainly recommended itself as part of the armoury to prevent people who are in real danger of recommitting offences from walking free but I do not believe it is the way we should go. Senior gardaí should go into court and point out the evidence sheet against a person, indicating the chances of a crime being committed again. The notion that a court is obliged to have regard to a mere statement as evidence is not a principle I am happy with. On balance, the more I have thought about it, the less happy I am with this section.

Amendment No. 34 in my name is now captured, as was promised by the Tánaiste in his response on Committee Stage. If I do not agree with the paragraph, it at least makes more sense now in my judgment, the word “considered” having been dropped.

Mr. J. O’Keeffe: In this instance I support the formulation proposed by the Tánaiste. I always had the view that a judge, in coming to a decision on bail, should take into account the views of the Garda Síochána. This is particularly relevant in light of the previous record of the accused and his or her associations with other people. A garda should be able to offer a view that there is a likelihood of a further offence being committed if the person in question is admitted to bail. It is even more appropriate in a case where there may have been threats, intimidation or danger of the same against witnesses.

I support the idea that the approach should not just be possible but approved of in the context of a bail application. I understand the points raised by Deputy Howlin.

Mr. Howlin: I have read again the judgment of the Shortt case and it certainly tipped my view. It was a very learned opinion by the Supreme Court, obviously rehearsing case law from the United States. I am beginning to take liberties.

We all rely on the Garda Síochána and in the past we have probably given too much weight to its mere opinions on these matters. This House should also learn from the ongoing revelations of the Morris reports. They must have meaning and be reflected in what we do. The Shortt case and the Supreme Court decision in that is a compelling argument not to proceed in this way. I am sorry for interjecting.

Mr. J. O’Keeffe: Perhaps we might hear the Tánaiste.

Mr. McDowell: With amendments Nos. 28 and 35, Deputy Ó Snodaigh is proposing that “may” should be removed, casting an obligation on the court to go through this and consider the issue. I wish to make it clear that I believe it is the media’s obligation, as well as that of the court, to ensure justice is not contaminated. If the word “shall” was put in that place, people could say that if the court did not direct an exclusion, a person would be free to say what they wished. Therefore, the media must share responsibility and it is not a passport to freedom in reporting a case if the court did not go through it to see what could prejudice a subsequent trial.

With regard to the term “considered reasonably necessary”, I have had much thought on the issue. It reflects the wording in the Constitution, and the Constitution, properly interpreted, leads that the term “considered” means considered by the court and not by anybody else. The term “considered” in the constitutional amendment was a reference to a consideration by the courts in these matters.

Mr. Howlin: The Tánaiste has dropped it.

Mr. McDowell: I have taken it out. That is the point.

Mr. Howlin: Yes.

Mr. McDowell: I do not believe the consideration to be that of the chief superintendent or anybody else. It is the court’s consideration which is relevant. That is the first issue.

Some emphasis was put on the proposition that if I indicated the opinion of the chief superintendent to be reasonable evidence, it would in some sense force the court’s hand and give a particular weight to the evidence of the chief superintendent. I would ask the House to consider such evidence to be admissible. That clearly underlines my intention, which is that the court will decide what weight to attach to such evidence after it is admitted.

The court can indicate it hears Chief Superintendent Bloggs giving his opinion that it is reasonably necessary to deny bail in a case to prevent the further commission of serious offences. It does not mean that this is, of itself, determinative of the issue and, if it is not contradicted, that it decides the issue. If it is simply admissible as evidence, it would clearly underline that the court must decide the weight to be attached to the evidence in question.

With regard to the general proposition, it is the case at the moment that bail decisions are largely dealt with on the basis of evidence as to what is likely to happen. Currently a District Court, High Court or other judge listens to evidence in bail applications as to whether the accused is likely to turn up to the trial if granted bail. It would be one person’s view against another but the court attempts to decide it on the basis of evidence, and it would allow both hearsay and opinion to be tested in court. If a sergeant states before a local District Court judge his belief that if a man is given bail and would never be seen again because of a residency in Northern Ireland, for example—

Mr. Howlin: He would bolt.

Mr. McDowell: That is evidence of his opinion, as evidence cannot be given as to a future fact in the same sense that primary evidence can be given of something seen by a person.

I emphasise that it is already the case that evidence of opinion is admissible, which is emphasised in subsection (6), which states “Nothing in this section is to be construed as prejudicing the admission in proceedings under section 2 of other evidence of belief or of evidence of opinion”, whether they are tendered by a member of An Garda Síochána or any other person.

The last subsection is one I wished to draw to the attention of the House. It states “Nothing in this section limits the jurisdiction of a court to grant bail.” That, taken with the other amendments tendered here, makes it very clear that no court is obliged, as a result of a chief superintendent giving his opinion, to withhold bail on that fact alone. It is a matter for the courts, which is what the Constitution envisaged.

One may therefore ask why subsection (1) should be included at all, given that a sergeant involved in a case can give evidence of opinion etc. Very frequently it is argued that a local detective comes head to head with a local burglar, determined to put him behind bars. The purpose of this amendment is to allow senior members of the Garda Síochána to express their considered opinions, if I may use the word “considered”. I accept completely the point that gardaí are not infallible because they have attained senior rank. Trusted and senior members of the force will be allowed to express their considered opinions on the basis of all the facts known to them, by definition including hearsay, having thought about

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those facts. Such serious opinions, which will have a certain weight by virtue of having been tendered by a senior member of the force, will be admissible. A court will not view the expression of such an opinion as being part of a grudge match between a detective and a local baddie. The judge will bear in mind that a garda has toggled out in court in circumstances which are not customary to add his voice to the issue under consideration. If the court deems it appropriate, some weight may be attached to the fact that a senior member of the force has come to court to express his opinion.

If I were a judge, I would consider the possibility that a hostile and unpleasant member of the Garda Síochána might have a gripe with a person he arrested last night. If I were hearing the bail application of such a person, with all the relevant documentation in front of me, I would take into consideration the appearance in court of a chief superintendent. Judges will use their common sense to appreciate that a chief superintendent is not coming to court because he has nothing better to do that morning. Chief superintendents, who are senior members of the Garda with serious responsibilities, are not normally found in courts arguing the toss on bail applications. If such a person comes to court to tender an opinion, he is liable to be cross-examined on his opinion. If I were a judge, I would not think the garda in question had a grudge and was trying, for that reason, to frustrate an ordinary decent criminal's pattern of low level behaviour by keeping him behind bars. I would understand that the matter in question was a serious one. That is why this provision has been included.

Mr. J. O'Keeffe: Will the Tánaiste take a question on this issue, in the interests of clarification?

Mr. McDowell: Yes.

Mr. J. O'Keeffe: Is there a danger that we are introducing another exclusionary rule? What about a superintendent, inspector, sergeant or ordinary member of the force?

Mr. McDowell: That is the point I made about the proposed new section 2A(6) of the Bail Act 1997, which is designed to provide that other people's opinions are received in the ordinary course of events.

Mr. J. O'Keeffe: Such people appear to be precluded from giving an opinion.

Mr. McDowell: No.

Mr. J. O'Keeffe: Of course they can give a view on the likelihood of somebody turning up for trial or intimidating a witness, for example, but they seem to be precluded from giving evidence——

Mr. McDowell: No, that is not——

Mr. J. O'Keeffe: ——or outlining their views on whether the person might commit another serious offence.

Mr. McDowell: The exact point I was making was that it does not have that implication. The proposed new section 2A(6), which states that nothing in section 2A, including subsection (1), "is to be construed as prejudicing the admission in proceedings under section 2 of other evidence of belief, or of evidence of opinion, whether tendered by any member of the Garda Síochána or other person", was included specifically to address the point made by Deputy O'Keeffe. If we had not included section 2A(6), there might be an inference that the only way to prove the opinion of the force in this regard would be to bring a senior member of the Garda before the court.

Mr. Howlin: A chief superintendent, specifically.

Mr. McDowell: Sergeants, inspectors and superintendents, when it is relevant to them, give evidence in the average District Court if they believe the person before the court is a serious drug offender who will reoffend if released on bail. Their opinions are considered by the court in such circumstances as an acceptable expression of opinion. I thank the Deputy for raising these concerns because the proposed section 2A(6) arose precisely from them. This subsection was added at a late stage in the process to make it clear that we were not tying ourselves to the proposition that *expressio unius est exclusio alterius* — by mentioning one specific way of proving something, one wipes away all other ways of proving it.

Mr. J. O'Keeffe: It does not have to be a chief superintendent at all then.

Mr. McDowell: No, it does not. That is the point I was just making. If a chief superintendent toggles out in court to give evidence in the form of his opinion on the matter, he will not be told that a sergeant has already given such evidence. He will not be asked why he is in court, or whether he is trying to browbeat the judge. It might be considered that this involves throwing more and more people in. The purpose of enabling the chief superintendent to come to court is to underline that a senior member of the Garda, having considered the material available to the force, has formed an opinion which he is offering to the court and which is admissible as evidence. The court is free to reject such evidence, having heard it. The court can be sure that the opinion in question is the corporate view of the Garda, as tendered by an officer of serious rank in the force. That is what the effect of this provision will be.

Mr. J. O’Keeffe: It is a form of heavyweight evidence.

Mr. McDowell: I will return to the point I made a moment ago. If I were a judge——

Mr. Howlin: The Tánaiste has a great hankering for such a position.

Mr. McDowell: ——I would wonder whether the local detective was trying to keep the guy before the court behind bars to teach him a good lesson for not making a voluntary statement, or something like that. I would wonder whether that was what was going on before me. In such circumstances, I would wonder there was a grudge match between two people with differing opinions about the facts of the relevant case. I might also wonder whether it was a case of the State, through a senior officer of the police force, coming to court to offer the senior corporate opinion of the Garda on the issue on a serious basis. That is what it is all about.

Mr. J. O’Keeffe: I am concerned that the way this section is framed will mean that a statement of this nature given by somebody below the rank of chief superintendent will not be admissible as evidence. In other words, it will be decided that refusal of the application is reasonable necessary for the purposes of——

Mr. McDowell: That is what the proposed new section 2A(6) is there for.

Mr. J. O’Keeffe: I am somewhat worried that the outcome of this provision may be controversy, at a minimum. At worst, it may lead to such evidence being excluded.

Mr. Howlin: I am conscious of time and aware that we want to proceed with these sections. However, our debate on this section has been extremely useful because the more we debate it, the clearer it becomes that the proposed amendment No. 33 is a horse of an entirely different colour to the subsection as originally presented by the Minister. The original subsection was commented upon by, among others, the former Attorney General, John Rogers, who thought it unconstitutional.

The Minister has dressed the matter up rather well but it has become a completely differently animal. He is now proposing simply that a chief superintendent can give evidence which is admissible. That was not contained in the first draft of the Bill, which provided what was almost a trump card to the chief superintendent who could give his or her word and the court would act on it. The fear was that such a provision would undermine the constitutional ability of the court to make the determination. I am much happier with the present formulation, although I do not consider it a great advance. Dressed up though it is, I do not foresee

many chief superintendents toggling out, as the Minister put it, to make a case that a superintendent or inspector could make equally well in respect of serious matters. That will possibly happen in very serious cases to give the signal the Minister requires. I hope the phrase, “foreign papers please copy”, will apply and that the fundamental change to this section is identified and understood outside this House.

Mr. McDowell: I assure Deputy Howlin that it is a fundamental change. The original statement contained two elements. I accept there is a fundamental change in regard to the word “considered”. I did not have to read about the phraseology in *The Irish Times* because I became worried about it when the Deputy first raised it.

Mr. Howlin: It was not at all a matter raised on foot of *The Irish Times*.

Mr. McDowell: That was the Deputy’s point. I was worried about the issue, so I thought about it, looked at the Constitution and said that it was to be considered by the court and not by anybody else. That is a significant change.

The phrase “shall be evidence” was modelled on the Offences against the State Act, according to which a chief superintendent’s opinion is evidence that a person is a member of the IRA on a particular date. I do not agree with the proposition enunciated in *The Irish Times* because I have experience of the operation of that Act, having been involved in some of the cases that argued the meaning of the provision. I have witnessed instances in which people have been acquitted on the basis of a sworn denial where there was nothing to support the evidence of the chief superintendent.

Mr. J. O’Keeffe: It is not solely or mainly sufficient.

Debate adjourned.

Private Members’ Business.

Electoral (Amendment) (No. 2) Bill 2007: Order for Second Stage.

Bill entitled an Act to provide for polling for Dáil elections to be held on a Friday, Saturday or Sunday and for that purpose to amend the Electoral Act 1992.

Mr. O’Dowd: I move: “That Second Stage be taken now.”

Question put and agreed to.

**Electoral (Amendment) (No. 2) Bill 2007:
Second Stage.**

Mr. O'Dowd: I move: "That the Bill be now read a Second Time."

Tá sé an-tábhachtach go bhfuil an Bille seo os comhair na Dála seo. Mar go bhfuil an Dáil seo ag teacht chun deiridh, tá sé in am dúinn machnamh a dhéanamh ar dháta an toghcháin.

Caithfidh mé a rá go bhfuil prionsabal bunúsach i gceist anseo ó thaobh vótáil de. Is cuma má táimid ag caint faoi dhaoine óga, daoine meánaosta nó daoine aosta — ba chóir go mbeadh mealladh sa chóras polaitiúil chun seans a thabhairt do gach éinne vótáil ar an lá, nó na laethanta, is fearr. Chaith an Rialtas a lán airgid amú i rith blianta na Dála seo. Chaith an Rialtas na milliúin euro ar electronic voting machines nach n-oibríonn. Tá a lán airgid curtha amú ag an Rialtas. Níl aon rud fiúntach déanta ag an Rialtas chun cabhair a thabhairt do ghnáth daoine páirt a ghlacadh sa chóras daonlathach sa tslí is éasca agus is fearr. Molann an Bille seo córas den shórt sin, a cinnteoidh go mbeidh an vótáil ann ag an deireadh seachtaine — Dé hAoine, Dé Satharn nó Dé Domhnaigh. Tá daoine ann nach mbeidh sásta vótáil ar an Domhnach de bharr cúiseanna creidimh.

Ba cheart dúinn gach seans a thabhairt do ghnáth-daoine na hÉireann vótáil ar an lá is fearr. Tá an pointe seo chruthaithe cheana féin — bhí ardú ar an méid daoine a vótáil sa toghchán Eorpach deireanach i 2004. Tháinig beagnach 70% de na daoine amach an uair sin. Tá sé an-tábhachtach go gcruthfaimid spás i ngnáth-saolta na ndaoine, atá an-difriúil os na saolta a bhí againn deich mbliain ó shin. Bíonn ar dhaoine taisteal go moch ar maidin go dtí na cathracha. Bíonn na commuters ag obair ar feadh an lae go léir, nach mór. Tagann siad abhaile ag a ocht nó a naoi a chlog san oíche. Má bhíonn an toghchán ar an Déardaoin, mar atá ráite ag an Taoiseach, ní dóigh liom go mbeidh seans ceart ag na gnáth-commuters vótáil sa tslí a theastaíonn leo. Má bhíonn an toghchán ar an Aoine, an Satharn nó an Domhnach, beidh seans acu vótáil mar nach mbeidh ar an gcuid is mó acu obair an lá ina dhiaidh. Is rud an-bhunúsach é go dtabharfar seans do na céadta mílte daoine teacht amach ar an lá.

Tá na céadta mílte mac léinn ag staidéar timpeall na tíre. B'fhéarr le mór-chuid díobh vótáil ina mbailte dúchais. Ní bheidh aon seans ag na gnáth-scoláirí é sin a dhéanamh má tá an toghchán ar an Déardaoin. Beidh i bhfad níos mó spéise ag na daoine óga, go háirithe, a gcuid vótáil a chaitheamh ag an deireadh seachtaine, mar atá molta ag Fine Gael sa rún seo atá romhainn.

This is a very important debate, coming as it does in the dying hours of this Dáil. The Taoiseach is caught like a rabbit in the headlights, not knowing which way to turn. When asked the date of the election, he resembles a modern pope, with the answer *in scrinio pectoris* and kept firmly to himself.

Ms Enright: We are waiting for the white smoke.

Mr. O'Dowd: My colleague has stolen my line. The white smoke is the smoke of truth and, while we may not burn ballot papers on this occasion, we will mark them with a pencil because of the mess this Government has made of the system and the €50 million it wasted on e-voting. This time, we want democracy to be followed openly, transparently and with the maximum involvement of the people. However, the Government is holding back on dissolving the Dáil until the very last minute in the hope that something will happen to help it win the people's favour and has turned its face away from holding the election on a day that would allow the maximum numbers to vote. This Bill, together with the motion being discussed in the Seanad tomorrow night, seeks to compel the Government to hold the election on a day that benefits democracy rather than one which suits its purposes.

The Taoiseach said he favours Thursday voting for the general election, yet he did not explain why he fears Friday voting when it is clear that it benefits voters. In 1999, the European and local elections were held on a Thursday and had a turnout of 50%. However, when the 2004 European and local elections were held on a Friday, turnout rose dramatically to 58.58%. Given that the number of voters increases by one sixth when polling is held on a Friday, it is clear that a return to Thursday voting is motivated by party political concerns and an attempt to disenfranchise thousands.

Fine Gael is committed to ensuring that all those entitled to vote are given the maximum opportunity to do so. The Electoral (Amendment) (No. 2) Bill which we are bringing before the Dáil tonight will help to do this by only allowing national elections to be held on Fridays, Saturdays or Sundays. This Bill forces all parties, especially those on the Government benches, to put up or shut up by either supporting our Bill or explaining why they want to effectively disenfranchise thousands.

The Taoiseach has already signalled that weekend voting is preferable for young people by holding the second Nice referendum on a Saturday. It would be beyond hypocrisy for him and his Fianna Fáil colleagues to now consider Thursday voting, especially when he said at the time that Saturday brings students home from the enormous number of third level colleges in the country and many other people around the country who work all week and return to their constituencies at the weekend. When pressed on whether young people were apathetic and if it was beneficial to have a Saturday election he stated:

This should help them. Young people, particularly the students' unions, and others have continually said that they need to be facilitated

[...] By giving them a Saturday, it gives people an opportunity to come out.

The Taoiseach should listen to his own words. Saturday voting gives young people and those who work all week an opportunity to vote. Thursday voting will deny thousands of students and young professionals who must travel home to their constituencies that opportunity. Fine Gael is committed to ensuring this does not happen.

In discussing this Bill, Fianna Fáil and the Progressive Democrats should look to our European partners. A 2004 report from the Electoral Reform Society revealed that weekend voting takes place in Austria, Belgium, Finland, Greece, Luxembourg, Portugal, Spain and Sweden and France. Does the Minister honestly believe the massive 85% turnout in last weekend's presidential election in France would have been replicated if it had been held last Thursday?

There are 650,000 people in Ireland aged between 19 and 28, and we must ensure that each of these voters is actively encouraged to vote and given the opportunity to do so. With 37% of our population under the age of 25, compared to the EU average of 25%, Ireland has one of the youngest populations in the EU. We have only had one general election in the past decade, which means that most people under the age of 30 have, at most, voted in only one general election.

Unfortunately the records show that in 2002 many potential young first-time voters either chose not to vote or were not able to vote on election day. Some 40% of young people who failed to vote cited being away from home on polling day or not being registered as a reason.

The problem for so many young people of not being able to come home to their constituency on polling day is something we can do something about immediately. Changing polling day from a weekday to the weekend would have a significant impact on voter turnout. Fine Gael believes that voting on Saturday instead of Friday would result in increased turnout at all age levels.

The overriding priority when choosing a suitable day for voting should be facilitating voters to maximise turnout. Approximately 400,000 people between the ages of 18 and 24 will have the opportunity to participate in choosing a Government for the first time in May. They are the decision-makers of the future, and holding the election at the weekend would give them the greatest opportunity to partake in the political process and have their voices heard.

The issue is that thousands of young people, not just students, live away from home, as well as others who are not so young, including those who must travel to work. There is a cycle in the working week, and it is very clear that it ends on a Friday. People go home on that day. If one works in the city, one returns to the countryside. Friday is a critical day in everyone's life, and that is true not only for students but for commuters. Hun-

dreds of thousands must get up at 6 a.m. to travel to the cities to work. Many of them, thousands more than five years ago, do not return home until late at night. Many, because of congestion, a lack of proper planning and poor spatial strategy, will not return home until 8 p.m. or 9 p.m.

I am sure the Minister finds in his constituency that party workers cannot start canvassing at 7 p.m. as they used to, since they are not home. Even if they knocked on doors at that time, many people would not be in. In particular to facilitate commuters and acknowledge their work cycle, the weekend is the time to encourage them to vote, regardless of the outcome — Fianna Fáil, Fine Gael or whatever — since as a group such people have no party political affiliation. We need a majority of people to come out and vote on election day for the new Government. We must facilitate that, and the Government cannot be allowed to renege on what it did for the Nice referendum and the last election held in this State, which was on a Friday.

While we are dealing specifically with weekend voting, much more needs to be done to make the electoral process smoother. Many voters are deeply concerned that their right to participate in the upcoming general election might be denied, as they are likely to be away at some stage during the months of May and June. The principle of allowing citizens to exercise their franchise by way of postal votes is now well recognised. It already exists for gardaí, the diplomatic service, and members of the Defence Forces. It is interesting to note that recent legislation passed by the Oireachtas allows prisoners the right to vote by way of postal ballot, something with which we all agree. Since the principle of postal voting exists for prisoners, why should others be excluded if they have a genuine reason and can prove that they will be out of the country at the time?

Where voters can show a local authority that they have purchased aircraft tickets or must travel, the right of voting by way of a postal vote could easily be extended to them. Alternatively, the voter could vote before the date of the poll at a designated centre or local authority building in his or her constituency. Imagination is required, and given the flexibility that other EU states show in allowing people to vote by post, we should make it easier for people to participate fully in the democratic process.

I congratulate the organisers of the Rock the Vote campaign, who have done much to encourage young people to vote. That campaign was inspired by the shambolic handling of the electoral register by the Government parties. Fine Gael believes that automatic registration of all citizens on their 18th birthday through the PPS system is the best way to ensure everyone who wants to vote has a chance to do so. We are totally committed to an electoral commission and a rolling register updated each month so that any

[Mr. O'Dowd.]

changes are automatically included and our turnout is much more credible.

I remind everyone of the findings of the Democracy Commission in its recent report. Over a 25-year period, turnout in Irish general elections has dropped from 76% in 1977 to around 63% in 2002. In Ireland just over 40% of young adult respondents aged 18 to 19, and only 53% of those aged 20 to 24, indicated they had voted in the 2002 general election. In the 1999 local and European elections, almost 67% of young people did not vote. I will quote the Commission:

It would be wrong...to assume that apathy and a lack of interest lie behind low youth turnout. The Commission's findings show that of non voters in the 20-24 age category, 47% didn't vote because of procedural obstacles ('not registered', 'away' 'no polling card') as opposed to the 39% who didn't vote due to 'no interest', 'disillusionment', 'lack of information/knowledge' and 'my vote would make no difference'.

The Government is directly responsible for the low turn-out among young people, and the decision to hold the next election on a Thursday only adds to the problem.

My colleague Senator McHugh recently forwarded a petition on the issue to the Taoiseach's office. An election held on a Thursday will disenfranchise many people, but particularly students attending universities in the North, who are not eligible for a postal vote, and Senator McHugh's petition highlights the substantial level of support against the move.

One of the best barometers of inclusiveness in a society is turnout on election day. However, thousands of young people attending college, along with those who live away from home but would still prefer to vote in the place of their upbringing, will effectively be disqualified from casting their ballot if the Fianna Fáil leader fulfils his pledge to hold the election on a Thursday. It is especially grievous for young people attending universities in Northern Ireland, who are not entitled to a postal vote.

I remind the Government that Fianna Fáil's one and only Senator O'Rourke stated in the Seanad this week that she would urge the Fianna Fáil parliamentary party to oppose Thursday voting. I wish her more power and success. If the Taoiseach is serious about democracy, he must ensure that all those entitled to vote enjoy the right and opportunity to do so.

This is likely to be the last Private Members' business of this Dáil. It is a great shame that this issue is even the subject of such discussion. The Government is running away from encouraging young people to vote. It is unacceptable that we should operate under a system whereby a Government may manipulate the date and day of an election to bolster its faltering prospects. We do not expect Government support for this Bill,

but relish the opportunity to enact it when the people have had their say and we have the chance to serve them. That the Government will be driven from office is a fact.

There is a very strong view outside this House in favour of change. We want the vast majority of people to be given the opportunity to cast their ballot to change the Government. By frustrating the precedent of Friday voting set by the last election held in the State, the Government shows that it is afraid to face the music. However, it cannot dodge the inevitable, and the Taoiseach cannot get out of naming an election day. When the *pinn luaidhe* come out, we will wish to ensure the young people of this State have a major say in what happens.

Ms Enright: I thank my colleague, Deputy O'Dowd, for tabling this proposal. While I do not expect the Government to support it, I urge it to do so. The Taoiseach may sadly have made his mind up on the issue, but perhaps the Minister for the Environment, Heritage and Local Government, Deputy Roche, has some small degree of influence with him and can persuade him of the arguments.

The only question that one can ask, of the Taoiseach in particular and the Government in general, is why they are so afraid to hold the election on a date that facilitates young people to vote. The Taoiseach has commented on the issue in as definitive a manner as might be expected, and it seems very clear that he is determined to hold the election on a Thursday. He owes the House and, more importantly, the people, particularly young people, an explanation why he is not prepared to hold the election on a day that facilitates the highest turnout. We have heard much lip service from the Government about young people. If it wanted to show it is concerned about issues affecting young people, it would facilitate them to vote and have their voices heard.

There are obvious reasons for the Government parties to be concerned about the views of young people. In recent years, young people have experienced significant increases in third level registration fees. Originally, the increases were intended to be in line with inflation but, effectively, the registration fees have become a fee by the back door. Young people cannot go on to third level if they do not pay these fees. Perhaps the Government parties are concerned there may be a backlash in this regard. Likewise, it is young people and first-time buyers who have suffered as a result of the Government's failure to tackle stamp duty in the past five years. They are the ones being crucified in paying the penal tax that is due.

We have not had a clear message from the Government on this issue because it is clearly all over the place, although the larger party in Government, Fianna Fáil, has been clear it will not do anything about stamp duty. Today, we had probably the clearest reply the Taoiseach has

ever given in this House. When asked by Deputy Kenny whether he would do something about stamp duty in the lifetime of the Government, he said "No". Perhaps he is concerned young people will indicate to him in the ballot box that this is an issue that affects them and that they want to see action taken on it. He may fear young people will penalise Fianna Fáil for failing to take action on the matter.

Young people are unlikely to be fooled by the Progressive Democrats' posturing on stamp duty in recent months. That party has also been in power for the past ten years and it is equally responsible as Fianna Fáil for failing to do anything in this regard. Nobody will be fooled by the Progressive Democrats raising the issue after almost ten years of Government. The Tánaiste will get his answer in regard to that also. These are issues that influence how young people will vote. The Government's failure to tackle such issues has the Taoiseach running scared.

When asked about not facilitating young people, the Taoiseach replied they can get postal votes. I expect the Minister for the Environment, Heritage and Local Government will probably refer to that fact in due course. The reality of flatland living is that as soon as third level institutions close, students will leave their accommodation. On-campus accommodation, for instance, is let out during the summer. We do not know when the general election will be held and, if one is registered for a postal vote, it may be sent to empty flats where students are no longer living. They will be caught whichever direction they turn as they will neither get their postal ballot paper nor be able to vote at home. The provision of postal votes for students does not adequately facilitate students to vote. Students would have a better chance of voting if they knew the date of the election. This waiting game is causing a degree of difficulty for students who will be sitting exams that are important for their future. Not knowing when the election will take place further disenfranchises students.

I urge the Minister for the Environment, Heritage and Local Government to provide a degree of clarity on the opening and closing times of polling stations as they have varied from election to election. It would be preferable if we were clear about the times as otherwise it can lead to confusion. I assume the Minister is not aware of the date of the election but Senator O'Rourke must be, as by all accounts, her posters are all over Westmeath. The Minister should investigate the matter as it may be against the litter laws.

Mr. Roche: Deputy Enright should go out to Tallaght and see what Senator Brian Hayes is doing.

Ms Enright: It would be helpful if clarity were provided on the opening and closing times of polling stations. I urge that polling stations be open for as long as possible, as Deputy O'Dowd stated,

especially to facilitate commuters. A significant number of commuters live in my constituency. The same is true of Deputy Connaughton's constituency in Galway and Deputy O'Dowd's constituency in Louth.

Mr. O'Dowd: There are thousands of them.

Ms Enright: It could be difficult for people to get to their polling station by 9 p.m. I urge that polling stations would remain open, perhaps until 11 p.m., to facilitate people to cast their ballots. If the election is on 31 May, some students would not be able to travel to vote on the Thursday if they have exams on Friday also, which is very much disenfranchising them.

I support what Senator O'Rourke said in urging the Fianna Fáil Parliamentary Party to oppose Thursday voting. I hope her party leader, the Taoiseach, will listen to her. I reiterate what Deputy O'Dowd said about the hypocrisy of the Taoiseach in justifying holding the referendum on the Nice treaty on a weekend yet not saying the general election is entitled to the same degree of importance.

To a degree, the statistics speak for themselves. The turnout in 1999 was just over 50% when the local and European elections were held on a Thursday.

Mr. Roche: To what year did Deputy Enright refer?

Ms Enright: In 1999 the local and European elections were held on a Thursday and the turnout was 50.21%.

Mr. Roche: Really?

Ms Enright: Yes.

Mr. Roche: On a Thursday?

Ms Enright: Yes, Minister. In 2004, there was a 58.58% turnout on a Friday. The evidence is that by holding the election on a Friday there was a big increase in voter turnout. It is important that we look at these statistics, which justify the holding of the election on a Friday. The last local and European elections were not Fianna Fáil's finest hour, especially the European elections. At least Fianna Fáil managed to field a team of candidates, which is more than its colleagues in Government did. Perhaps that is why the Taoiseach has concerns about this issue. Instead of running scared, he should agree that having an election on a Friday would give as many people as possible an opportunity to cast their ballot.

Young people are sick of being blamed for not voting. If the election is held on a Thursday, questions will be asked on radio and television programmes about why young people did not vote. That has happened in the past. We cannot blame young people for not voting if we do not give them the opportunity. We worked long and hard

[Ms Enright.]

to be in a position where we could vote in this country. It must be accepted that young people have to contend with exams or would have difficulty getting home from work. We must hold elections on Fridays, Saturdays or Sundays to ensure people can cast their ballot on election day, rather than blaming them for not voting.

I am sure the Minister, Deputy Roche, has a wonderful prepared script in reply to us on these issues but, ultimately, although he is in a fairly powerful position, he is not the man who will make the final decision on when the election will be held. Although the Taoiseach does not generally attend Private Members' debates, I hope he will attend tomorrow night to cast his vote and let people see where he stands on this issue. We have just this evening and tomorrow evening to persuade him to have a degree of common sense on this issue and to show his genuine appreciation and respect for the views of young people by giving them the franchise they deserve along with everyone else in this country.

I urge the Minister, the Taoiseach and the Government to seriously consider this issue. The Government should row back, accept this motion and have the election on a Friday, Saturday or Sunday so that every citizen would have an equal opportunity to cast their ballots. Whoever they choose is up to them. We will all canvass them as best we can. I would be ashamed to be a member of a party which would not allow young people to exercise their franchise. We, in the Fine Gael Parliamentary Party, are fortunate that we have a better spread of young people than across the House. Perhaps that has influenced Fine Gael's views on this issue. Fianna Fáil may not have had the same opportunity but I am sure Ógra Fianna Fáil has strong views on the matter. If I was involved in that party I would be annoyed my voice was not being heard. Perhaps the Minister will think again about this issue.

Mr. Connaughton: I am delighted to lend my support to this Bill. Unless I misinterpret the Minister, Deputy Roche, I believe that over the years he has, deep down, wanted to enhance the whole system of democracy. Whatever his faults, failure in this regard is not one of them. I cannot understand why a Minister in his position would not want to give to the electorate the best possible chance to vote at the next election, not that he will have the final say on the matter but bearing in mind that he carries the candle tonight. I am sorry I am witnessing the return of the old days of Fianna Fáil in that I am beginning to get a sniff of gerrymandering from this issue. For the past four or five years, youth parliaments were addressed by Ministers and youth fora met all over the country. They were deemed to be the greatest things on earth, and so they were because they brought people into mainstream politics and afforded them an opportunity to say what they thought about democracy. Rather than

long-standing elected representatives prescribing what would be good for young people, the latter did so themselves. All over the country, at various fora and under various headline organisations, they decided they wanted to vote, given that circumstances were reasonable. It is reasonable to believe a great number of these people will vote for Fianna Fáil, Fine Gael, the Labour Party and everybody else.

At rallies throughout the years and since the first day I entered this House, I have said that, whatever else one does, one should vote. I have said this in the knowledge that one has a very mixed audience when speaking in public, as the Minister well knows. To have a say in what happens, one should vote. People who do not vote do not have the same say in what is happening as those who do. Now that there are so many parties, Independent Members and types of politicians, all with different objectives and manifestos, few voters will be able to say there is not a single person in Ireland for whom they could vote. As we all know, there is plenty of competition in all constituencies.

I take it the Minister understands fully that the 1999 and 2004 European elections were held on the dates mentioned. Given the difference in voter turnout in 1999 and 2004, we can take it that Friday voting works. One would not need to be a mathematician to understand this. Let us consider the city of Galway. The Minister may shake his head, but he should realise we are addressing the young people of Ireland tonight. I do not know how many of them will hear this debate but they will find out about it and will be very interested in the Minister's reply. What will the 20,000 or 25,000 students in the National University of Ireland, Galway, and the Galway-Mayo Institute of Technology, who live in but one small city, think of a Government that asks them to leave their colleges on a Thursday to travel home to vote, be it in Donegal or the midlands, and then return immediately to attend college on Friday? They may have to get a lift if they do not own a car. Their parents are working and not in a position to collect them. What I have said is happening in Galway city is replicated all over the country. Why would any Government want to impose such hardship, including financial hardship, on voters?

Everybody says a great many young people do not want to vote but they should ask themselves how one can convince a young person in Galway city, Castlebar, Limerick, Cork or elsewhere that the Government wants to ensure it is easy as possible for them to vote. There are many people who, for a variety of reasons, will not or cannot vote but the young people who want to do so must be facilitated. Very few parents would be in a position to drive from Sligo or Letterkenny to Galway on a Thursday to collect their sons or daughters so they could vote and then bring them back so they could attend college the following morning. If there were ever a way to ensure they

could not vote, it would be to ensure that we have Thursday voting. This is basically what we are talking about.

The Government has done all sorts of research, at which I admit it is good. It must have been demonstrated recently that if young people get to the polling stations, they might not do Fianna Fáil a great deal of good. One could never take Fianna Fáil to be foolish where electioneering is concerned as its every step over the years has been taken to remain in the Government benches. Anything that had to be done electorally was and is being done and that is why I say there is gerrymandering. It stinks and many young people are fed up to the teeth with it.

We are speaking principally about young people but there are other categories of voter to be considered. Many young married couples are registered to vote down the country but, because the national spatial strategy was not implemented and because we have the worst form of regional development ever known, they must work in Dublin out of economic necessity. Imagine them rushing home to try to get to the polling booths to vote before 9 p.m., 10 p.m. or 11 p.m., or whenever they are close in the knowledge that they will have to be up at 6 a.m. the next morning to commute back to Dublin. Research has shown that many people in this tranche, as opposed to young people, are saying that because their houses cost so much, interest rates have increased so much and child care costs are out of this world, and because they see no hope for alleviation under the current Government, they will deal with it in the way they know best, that is, by voting. They will do so with the pencil rather than the e-voting machine.

Whatever way the Government clothes the issue of electronic voting, it can take it that when people go to vote, they will have a mental picture of a Government that misappropriated and mispent €50 million on the daftest project ever thought of. They will all remember this because it will surface on election day. I do not know how all Fianna Fáil's quantitative researchers and others will overcome this mental picture but I hope everyone has it in mind when voting and I will do my level best to implant it.

It is very seldom that Fianna Fáil makes a mistake of this magnitude and if its back was not to the wall, it would not have done so. I hope everybody left without a vote if the Taoiseach opts for a Thursday election will take into account what the Minister, Deputy Roche, has to say on behalf of the Government.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I wish to pick up on Deputy Connaughton's points, as I hope the people have been listening to this debate. If there was ever a motion that illustrated the crass and bizarre incompetence of Fine Gael, it is this one. Did the Deputies not check their diaries or

do they not know that the dates mentioned were Fridays? Are they a crowd of clowns?

Mr. O'Dowd: The Minister is talking about Thursday for the general election.

Mr. Roche: No. The Deputy stated: "In 1999, the European and local elections were held on a Thursday with a turnout of 50.21%."

Mr. O'Dowd: I checked the record.

Mr. Roche: He went on to claim that when the 2004 local elections were switched to a Friday, "the turnout rose dramatically to 58.58%." Does he ever check the facts?

Mr. O'Dowd: When the election was on a Friday, the turnout increased.

Mr. Connaughton: Was the 2004 election not on a Friday?

Mr. O'Dowd: It was.

Mr. Roche: In 1999, 11 June was a Friday.

Mr. Connaughton: Yes.

Mr. Roche: In 2004, 11 June was also a Friday.

Mr. O'Dowd: That is correct.

Mr. Roche: It is not what the Deputy stated. He claimed that the first was a Thursday and the second was a Friday and that the turnout was higher at the second election because it had been switched to a Friday. I will read the sentence again, as there is no point in the Deputy denying what he stated.

Mr. O'Dowd: I will not deny it, as I read into the record.

Mr. Roche: I will read from Fine Gael's website, which was helpful. It states: "In 1999, the European and local elections were held on a Thursday with a turnout of 50.21%. However, when the 2004 European and local elections were switched to a Friday, turnout rose dramatically to 58.58%." The Deputy's problem is that both elections were held on a Friday.

Mr. O'Dowd: The key point we are making is that the Government will hold a general election on a Thursday.

Mr. Roche: The Deputy's thesis is based on a fallacy. I checked the dates, which were Friday, 11 June 1999 and Friday, 11 June 2004. If the Deputy is putting forward a serious thesis, the minimum he should do is research it. I would not be as smug as Deputy Enright in addressing an issue such as this.

Ms Enright: Were I the Minister, I would not talk about being smug.

Mr. Connaughton: What a Minister to talk about smugness.

An Leas-Cheann Comhairle: The Minister and other Deputies should address the Chair.

Mr. Roche: This is a serious issue and if I could not get the basic facts right, I would not be as smug as Deputy Enright.

Ms Enright: The Government is disenfranchising young people.

An Leas-Cheann Comhairle: Order.

Mr. Connaughton: The Minister should tell them why the election will be on a Thursday.

Mr. Roche: I am prepared to listen to any logical argument, but an argument based on a confusion of the most fundamental facts is bizarre.

Mr. O'Dowd: There is no confusion.

Mr. Roche: Fine Gael has demonstrated its complete and utter incompetence as a party.

Mr. O'Dowd: Will the Government hold the election on a Friday?

Mr. Roche: Since I did not want to interrupt Deputy O'Dowd, I asked Deputy Enright whether she was sure about the dates. She dismissed my question arrogantly. I gave her a hint to leave her off the hook.

Ms Enright: The Minister should not lecture on arrogance.

Mr. Roche: While specific provisions in the Constitution relate to the dissolution of the Dáil, the day and duration of polling is a matter for the Minister for the Environment, Heritage and Local Government. We do not have the type of information to support Fine Gael's thesis, a second element on which I will speak later.

The Electoral Act 1992, as amended, provides that a poll at a Dáil election can take place on any day of the week appointed by the Minister, provided the day is not earlier than the 18th day or later than the 25th day after the day on which the writs for the election are issued. The Act removed the statutory barrier to voting on Sundays, providing the option to have an election on any day of the week, which is not as constricting as the proposition tabled by Fine Gael. The inherent flexibility in the legislation provides a framework that allows all relevant factors to be taken into account at any given time in setting the polling day.

As regards what has happened in practice, the House should note that, using the flexibility now

available, voting in Ireland has taken place on every day of the week except Sunday and Monday. For example, the second referendum on the Nice treaty in 2002 took place on a Saturday, as did the Tipperary South by-election in the previous year, although there was an issue concerning the Jewish Sabbath.

Contrary to what Deputies have stated, the European elections in 1999 and 2004 took place on Fridays. The fundamental point being made by Fine Gael is false. The 1999 EU and local elections were held on Friday, 11 June with a turnout of 50% and the 2004 EU and local elections were held on Friday, 11 June with a turnout of 58%. I do not wish to embarrass Deputies, as it is easy to make a mistake.

Mr. O'Dowd: The Minister will not embarrass us.

Mr. Roche: A mix-up in dates would be embarrassing, but perhaps Deputy O'Dowd has more brass neck than I give him credit for.

Mr. Connaughton: The Minister should continue and not act like a child.

Ms Enright: The Minister's next point is his disenfranchisement of young people.

Mr. Roche: The mistake suggests that the roadblock the Deputies wish to create in the Houses on this issue is little more than an ill-founded diversion. That they could get a basic aspect of their argument so desperately confused raises a fundamental question about the competence of their approach and their party's competence, somewhat similar to its confusion on stamp duty, which the Labour Party needed to correct.

Ms Enright: What about Fianna Fáil on the election?

Mr. Connaughton: The Minister should stay on the issue. The people will decide whether there is any confusion.

Mr. Roche: Arguments can be made for and against the choice of a particular day of the week as the polling day.

Mr. O'Dowd: The Minister should address the main issue of Friday voting.

An Ceann Comhairle: The Minister without interruption.

Mr. Roche: The Ceann Comhairle was not present at the time, but I mentioned stamp duty because two or three Deputies referred to it. I would have believed they would have been incredibly embarrassed given that they needed to climb down when Deputy Rabbitte pointed out the incompetence and sheer stupidity of their proposition last week.

Mr. Connaughton: The Minister is like a reverend mother. He should watch his smugness and stand on the point.

Mr. Roche: I can accept the Deputies' embarrassment.

An Ceann Comhairle: Allow the Minister without interruption.

Mr. Roche: The flexibility in the law is better than Fine Gael's proposition.

Ms Enright: Will the Government use it?

Mr. Roche: Those in favour of voting at weekends may say that a Friday, Saturday or Sunday poll would facilitate students who are registered in their homes, but who attend full-time education elsewhere and return home at weekends. Others would not support a Friday poll, as students might be travelling home for the weekend. As Deputies should know, workers and students who are unable to get to polling stations can ask for postal votes.

Ms Enright: Postal votes can be asked for, but they do not suit students.

Mr. Roche: Let us not be silly. A postal vote can be sent to people.

Ms Enright: It could arrive at a flat in June after the student has finished college.

An Ceann Comhairle: Allow the Minister to continue. The Deputy will have an opportunity to contribute.

Mr. Roche: It must be borne in mind that postal voting is provided for in respect of certain categories of person and was introduced specifically with students and certain workers in mind. Since 1997, full-time students registered at home who are living elsewhere while attending an educational institution in the State may apply for postal votes. Students need not be adversely affected by the timing of an election, given the provisions of the Electoral Act 1997. Similarly, people whose occupation, service or employment makes it unlikely that they will be able to get to the polling station have the right to postal votes. These good changes were introduced by the House to provide flexibility.

Mr. Connaughton: Great.

Mr. Roche: It may also be argued that people have more leisure time at the weekend, so electors would have greater opportunity to vote at an election when they are freed from demanding work schedules. Equally, it could be said that, given busy modern lifestyles, the weekend represents valuable spare time for family, sporting and other pursuits and religious and spiritual

time. It may be the case that the weekend is not as attractive as we might hypothesise. If we look at other experiences, we will see the point I am making here is borne out by the facts. It must also be borne in mind that today, for many people, particularly workers in the tourism, retail and transport industries, the weekend is probably the busiest time and they might have difficulty in getting to polling stations.

On the religious dimension to the issue, if weekend voting were to become part of the national arrangements, it might be necessary to ensure that voting could take place over both Saturday and Sunday to accommodate religious observance by members of both the Christian and Jewish communities. Friday may also need to be considered because the most rapidly growing religious group in the country observes its Sabbath on Friday. There are practical issues involved.

Mr. O'Dowd: What about the commuters? The Minister has failed to address them.

Mr. Roche: The idea of holding an election over two days would probably require a referendum.

In general, it can be said that weekend voting would facilitate those electors who are normally away from home on weekdays and would reduce or eliminate school closures, a necessary feature of weekday elections. There are, equally, arguments against weekend voting. It can be said that weekend voting could reduce turnout because of people going away at weekends or because of clashes with sporting events, festivals or because of objections on religious grounds. Such factors may depress voting patterns at weekends. There is no concrete evidence to support the thesis Fine Gael is putting forward, that a particular date is favourable.

Mr. O'Dowd: The evidence from Europe strongly supports weekend voting.

Mr. Roche: I will deal with the evidence from Europe but the Deputy could not even get the dates right for the 1999 and 2004 elections.

Mr. O'Dowd: That does not change the argument.

Ms Enright: The Minister should ask young people their views.

Mr. Roche: I am not changing the argument, I am making the point that the basic thesis—

Mr. O'Dowd: Address the commuters' issues.

Mr. Connaughton: Schoolboy debating.

Mr. Roche: Fine Gael always gets ratty when it is embarrassed. I am prepared to listen to any argument and I listened to the Fine Gael argu-

[Mr. Roche.]

ment in silence. I am glad Deputy Gilmore has joined us because his colleagues in Fine Gael could not even get the dates of the two elections right, something that speaks volumes.

The truth is that in attempting to accommodate one group of voters by choosing a particular polling day, another group may be inconvenienced. There will be advantages and disadvantages no matter which day is chosen. There is little evidence to suggest that the choice of a particular day of the week has a significant impact on voter turnout or that, for example, voting on a Friday produces a higher turnout. The two Fridays on which elections were held, in 1999 and 2004, involved other issues related to voter turnout. If we consider turnout data for elections in Ireland over the past 20 years, there are no definitive or clear-cut trends associating turnout with days of the week. Conflicting patterns are, in fact, evident, as well as ones contrary to the theories the Deputies opposite are advancing.

The last two general elections, in 2002 and 1997, were held on a Friday and turnouts of 62.6% and 65.9%, respectively, were recorded. The previous general election, held on a Wednesday in 1992, had a turnout of 68.5%. The turnout on the Wednesday was higher than on the Fridays. An election was held on a Thursday in 1989 and also had a turnout of 68.5%. On a Tuesday in 1987, it was 73.3%. That was a special situation, because at that time we had the most incompetent Government in the history of the State, a Fine Gael-Labour coalition, and it was run out of office. That coalition left us with 250,000 unemployed.

Mr. Connaughton: The Minister was trying to get elected himself.

Mr. Roche: I was.

Mr. O'Dowd: Did the Minister lose his seat that time or was that in the next election?

Mr. Roche: That was the election that ran the most incompetent Government we had ever seen out of office.

Mr. Connaughton: The Minister had a bad old run around that time.

Mr. O'Dowd: Will the Minister address the issues facing commuters? Will he get to the point?

Mr. Roche: It doubled the national debt and was running 35,000 to 45,000 people per year out on the emigrant ship. That election got rid of a Government that had elevated unemployment to 250,000. That was why on a Tuesday in 1987, 73.3% of the electorate turned out.

Turnout figures recorded for the same day of the week vary significantly from poll to poll and from year to year. As I have said, the European

elections held in 2004 and 1999 were both on a Friday, contrary to the point made by Deputies opposite, but their turnouts were 58.6% and 50.2% respectively. The right to life referendum held on a Wednesday in 1992 had a recorded turnout of 68.2%, while the protection of human life referendum in 2002, also on a Wednesday, had a turnout of 42.9%. We know why this is, because issues dominate electoral turnout.

Statistical evidence supporting a direct link between weekend voting and increased voter participation is also lacking internationally. Weekend voting was tried in several state and local elections in the US in 2000 and did not produce definitive results one way or the other. In some elections, such as was the case in California, there was increased voter turnout with respect to comparable elections held on Tuesdays. In other cases, Texas for example, there was no measurable change in voter participation. Weekend voting was found to be a costly endeavour with election officials, support personnel, including maintenance workers, working overtime. Normal weekend events such as sporting events and concerts had to be rescheduled.

A weekend voting Bill was proposed in the US Congress in January 2005 which aimed to amend federal law with respect to elections to provide for Saturday and Sunday voting for the election of Congress and the President and Vice President of the United States but this Bill never became law.

In Britain, where the experience is more comparable to ours, during local elections in Camden in 2002, voting was made available on the weekend before the usual Thursday election day. In this experiment, according to an evaluation undertaken by the British electoral commission, just 1.1% of the total turnout availed of the opportunity to vote at the weekend, the remainder preferred to vote on a Thursday. A pilot experiment in Watford in 2000 found that the change to weekend voting did not appear to encourage many new voters to vote at the polling stations.

It may well be that reforms like weekend voting might be attractive to some people who already vote, rather than encouraging non-voters to get the voting habit. It is clear that the choice of a particular polling day alone does not necessarily encourage turnout and other factors besides the day of the week are at work. Looking at the figures for both elections and referenda over the years, there is no direct connection between the day of the week and turnout. There is, however, a connection between turnout and the extent to which people are exercised at the time about the issues before them and the level of public interest in the election, the real issues at stake. That is why there was such a phenomenal turnout in 1987, because people wanted to get rid of the Government. There is a great onus, therefore, on the Members of the House and on candidates

generally to make the upcoming election as interesting and as engaging as possible.

Political engagement is the foundation of a healthy democracy. Disconnection from the political process in Ireland is indicated by declining rates of electoral participation in recent decades. Over a 25 year period, turnout in Irish general elections has dropped, from 76% in 1977 to 63% in 2002. In a move to turn this and other trends around, the Government established the taskforce on active citizenship in April 2006 to lead a national conversation on the extent to which citizens engage in the issues that affect them and their communities. The taskforce, which had a specific sub-committee on political issues, voter participation and education, produced its report in March of this year. It will be an interesting report and there should be an informed debate on the issue. This is one issue where both Deputy O'Dowd and I firmly agree; whatever happens on 17, 21 or 31 May, we need a debate on how we conduct our elections. I am a fan of the idea of a rolling register to deal with the point Deputy Enright made. I am on the record as saying that on several occasions. I am a fan of the concept of an electoral commission that could deal with all of the issues, producing, *inter alia*, clear research on the best way to conduct elections.

The report, following a widespread and varied consultation process across the country, makes a number of important recommendations to Government on participation in the democratic process. These include the establishment of an independent electoral commission with a mandate to encourage everyone who is eligible to register and vote in elections, to support voter education programmes and provide data, research and analysis on the issue of political engagement and awareness. Other recommendations covered areas such as the public service and citizens, community engagement, education for citizenship and ethnic and cultural diversity.

I welcome, in particular, the task force's proposal for the establishment of an independent electoral commission and believe that if there is consensus on anything in this House as regards the electoral area, it is on this issue. It is an area where reform can be achieved and progress made in a positive sense. After the general election, regardless of who is in Government, we should establish an independent commission and have a logical discussion on issues ranging from voter education, to registration, to the date on which an election is held and how electronic voting systems might be introduced. I do not want to get into a debate with Deputy Connaughton on this, but since he raised it, and to answer his specific point—

Mr. Connaughton: I know the Minister does not. That would put him in the box.

Mr. Roche: I have made the point before to the effect that his party was very enthusiastic in the past, but the point is that this is part of an ongoing debate we should have, removed from the white heat of electoral politics. We should examine how we conduct the democratic process and what powers should be given to an independent commission very early in the life of the next Dáil. I simply make that point because it is something on which there is general consensus in the House.

There is need for an ambitious programme of modernisation and reform of the electoral system in Ireland and I have said this on several occasions. The best and least contentious, if not the only, way to achieve this is through political consensus within this House as to the programme that needs to be implemented, shortly after the next election, and then establishing an independent commission to get on with the job.

The proposal from the task force is very welcome and an important input to the emerging debate. In fact it may be desirable to build on the task force's proposals and widen the remit of the proposed commission to include responsibility for all aspects of elections — in particular to include responsibility for constituency and local electoral area revision. Again, this is a matter that cannot be logically dealt with in the white heat of an election campaign. It is much better if it is dealt with in calmer waters afterwards.

The recommendations formulated by the task force have been accepted by Government and a new office is being established to develop an implementation plan in consultation with the stakeholders. To conclude, limiting elections and referendums to weekend voting, as proposed in the Bill before the House, would require careful consideration of a range of factors, including people being away from home, the large numbers employed in the services, the reality of commuting, as Deputy O'Dowd has said, possible objections on religious grounds, the likelihood of competition with sporting events and the fact that the weekend might not be the panacea for reduced voter turn-out.

Another point is that real voter turn-out in Ireland has been higher than the statistics we all quote from time to time. The reality is that it must be, since the voting register has been a mess for many years. We have made an honest effort to correct the mess and now we have the most up to date register for a quarter of a century, as we go into this election. Again, that is an issue that needs to be looked at by an electoral commission. An electoral commission should examine the issue of constructing a voting register. The Deputy and I differ as regards the use of PPS numbers. I do not believe that makes any sense while he believes it is the panacea. We just have an honest difference in that regard, and it is one of the issues that could be looked at and resolved.

Ms Enright: That is after ten years.

Mr. Roche: I am simply making the point, and I did not once interrupt the Deputy other than to query the date.

Mr. Connaughton: The Minister went very close.

Mr. Roche: I did not. I asked out of a sense of not wanting to embarrass the Deputy, when I pointed out the error as regards the dates.

Mr. Connaughton: The Minister is embarrassed.

Mr. Roche: Overall, and despite several advantages, it is not clear that more people would have an opportunity to vote if elections and referendums were held at weekends. That is one argument. Equally, there is a counter argument. The day of the week to be appointed for the taking of a poll is a matter for decision on each occasion. It would be retrograde to remove the legislative flexibility available at the moment. I do not believe the Deputy has made a strong case and it is an important matter. In choosing a day for the forthcoming general election, the House can be assured that all relevant factors will be taken into account. The hours of polling are also relevant. Again, this is particularly relevant in the context of the point made by Deputy O'Dowd. Electoral law in Ireland requires that the duration of the poll must be not less than 12 hours between 7 a.m. and 10.30 p.m. We amended the law to extend the potential opening time back to 7 a.m. from 8 a.m., which is consistent with modern lifestyles and gives people, in effect 15.5 hours for polling.

I urge everyone who is eligible to take the opportunity to vote. I agree with Deputy Connaughton on that. It is important that people take the opportunity to vote. If Members choose to put forward a private Members' Bill on such an important issue as voting, the very minimum they could do is get the dates of the elections right. To suggest that the difference between 1999 and 2004 could be accounted for by the fact that one was held on a Thursday while the other was on a Friday — when they were, in fact, both held on Fridays — illustrates——

Mr. O'Dowd: Hold this election on Friday.

Mr. Roche: ——at a minimum that the Deputy did very little research into this issue.

Mr. Gilmore: I wish to share my time with Deputy O'Sullivan.

The Labour Party supports this Fine Gael Bill this evening. I congratulate the party's environment spokesperson, Deputy O'Dowd, on bringing the Bill before the House. The Minister for the Environment, Heritage and Local Government has a hard neck. He is the Minister responsible for electoral matters. After his party's ten years in office he addresses the House like a

detached don as regards what he would like to see in electoral law. He tells the House he is the fan of an independent electoral commission and about all the reforms he would like to see in our electoral legislation and procedures. He would like to see a rolling register. He welcomed the recommendations of the task force, which were published a year ago and tells us about all the things the next Dáil and Government should do about changes in electoral legislation.

Mr. Roche: On a point of information——

An Ceann Comhairle: Allow Deputy Gilmore, without interruption, please.

Mr. Gilmore: Deputy Roche is the Minister who is responsible——

Mr. Roche: Deputy Gilmore said the recommendations were published a year ago. They were published four weeks ago.

Mr. Gilmore: According to the Minister's script, they were published in April 2006. For a man who is getting "smart-alecky" about dates, now, and who has been lecturing other people here all night about dates, the Minister would need to——

Mr. Roche: The task force was established in 2006.

Mr. Gilmore: Nobody comes into the House more often than the Minister to pull people up on all types of dates, phrases, commas and so on. He is the Minister responsible for electoral matters. His Government could have brought legislation before the House anytime in the past ten years to provide for an independent electoral commission. It is not a new idea but one that has been kicked around the Houses for some time. The Labour Party advocated it in several debates on electoral legislation but it was never taken up. On the eve of a general election and having been ten years in office, it is a bit late in the day for the Minister for the Environment, Heritage and Local Government to outline the changes he would like to see made to our electoral legislation and procedures when none of them have ever appeared in electoral legislation introduced by the Government.

The Fine Gael Party's Bill deals with the days on which elections should take place. A designated polling day is required. I have been struck by the number of constituents who have informed me that the Taoiseach's dithering on calling the date for the general election is causing them considerable difficulty and inconvenience. These are people who take their votes seriously and wish to participate in our democracy. Many of them wish to exercise it in a way that will change the Government. They have told me they cannot plan business trips, holidays or family arrangements because they want to be at home for polling day.

Due to the restrictive nature of the polling arrangements the Government makes available to people, they feel they will be deprived of the right to vote.

The Fine Gael Party has proposed that the general election should be held on a week-end day. The Government's preference, which the Taoiseach has indicated, is that it should be held on a mid-week day. I acknowledge there are provisions for postal voting but these are limited. For example, a student, preparing for examinations, is unlikely to travel back to his or her primary place of residence to simply vote on a Thursday. Holding the election on a Tuesday, Wednesday or Thursday, will disenfranchise large numbers of people who wish to exercise their vote.

There is no point in the Minister quoting poll percentages from the 1990s, as the figures are unreliable. With the disorganised state of the electoral register, we do not know whether voter turn-out has gone up or down in the past 15 years. *The Sunday Tribune* carried several articles highlighting the oversubscribed state of the register, as did Deputies on this side of the House. The percentages for voter turn-out are therefore, wrong. The Minister attempted to draw comparisons between the percentage turn-out in local and European elections and general elections but these are very different matters. Traditionally, there is a relatively low turn-out in local and European elections and for many referenda. The percentage turn-out in the 2004 local and European elections, which were held on a Friday, stood at 58%. Given the state of the electoral register, that was a high turn-out. The reverse argument simply does not hold.

I appreciate Ministers who have been in Government for the past ten years may be detached in how people lead their lives. People are busy with work, away from home and can have various family arrangements. A mid-week polling day makes it difficult for them to vote. My preference is for elections to be held over two days. I note the Minister's comments on respecting those who observe the Sabbath as a Sunday, and likewise a Saturday, can cause difficulties for some religious minorities, making it unfair to pick an individual day. The option of conducting a general election over a two-day period should, therefore, be considered. Candidates may feel a certain discomfort, if an election were spread over 48 hours rather than a much shorter period. The priority is, however, to maximise the opportunities people have to exercise their vote.

This is one way of addressing polling, given the complex lifestyles of many people. I accept there may be constitutional issues that may have to be addressed but it is a different country to the one in 1937 when the Constitution was written. Then the idea of voting on a single day suited people's arrangements as people tended to work close to home. People tended then not to be away from their bases to the extent we experience these times.

I am not surprised the Government will make it more difficult to vote in the forthcoming election. Its handling of electoral matters has been lamentable. It had to be dragged into rectifying the electoral register. While there has been some improvement to it, we still do not have an accurate register. We could have if the Government had not been so arrogant in shooting down the advice given from this side of the House on using the census process. The Government was responsible in attempting to foist a form of electoral voting which the Commission on Electronic Voting found to be unreliable. The system had never been tested; the software could not be relied upon and could be interfered with. This was the system the Government wanted to impose on the people without listening to the advice and concerns expressed on this side of the House.

The last thing this Government will do is set the date for the general election. After ten years of many mistakes, neglect, bad decisions and arrogance, it looks like it will make a hames of that too and set a date for the general election which will inconvenience many people and disenfranchise those who would dearly wish to vote.

Ms O'Sullivan: I, too, congratulate Fine Gael and, in particular, Deputy O'Dowd for giving us the opportunity to debate this issue. It is appropriate we discuss it in the context of the run-up to a general election and that we have the opportunity to engage in debate about the most suitable time to hold such an election because we have a lamentably low turn-out at elections. I have no reason to doubt what I just read on the Rock the Vote website which encourages young people to vote. It stated that Ireland has had the lowest average rate of turn-out for general elections in Europe over the past 30 years. Therefore, it is appropriate that we engage in this debate and I hope that by doing so, we will perhaps encourage more citizens to cast their vote.

Democracy is a very precious thing. People of the generation of those of us in the House this evening would not dream of not voting but a sizable section of the young population do not consider voting relevant to their lives. Perhaps they do not realise the significance and importance of having a vote. We really need to engage citizens much more in the whole question of exercising their franchise and having a say in what goes on in our democracy.

I congratulate my colleague, Deputy Gilmore, on his contribution to the issues surrounding voting, the electoral register and so on. He very much drove the work to ensure the electoral register was thoroughly reviewed. I hope it is now in a more accurate state than it was in the past. Deputy Gilmore also drove the agenda in regard to the electronic voting debacle to ensure we did not have a system of counting votes about which the public did not feel confident. We spent a great deal of money on the system but we are all very grateful we will not use the machines in the forth-

[Ms O'Sullivan.]

coming general election despite the fact that more than €50 million was wasted on them and a considerable amount of money has been spent on their storage. Deputy Gilmore has been a very incisive voice in pointing out the difficulties in that area.

I live in a city and constituency with a very large number of students. The University of Limerick, the Limerick Institute of Technology, the Limerick School of Art and Design and Mary Immaculate College are located in Limerick city. I meet many students when I knock on doors and I imagine my constituency probably has the highest percentage of students of any constituency. In Dublin and Cork students are scattered around a number of constituencies. When I go canvassing I meet people who tell me they are from Mayo, Sligo, Mullingar or elsewhere and that they hope to go home to vote. Naturally enough, they feel they belong to the place from which they come. Inevitably, students only live in the place in which their college happens to be on a transitory basis. While some may stay on, the vast majority see their home as the place in which their families live and to which they return during holidays and frequently at weekends.

We will disenfranchise a large number of students if, as the Taoiseach has indicated, polling takes place on a Thursday, although we do not really know. I listened to the Minister give statistics on whether more people come out to vote on a Thursday or a Friday and what happened in various European Parliament, local and general elections. However, I have not heard any assessment of what is the appropriate way to engage most of our citizens and get them to come out to vote. An independent electoral commission, as was suggested, would at least engage the public. After ten years in office, we have not seen any attempt by Government to encourage citizens to think about the value and importance of voting and of democracy.

With the Taoiseach saying polling will take place on a Thursday rather than a Friday, I suspect it may well be because it might be of more use to the Government if it is not held on a Friday. Is the Government a bit scared of students in places such as Limerick and does it hope they will not go home to vote? Students are disappointed about several issues, particularly the fact that failure to reform the grant system is now a reality. For several years, the Minister for Education and Science told us the student support Bill would be published, debated and enacted before the forthcoming academic year. However, that has not happened, nor will it. The grant system will be left as is, costing, according to the Union of Students in Ireland, €1 billion. It is administered by 66 different authorities, which very often has resulted in students not getting their grants for months after they were supposed to get them.

Students are not very happy with the Government because there has been a failure to deliver on one of the key issues, namely, reform of the grant system. The Government did not promise much to students but that was one clear promise that has not been fulfilled. Students are not happy with the Government and there might be something behind this agenda whereby large numbers of students will not be in a position to vote, which is a shame.

I mentioned the Rock the Vote campaign. I commend those behind that campaign, although I do not know who they are. They state they are not driven by party politics and from looking at the website they do not appear to be. They have organised events around the country and according to their website, they got 70,000 hits on their Bebo page which is important because it is read by young people. They are making a strong argument and are making an effort to get young people to come out to vote. That contrasts sharply with the Government which does not appear to make any effort to encourage young people to come out to vote.

At the other end of the scale, there is the Older and Bolder campaign, an initiative of organisations of our senior citizens which are also attempting to encourage their members to come out to vote. They are conducting a very strong postcard campaign at present in regard to their issues and encouraging their cohort of citizens to come out to vote.

Between the Rock the Vote campaign, the efforts of other bodies such as the Union of Students in Ireland and the National Youth Council and at the other end of the scale, the Older and Bolder campaign, there is an awareness that it is important to encourage people who do not vote to do so. If the pattern of turn-out is as it has been for years, figures show that probably more than 1 million registered voters will not cast their vote in the forthcoming general election. That is very serious for our democracy.

I would like to think the Government intends to take this issue of the franchise seriously but from what I heard from the Minister, I do not believe it has any intention of doing so. All the Minister did was continue to engage in scoring points against the Opposition rather than present a coherent position as the Minister for the Environment, Heritage and Local Government and the Minister in charge of this issue.

Debate adjourned.

**Criminal Justice Bill 2007: Report Stage
(Resumed) and Final Stage.**

Debate resumed on amendment No. 28:

In page 10, line 15, to delete “may” and substitute “shall”.

—(Aengus Ó Snodaigh).

Aengus Ó Snodaigh: This amendment has been discussed for a time and there are other more pressing amendments to be discussed. While I welcome the fact that the Minister has moved somewhat with his amendment No. 33, it is still the case that the statement from a Garda superintendent is admissible as evidence, yet in section 2A(2), evidence given by such a member in the proceedings is not admissible in any criminal proceedings against the applicant. I find it strange that it can be used as evidence in one part of the proceedings and is prohibited from being used as evidence in the next stage. It now seems that the opinion of a garda under the rank of chief superintendent is not admissible as evidence. A member of the Garda Síochána can make a presentation but the suggestion is that only evidence from a Garda superintendent is admissible as evidence. This seems to be a contradiction and will force the chief superintendents, assistant Garda Commissioners and the Garda Commissioner to attend court on a more frequent basis. I question whether this is a justifiable use of their time. I am still of the opinion that we should not proceed with this section and that even though the Minister stated that the media would have a role to ensure that publication of evidence is not prejudicial, the court must be tied because it controls the evidence in front of it and if a newspaper publishes material prejudicial to the accused person's right to a fair trial, this can be captured. Even though I have a problem with the section I am still of the opinion that amendments Nos. 35 and 36 should proceed as they would make the legislation stronger.

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

Amendment declared lost.

Amendments Nos. 29 and 30 not moved.

Aengus Ó Snodaigh: I move amendment No. 31:

In page 11, to delete lines 2 to 32.

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

Amendment declared lost.

Amendment No. 32 not moved.

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I move amendment No. 33:

In page 11, to delete lines 7 to 10, and substitute the following:

"refusal of the application is reasonably necessary to prevent the commission of a serious offence by that person, the statement is admissible as evidence that refusal of the

application is reasonably necessary for that purpose."

Amendment agreed to.

Amendments Nos. 34 to 36, inclusive, not moved.

Mr. J. O'Keefe: I move amendment No. 37:

In page 12, line 11, after "bail" to insert "and shall otherwise be of good behaviour".

This amendment deals with the recognisance that must be entered into by somebody released on bail. The section states: "(a) the recognisance shall, in addition to the condition requiring his or her appearance before the court at the end of the period of remand of the accused person, be subject to the condition that the accused person shall not commit an offence while on bail,". Traditionally over the years, any such recognisance always carried the additional wording that the person released on bail had to be otherwise of good behaviour. The question arises as to why a somewhat more lenient situation should arise. I would expect that anybody who would be released on bail, apart from being obligated not to commit offences, should be of good behaviour while on bail pending trial. The purpose of the amendment is to reinstate what has been the traditional recognisance of good behaviour while on bail.

Mr. McDowell: I do not want to take up too much time on this point. The legal advice available to me is that it is unduly vague as to its meaning. To require the person to be of good behaviour in addition to not infringing the criminal law is, in the view of the legal advice available to me, going a step too far and is doubtful under ECHR terms.

Mr. J. O'Keefe: If that is the legal advice available to the Minister I am certainly listening to it. Other people advising me raised the question as to why section 9 proposes to remove the requirement to be of good behaviour. I will have to take the Minister on trust on this issue and I will not press the amendment.

Mr. McDowell: I will elaborate the point a little more as I may have been too short in my explanation. I do not wish to sound like a telegram. It is a common usage in terms of suspended sentences that a person keep the peace and be of good behaviour. In a suspended sentence the court is saying it is letting a person out not simply on the basis that he or she does not commit a further criminal offence but that he or she adheres to a high standard of behaviour and this is put into the recognisances that a person enters into when a suspended sentence is imposed. However, the position is different where somebody is entitled to be at liberty. The person is presumed innocent and is entitled to be at liberty.

[Mr. McDowell.]

One's entitlement to be at liberty is not merely conditional on one not breaking any laws but generally being beyond reproach. The Attorney General has advised me that that is a bridge too far as a ground for depriving somebody of his or her liberty, that the person is likely to be below model citizen status. That would infringe ECHR standards as a condition of allowing somebody not to be in prison when they are still presumed innocent.

Mr. J. O'Keeffe: I will not delay on this point. It has traditionally been a requirement to be on good behaviour——

Mr. McDowell: That is the case on suspended sentence.

Mr. J. O'Keeffe: It was also traditionally the case for somebody released on bail. Why reduce and minimise the conduct expected from somebody who is released on bail?

Mr. McDowell: Because I do not want the statute struck down.

Mr. J. O'Keeffe: The statute has been there for generations and I question why it should be removed.

Mr. McDowell: So was the 1935 Criminal Law Amendment Act.

Mr. J. O'Keeffe: I refer also to that grey area of anti-social behaviour. Such behaviour may not lead to someone committing a criminal offence — there is a requirement of proof that the person did commit such an offence — and there would be a difference between them and a person involved in unacceptable behaviour. However, if the advice from the Attorney General is that it would be unwise to include it because it would lead to the statute being declared unconstitutional, I will not press the amendment.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 38, 41 and 43 are related and may be taken together.

Aengus Ó Snodaigh: I move amendment No. 38:

In page 13, to delete lines 1 to 47, and in page 14, to delete lines 1 to 17.

Amendment No. 38 encapsulates my intention in respect of this section, which deals with electronic monitoring of certain persons who have been given bail. We argued the practicalities of and the flaws relating to the electronic tagging system last year when we debated what became the Criminal Justice Act 2006. I remain unconvinced as regards the system but that is not my key point.

My main point regarding the electronic monitoring of persons on bail is that it impinges upon the presumption of innocence. In my view, tagging represents a dangerous development. The Tánaiste stated last year that his support for it was waning but I have not seen anything since which indicates that his enthusiasm has been re-energised, particularly when one considers that provisions enacted last year have not yet come into effect and the pilot scheme has not commenced. Reviews carried out in England, which has a similar scheme, indicate that it has proven to be twice as expensive to electronically tag offenders as it would be to have them supervised by members of the probation and welfare service. I have argued that the proper resourcing of the probation and welfare service here would go a long way towards addressing the key concerns that sparked some people's interest in electronic monitoring.

There is also a presumption that electronic monitoring will prove to be the be all and end all and that it will solve some of the problems to which others referred as regards people associating with known gang members, etc., and in respect of restricting their movements. Electronic tagging or monitoring only confines people to specified areas or allows them to be tracked; it does not deal with those who visit such individuals — be they repeat offenders, bail offenders or whatever — or those who become involved in a common cause with them.

Rather than privatising an aspect of Irish criminal law, I urge that we should use the traditional methods and provide proper funding for the probation and welfare service in this regard. The Comptroller and Auditor General's report on the service in 2004 indicated that it was effective and provided good value for money. However, it has not been properly resourced to ensure that it can deliver at a higher level than has been the case in recent years.

The main point regarding electronic tagging, and the concerns I raised in the past, has been echoed in some of the observations made by various groups in respect of this matter. If we had more time to debate the Bill, we could have examined this matter in greater detail and considered evidence as to the effectiveness or otherwise of tagging. We could also have investigated whether it impinges on existing rights. The Human Rights Commission has cited a number of rights it believes would be impinged upon. In the context of the European Convention on Human Rights, it has been stated that tagging would amount to the surveillance of people who are presumed innocent, that it would equate to their being monitored electronically, and would interfere with their rights to private and family lives and to freedom and peaceful assembly and association. There are also rights guaranteed under the Constitution upon which this provision could potentially impinge.

The other aspect of this matter relates to the wide discretion that is given regarding the type and content of orders that can be granted in respect of electronic monitoring. As already stated, potential exists in the context of the violation of fundamental human rights. I accept, however, that we are discussing people who would have been charged with, in some instances, violating the human rights of victims and interfering with their right to private and family lives.

As stated earlier, there is a presumption in the justice system in this State that a person is innocent until proven guilty. However, this provision, and some of the other measures introduced in recent years, cuts back on that presumption of innocence. Electronic monitoring involves tagging people with something similar to the yellow star that Jews in Nazi Germany were obliged to wear. Most tagging systems involve the wearing of some type of device which sets a person apart from others. The bail system does not set people apart. It does, however, respect the presumption of innocence and allows individuals, until such time as they are either found guilty by the courts or set at liberty having being found not guilty, to continue their working and family lives and to draw up a proper defence. People are not made outcasts under the bail system because they are not obliged to wear electronic devices or whatever.

I have already argued the case in respect of giving away responsibility for another aspect of our criminal justice system to the private sector. However, it is terrifying that the State is increasingly delegating its responsibilities in respect of crime control and justice to the private sector without providing a full explanation as to how companies which operate in that sector will be held to account and monitored, the level of expertise they will possess and what the cost will be to existing services such as the probation and welfare service. I ask that this part of the Bill be struck out and at the very least that we see the results of the pilot programme promised, by the Tánaiste when the Criminal Justice Act 2006 was passed, dealing with the electronic tagging of people who were convicted. This was a different matter altogether and although I had problems with it, it had more logic than the provision suggested here.

Mr. Howlin: I will be brief because I am conscious we have only approximately one hour and ten minutes left in which to discuss the Bill. I hope we reach the issue of periods of detention which we have not discussed at any level in the House. We did not reach it on Committee Stage.

My view on electronic tagging is well-rehearsed and we debated it previously. Deputy Ó Snodaigh's amendment proposes the deletion of section 11 with which I would be more comfortable on a number of bases. By the Tánaiste's own admission, the technology does not exist to do it. As we know, two types of technologies are

involved. Fixed point technology confines a person to his or her home and this works. Electronic monitoring, which allows one to know where a person is on a broad basis, is less reliable and extremely expensive.

I am concerned on a number of fronts and not only about the unreliability of the technology. If tagging becomes acceptable a significant decision must be made by a court to deny a person his or her liberty and bail and lock him or her up. If tagging becomes the norm it is an easier decision to make and, to put it at its mildest, it is a severe imposition on the notion of liberty. The basis of our judicial system is that one is innocent until proven guilty. Depriving someone of his or her liberty before he or she is proven guilty can only be done for the clear reason of the safety of the public. We all modified our views on this because of serial offences of people awaiting trial. To put it bluntly, in some instances the criminal justice system is slow and people wait many months or years for a court hearing. Sometimes people contrive to wait many months or years for a hearing by putting up barriers themselves.

For these reasons I would prefer if these proposals were put on hold. However, from what I understood the Tánaiste to have told us on Committee Stage, he wants a legislative basis for this but does not see it being implemented immediately. Perhaps he will confirm this now. It must first go through a procurement arrangement, obtaining the permission of the Minister for Finance. A scale of implementation will then be needed because one would not establish an entire apparatus to monitor one prisoner and a critical mass would be necessary. A series of logistical steps would follow. This indicates that while the Tánaiste proposes we legislate for it, we are a long way from implementing it.

Mr. J. O'Keeffe: With regard to bail, I take the view it is better to release people and electronically tag them than to keep them in custody. It is better for the accused person, the State and the taxpayer who will not need to pay for the expense of keeping them in custody. My problem with electronic tagging generally is that steps have not been taken to implement it. I have no difficulty with the provisions in the Bill. Neither did I have any difficulty with the provisions in the previous Criminal Justice Act in which, with some reluctance, we ended up with a provision for tagging in a post-release system. However, nothing was done in the meantime. It was jaw-jaw but no tagging and we still have no sign of tagging.

I must entirely reject the suggestion that we are venturing into untested waters. Tagging dates back more than 20 years in other countries. It was tried and works successfully in Canada, many EU countries and the UK. They have experience of hundreds of thousands of people released on a tagging basis. It has all the advantages of allowing a person to be released. He or she can continue

[Mr. J. O’Keeffe.]

to work and continue with their social and other relationships and the taxpayer does not need to pay for their custody.

On the question of cost, tagging is a far cheaper option than keeping someone in custody. While I accept the equipment available is not fully developed, the tagging part is fully tested and proved. The GPS tracking system has yet to be fully proved. However, there is no reason we should not go ahead with the tagging system immediately. It works in other countries. Why should it not work here? My complaint is that it has not been put into operation here.

I also reject any suggestion that a tagging system is more expensive than custody. Figures from the UK state it costs £880 per month which is approximately €1300 per month. This amounts to €200 or €300 per week. Consider this as opposed to a cost of a couple of thousand euro per week to keep someone in custody.

Mr. Howlin: That is like comparing bus routes or the underground. It is a matter of scale.

Mr. J. O’Keeffe: Of course, but one must put it in place to establish the scale. We must have a first person to be tagged. It works and the suggestion that it is like the Star of David in Denmark during the Second World War is wrong. A tag is like a watch worn on the ankle or wrist. It is generally placed around the ankle where it is covered by a tracksuit or a pair of jeans. In a recent case in the UK a Premiership footballer was tagged and wore it on his leg during a match. I do not see any practical difficulties from this point of view. We must take on board that what worked in other countries can and should work here. I wish to see a wholehearted endorsement of this approach and, from a practical point of view, the implementation of it. I fear implementation must now wait the departure of this Government and the election of the next.

Mr. McDowell: The Deputy is correct. It will have to await the election of the next Government but who is in the Government is a completely different matter. I am watching the entire spectrum of opinion from Deputy Ó Snodaigh who is completely against it to Deputy Howlin who is probably against it but will go along with it for convenience sake to Deputy O’Keeffe who is strongly in favour of it.

Mr. J. O’Keeffe: Where stands the Minister?

Mr. McDowell: I am somewhere between Deputies Howlin and O’Keeffe.

Mr. J. O’Keeffe: In the middle.

Mr. McDowell: That is where I am. We have dealt with this *ad nauseam* and we should stop at this stage.

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

Amendment declared lost.

Amendments Nos. 39 to 44, inclusive, not moved.

Aengus Ó Snodaigh: I move amendment No. 45:

In page 15, lines 7 to 9, to delete all words from and including “including” in line 7 down to and including “fit” in line 9 and substitute the following:

“as he or she consider appropriate and as approved by both Houses of the Oireachtas with the Probation Service”.

I will not pursue this for much longer. The purpose of the amendment is to try to ensure that if we go down the route suggested at least some type of approval by the Houses of the Oireachtas is required rather than by the Minister. I argued this point before.

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

Amendment declared lost.

Mr. Howlin: I move amendment No. 46:

In page 15, between lines 12 and 13, to insert the following:

14.—The Criminal Justice Act 2006 is amended by the insertion of the following Part, after section 197, as Part 16:

“PART 16

THE EVIDENTIAL BURDEN

198.—(1) Where an enactment or rule of law creates an offence but provides for a qualification, exception, exemption, proviso or excuse (all of which are subsequently referred to in this Part as ‘provisos’), whether accompanying the description of the offence or otherwise —

(a) the proviso need not be specified or negated in a complaint charging that offence,

(b) at the hearing of a complaint charging that offence, no proof in relation to the proviso is required on the part of the prosecution,

(c) if the defendant at the hearing of a complaint charging that offence wishes to rely on the proviso—

(i) the burden of proving such proviso rests on the defendant,

(ii) the court shall, unless the interests of justice otherwise require,

allow the prosecution to re-open the case in order to adduce evidence in rebuttal of evidence adduced by the defendant under subparagraph (i).

(2) In determining whether subsection (1) applies to an enactment or rule of law creating an offence, regard shall be had to—

(a) whether the provision concerned—

(i) reduces the scope or extent of the factual outline that delineates the ambit of the offence,

(ii) excludes specified persons or cases from the class of those who would otherwise fall within that factual outline, or

(iii) otherwise narrows the effect of the enactment,

(b) whether, notwithstanding that a particular fact is provided for as an ingredient of an offence rather than the non-existence of that fact being provided for as giving rise to a proviso, the fact in question is of such a nature that its non-existence in any particular case would be exceptional and its existence in such cases generally can therefore reasonably be presumed,

(c) whether there is a reasonable possibility that a state of affairs adverted to by or on behalf of the defendant may exist or may have existed,

(d) the comparative ease or difficulty for the prosecution and the defendant in discharging the burden of proving the fact in question,

(e) the public interest in ensuring that the prosecution should not be required to prove facts peculiarly within the knowledge of the defendant or to disprove facts that are improbable,

(f) the presumption of innocence and the constitutional rights of accused persons.

199.—In any proceedings against a person for an offence—

(a) the court, in determining whether there is a case to answer, shall not have regard to any issue raised by or on behalf of the defendant, in a submission that there is no case to answer, in relation which it is for the defendant to submit, or point to sufficient evidence already received, to persuade the court there is a reasonable doubt as to whether such an issue may reasonably exist

(b) (i) the court (or, subject to the judge's directions, the jury), in determining whether that person is guilty of the offence charged (or of any other offence of which he could lawfully be convicted on that charge) may, in relation to the issue sought to be raised by or on behalf of the defendant, draw such inferences from the failure of the defendant to submit, or point to sufficient evidence already received, as appear proper,

(ii) such failure may, on the basis of those inferences, be treated as, or as being capable of amounting to, corroboration of any evidence in relation to which the failure is material,

(iii) a person shall not be convicted of an offence solely on an inference drawn from such a failure.”.

I do not intend spending too long on this, it is an amendment we have discussed before which was suggested by my legal advisers. It provides that where the criminal law makes a prohibition subject to an exception, it is for the defendant to prove that the exception applies, not for the prosecution to prove it does not apply. I used a very inelegant example on Committee Stage.

In essence, the first subsection describes “where an enactment or rule of law creates an offence but provides for a qualification, exception, exemption” or so on, described as a proviso. If the defendant, at the hearing of a complaint charging the offence, wishes to rely on that proviso, the burden of proof rests on the defendant.

The Tánaiste understands the point at least and responded to it on a basis of understanding when I argued the point on Committee Stage. I believe he is supportive of the idea behind it but does not feel this to be the appropriate vehicle for it, as far as I understand. If that remains his position I will not delay the House in getting on to the meat of what we must discuss in the remaining hour. Perhaps the Tánaiste will indicate if this is the right understanding.

Mr. McDowell: I am always in favour of codifying general law of this kind one way or the other. I am not sure I agree with every single detail in this amendment and I am not in a position to accept it today.

Amendment, by leave, withdrawn.

Mr. Howlin: I move amendment No. 47:

In page 15, between lines 12 and 13, to insert the following:

14.—The Criminal Justice Act 2006 is amended by the insertion of the following Part, after section 197, as Part 16:

[Mr. Howlin.]

“PART 16

SUBMISSIONS ON SENTENCE ON
BEHALF OF DEFENDANT

198.—(1) In addressing a court on the question of sentence, a solicitor or counsel on a defendant’s behalf may address the court, on his or her client’s instructions—

(a) on the evidence already received by the court, and

(b) as to the defendant’s current state of mind in relation to the offence of which he or she was convicted.

(2) A court shall not, unless it considers the interests of justice require it to do so, receive or place reliance on other statements made by a legal representative in relation to which evidence from a witness, rather than submissions from a legal representative, ought more properly be received.”.

The Tánaiste indicated that this is the current practice and I am suggesting it should be the current law. The purpose of the amendment is to ensure there is no abuse of the plea of mitigation. It ensures the defendant, if he wishes to rely on anything in his or her plea of mitigation, must produce facts in evidence and not merely asserted.

We had a discussion on this point on Committee Stage. If I recall correctly, the Tánaiste’s view was that he had no difficulty with its principle, but it is part of normal procedures now, being current practice. He did not see a need for it to be legislated for. Perhaps he has had time to reflect further, and it might be incorporated in this legislation.

Mr. McDowell: To some extent this proposal is a statement of current law.

Mr. Howlin: Law or practice?

Mr. McDowell: The practice. I would be loathe to incorporate that into law without thinking about it very carefully. The current practice allows flexibility and where facts are not really in dispute, there is no need to have primary evidence consisting of defence lawyers stating their client is a certain age, his family is a certain size or his employment history is this way or that. If this was strictly applied, the employer would be required, along with birth certificates and other items, although they may not be at issue in the case.

Amendment, by leave, withdrawn.

Aengus Ó Snodaigh: I move amendment No. 48:

In page 17, to delete lines 23 to 29 and substitute the following:

“(3) Regulations under this section shall require the prior approval of both Houses of the Oireachtas following debate.”.

I have already explained this. It is a provision that the Houses of the Oireachtas would approve regulations as too often such regulations are made by the Minister, rather than approved by the Houses. I have argued this point before.

Although the Tánaiste has argued there would be too many regulations for the Houses to deal with, the Joint Committee on European Affairs Sub-Committee on European Scrutiny has demonstrated a mechanism to deal with regulations and directives quite quickly while simultaneously allowing democratic scrutiny. Considering the major changes in the area of justice, regulations should come before the Houses in some form or other. They could pass quite quickly through the Houses themselves or a committee of the Houses.

Mr. McDowell: We have also discussed this at great length and my position is fairly clear.

Amendment, by leave, withdrawn.

Amendment No. 49 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 50 and 72 form a composite proposal. Amendments 56 to 72, inclusive, are technical alternatives to the same part of the Bill. Amendments Nos. 168 to 171, inclusive, are related. We will discuss amendments Nos. 50; 56 to 72, inclusive; and 168 to 171, inclusive, together.

Mr. McDowell: I move amendment No. 50:

In page 20, between lines 20 and 21, to insert the following:

24.—(1) In this Part—

“imprisonment” includes—

(a) detention in Saint Patrick’s Institution,

(b) detention in a place provided under section 2 of the Prisons Act 1970, and

(c) detention in a place specified under section 3 of the Prisons Act 1972,

and “prison” and “sentence of imprisonment” shall be construed accordingly;

“remission from the sentence” means, in relation to the sentence imposed on a person, the remission which he or she may earn from that sentence under the rules or practice whereby prisoners generally may earn remission of sentence by industry and good conduct.

(2) In this Part, references to an offence specified in *Schedule 2* shall include—

(a) references to participation as an accomplice of a person who commits such an offence, and

(b) references to an offence of attempting or conspiring to commit, or inciting the commission of, such an offence.

Mr. Howlin: Will the Tánaiste explain?

Mr. J. O’Keeffe: Will the Tánaiste explain this new proposal?

Mr. McDowell: On Committee Stage I indicated I would look very carefully at this part of the Act to see precisely what we were trying to achieve and whether we had achieved it. We went through a radical revision in light of everything said in this House, having carefully listened to all the remarks made from every quarter. We have amended it to reflect what I believe is a consensus in this House on the issue, and I have done my utmost to be faithful to what I believe is where the centre of gravity of opinion in this House lies on this issue.

These amendments concern section 24 of the Bill and Schedule 2, which applies to both sections 24 and 25. Section 24 provides that where a person has been convicted on indictment of an offence in Schedule 2, and within seven years commits a further such offence, then the sentence for the second offence must be at least three quarters of the maximum provided for that second offence, or ten years where the maximum is life imprisonment.

The section has already been amended to provide that it only applies where the sentence for the first offence was at least five years imprisonment. As I indicated on Committee Stage I wanted to examine this further to see if it could be more tightly focused on what people would be happier to describe as gangland offenders. This group of amendments is intended to achieve this, although “gangland” will never be scientifically defined as a term.

A new interpretation section, to be section 24, is proposed in amendment No. 50, and it defines terms for the purposes of the Bill. Amendment No. 72 is consequential in that it deletes section 24(16) of the Bill, which sets out the necessary definitions at present.

Amendment No. 59 amends section 24 and deals with the calculation of the seven year period between the first and subsequent offences. This period is referred to as the specified period. The seven year period applies between the end of the sentence for the first offence and the date of commission of the subsequent offence. Where that period elapses without a subsequent offence having been committed, then this section will not apply.

The amendment gives further clarification on two issues. First, no period of imprisonment during the seven years for an offence, other than a period in respect of a qualifying offence in Schedule 2, is to interrupt the running of that seven year period. For example, a sentence of imprisonment for a road traffic offence will not be counted as road traffic offences do not feature in Schedule 2.

A sentence for a Schedule 2 offence which is the result of a summary conviction is not counted either. In effect, a period of imprisonment for an offence other than a qualifying Schedule 2 offence will not stop the clock and the seven year term will keep running. This qualification is aimed at highlighting the targeted nature of section 24, which is aimed at gangland offences and other convictions. Sentences are not to interfere with that focus on that category of offence.

The second issue addresses the question of serious offences committed while in prison. Deputy Jim O’Keeffe raised the point that people might direct crime from within prison, and as originally tendered, these people would be out of the net completely. There is clarification in that the section applies when a subsequent Schedule 2 offence is committed while serving the period of imprisonment for the first Schedule 2 offence. If a person commits two Schedule 2 offences, one organised from within prison — perpetrated on a colleague or organising an outside event — this provision will apply.

This section will normally apply where the person has reoffended within seven years of release at the end of the sentence for the first conviction. However, this amendment ensures that the section also applies where the offender commits a further offence under Schedule 2 while still serving the first sentence for the Schedule 2 offence. In that case the seven-year interval is simply irrelevant. The mandatory minimum sentence requirements of this section will apply to the second offence committed while still serving the sentence for the first offence.

Amendment No. 71 is related to amendment No. 59. Amendment No. 63 updates the subsection reference in section 24(2) and is consequential on the amendment to section 32 of the Bill. Section 24(2) lists the sections under which mandatory sentences are already in place to ensure that the more generalised arrangements for the application of mandatory minimum sentences in section 24 of this Bill do not replace or supersede any more particular existing arrangements for mandatory sentences. The reference being amended relates to reoffending as it arises under section 27 of the Misuse of Drugs Act 1977. A later amendment to section 32 of the Bill renumbers certain subsections of section 27 of the 1977 Act. I will not get into the tiny detail of those changes unless Members wish me to do so.

Amendment No. 57 is consequential on amendment No. 64, which proposes the inclusion of a new section 24(3) in the Bill. The purpose of the

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new subsection is to ensure that section 24 is not applied in a way that is disproportionate. It will ensure that the legislation will not have an unconstitutional binding effect on a court. This is a safety valve for the Judiciary, to put it bluntly. If, having looked at this provision, the courts decide that what the Oireachtas has intended is fine, constitutionally, but is disproportionate, they can decide not to proceed in such a manner.

Mr. Howlin: Will this provision make this section of the Bill as mandatory as the drugs offences provisions?

Mr. McDowell: Exactly. It will provide for the constitutional safety valve that exists in other areas as well. In particular, it ensures that the court can distinguish between gangland cases and other cases in which the convicted person may technically qualify to be treated in accordance with section 24, but where it would be disproportionate for him or her to be treated in such a manner. Such a circumstance could arise if an addict or a vagrant were to engage in aggravated burglary, for example, using an implement that is not a gun to threaten the victim. While such a crime would be serious — I do not suggest otherwise — it might be unfair to impose a sentence at a level required by section 24, having regard to the particular circumstances of the case and the lack of any link to organised crime. The maximum sentence for aggravated burglary is life imprisonment. A sentence of at least ten years would be called for under section 24 in the case of a second such offence.

The new subsection I propose would give the courts discretion in cases like that to which I have referred. It is designed as an anti-gangland, or anti-repeat of serious offences, measure. As we cannot define “gangland crime” in a clinical manner, we have decided on reflection, having listened to what was said during the debate in this House and outside it, to provide that a court can choose not to apply this provision if, in all the circumstances, it regards it as disproportionate. The court can disregard this guideline and should do so if it finds that a constitutional value is at issue.

In this section, the House is giving the courts a clear guideline which will ensure that cases of people behaving in a seriously criminal manner, and repeating such operations within seven years, are dealt with severely. There is a need for a deterrent. People who have served lengthy sentences for one of the serious crimes mentioned in Schedule 2 must realise that they will be given serious sentences if they are caught going back to their old ways, particularly in a gangland context. This provision is intended as a deterrent to ensure that those who spend all their lives participating in gangland crime do not think they will get successive soft sentences. Some such people optimis-

tically think they can continue to dabble on the edges of gangland and organised crime.

Amendments Nos. 68, 70 and 71 have been tabled to improve the clarity of the Bill’s cross-references. Amendments Nos. 168 to 171, inclusive, propose to delete a qualification that currently applies in the case of murder, which is that such an offence arises for consideration under Schedule 2 — offences for the purposes of Part 3 — only if it involves “the use of a firearm or an explosive”. This limitation would omit all other murders and, equally, could include murders which are not related to gangland activity. It was decided, therefore, that the qualification was unhelpful and confusing.

Mr. Howlin: To which amendment does the Minister refer?

Mr. McDowell: I am speaking about amendment No. 168. The narrowing down of—

Mr. Howlin: Will all murders now be included in the Schedule?

Mr. McDowell: Yes.

Mr. Howlin: I thought it was ludicrous that a murder in which somebody was beaten to death with a baseball bat was not to be included.

Mr. McDowell: Exactly. The Deputy made that point on a previous occasion. If a person who was sent to jail for offences involving organised crime knifes somebody to death in a prison cell, it would be absurd to take an approach to that murder which is different from the approach which would have been taken if a firearm or an explosive had been used.

Mr. Howlin: Yes.

Mr. McDowell: Amendment No. 169 removes child trafficking and pornography offences, as well as offences involving trafficking in illegal immigrants, from the list of offences in Schedule 2. I recognise that the offences in question are serious and are often carried out in a highly organised manner, sometimes by those who are known as gangland figures. Such categories of offences do not feature prominently in the nature of gangland activity we are considering, however. Given that the inclusion of an offence in Schedule 2 can have significant implications — those convicted of such offences can face mandatory minimum sentences or be the subject of post-release supervision orders under Part 3 — it is important that we limit the scope of Schedule 2 to what can be justified and is necessary.

Mr. Howlin: Can the Minister circulate a copy of Schedule 2 as it will look if these amendments are accepted?

Mr. McDowell: I will see if I have a copy of it.

Mr. Howlin: It would be helpful to see the new Schedule.

Mr. McDowell: I have mentioned three of the provisions which are being removed. Amendment No. 170 provides for the deletion of the reference in paragraph 10 of Schedule 2 to “any offence under the Offences Against the State Acts 1939 to 1998”. As I was anxious not to over-extend Schedule 2 and, bearing the mind that substantial powers are already provided for in the offences against the State legislation, I have decided to remove the reference to those Acts from Schedule 2. The necessary powers are already catered for in this Bill. I will arrange for the Deputy to be given a copy of the list.

Mr. Howlin: Great. The reference to child trafficking and pornography offences in paragraph 3 of Schedule 2 has been removed from the list of offences in the Schedule.

Mr. McDowell: Yes.

Mr. Howlin: Is paragraph 10 of the Schedule, the reference to the Offences Against the State Acts, being removed in its entirety?

Mr. McDowell: Yes. Paragraphs 10 and 14 of the Schedule are being removed in their entirety.

Mr. Howlin: Why is paragraph 14, which relates to the suppression of terrorism, being removed?

Mr. McDowell: This is not an anti-terrorism Bill. These guidelines are being included to combat gangland activity rather than terrorism. We are broadening the terms of the reference to murder in paragraph 1 of Schedule 2 and we are removing paragraphs 3, 4, 10 and 14 of the Schedule.

Mr. Howlin: Why is the reference to trafficking in children being removed when the reference to trafficking in illegal immigrants is being retained?

Mr. McDowell: As the Deputy will appreciate, a trafficking Bill is being prepared in the Department of Justice, Equality and Law Reform. I do not want there to be all sorts of unforeseen sentencing consequences if I designate something to be a trafficking offence under that Bill. It is quite possible that a person from sub-Saharan Africa, for example, could be caught twice committing the reprehensible offence of trafficking children by bringing them to this country illegally. Such behaviour might not have any gangland connotations — it might not involve anything more than a little racket being run by a person on his or her own. I decided to proceed in this manner on foot of the consensus in this House that I should narrow the terms of Schedule 2 to ensure that it relates strictly to gangland activity. Having considered all aspects of this issue, I am of the view that the Schedule would be improved and made

more coherent by the removal of offences which could be perpetrated by a gang but which are not indicative of a gang. That is really what we are aiming at. Therefore, I propose in these amendments to narrow the scope of Schedule 2 and to add a safety valve to provide that a court need not follow the guidelines if it regards them as disproportionate. I have heard people citing far-fetched examples of how these provisions could be used unfairly.

Mr. Howlin: A person could fall under the terms of Schedule 2 by committing two robberies.

Mr. McDowell: The robbery example disappeared when I removed the reference to burglaries. As I have indicated to the House, aggravated burglary can be committed at a low level on the spectrum of seriousness. It could arise if a person breaks into a house while carrying a spanner, for example.

Mr. Howlin: It remains in it.

Mr. McDowell: That is why we are introducing the measure on disproportionality. A court can consider this and decide it is a guideline in respect of repeat or serious offences but, having regard to the quality of the second offence, it would be a disproportionate reaction to the particular offence committed.

Mr. J. O’Keeffe: The more I hear from the Minister, the more I realise that a genuine and reasoned debate is needed on the issue of sentencing, with advice sought from experienced lawyers and others. A considerable difference exists between my approach to sentencing and the Minister’s, who appears to use a smoke and mirrors strategy. He adopts a tough approach to mandatory sentencing while building the escape hatch of exceptional circumstances. Similarly, a tough approach is taken in this instance, in that a judge must apply a three quarter sentence for a second offence, yet the Minister accepts that judicial discretion must be allowed in terms of applying a lesser penalty for disproportionate circumstances. That fits into the same category of presenting a hardline argument and then opening the escape hatch.

Mr. McDowell: That is what a flexible guideline means.

Mr. J. O’Keeffe: I am not objecting to that. My approach is entirely different and, with respect, better than the Minister’s. It would not give rise to a situation in which I or anybody else has to examine or openly criticise the conduct of the Judiciary. It provides for the establishment of a registered database of sentences because it is beyond me to explain how we can proceed on sentencing without such a record. I do not think the approach being adopted by the Minister is the right one because there is an onus on us to estab-

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lish a database. I accept the information being sought in my amendment is much too detailed but a register of sentences is a fundamental basis for proceeding on this matter.

The proper approach is not to play tough by demanding mandatory sentences which are not applied but to provide for a range or tariff of sentences. As I understand the matter, which is applicable in virtually every other common law jurisdiction. Given that it works elsewhere, why do we not have such a system in place here?

The third leg of my approach is an expectation that judges would apply sentences within the tariff. Judicial discretion would be allowed because that is a fundamental element of the democratic process and the Constitution, but a judge would be required to openly and transparently explain why he or she strayed outside the guidelines laid down by this House. That seems the proper way to achieve a balance.

I will not oppose the proposal now emerging from the Minister because it is better than the original measure, which I felt was a knee-jerk reaction to gangland crime. He wanted to show how tough he could be in dealing with that issue but now he has to moderate his approach. I believe he was on the wrong tack from the start. I would like to see the approach I am outlining put into effect because it will deal with gangland and other crime while also addressing in a more comprehensive manner the valid technical points raised by Deputy Howlin.

I will not delay the House further at this hour, except to say I will not oppose the measures proposed by the Minister. However, I genuinely believe he is heading in the wrong direction from a practical point of view and may leave us with a sentencing mess in the future.

Mr. Howlin: Deputy Jim O’Keeffe is wrong in respect of one of his arguments. The Minister did not act tough at the end of last year in order to confront the gangland bosses but because of an electorate whose judgment frightened him. That is why he proposed the new gangland package which has turned out to be something different.

I am more comfortable with this section than I was with the original version. Like section 7, this is a considerably different animal than the original. I welcome the saver clause which the Minister has included. Although he denies it, he spent much of last year contriving to be at odds with the Judiciary. By uninviting himself to their Christmas drinks, he received great publicity and showed that he was the great man fighting the people’s cause by being willing to forego his gin and tonic in the interest of the nation and face down his old pals and former colleagues. However, he cannot argue it both ways. He blamed the judges because the original mandatory sentencing on drug offences was not being implemented but the judges quite reasonably told him that if he wanted them to tighten the law by

using opt-out clauses, he should provide for that. He is now including these opt-out clauses and although he will not be in a ministerial position to introduce them — the great irony is that he may become a judge himself — he will criticise the Judiciary for implementing the saver clause if it suits his argument.

Instead of an array of mandatory sentences to demonstrate the Minister’s toughness, I welcome the narrowing of the range of offences. I especially welcome the removal of burglary and theft. While I am unsure whether aggravated burglary should remain, given that the threshold could be low for such an offence, the saver clause is that a five-year sentence is required, which means the offence cannot be trivial. We have moved from a one-year to a five-year tariff for offences, narrowed the offences listed in the schedule and provided for a saver clause to allow the judges to make their own discernment in each case, as is their constitutional right. I do not think, therefore, we have anything like mandatory sentences.

This Minister is good at building up a great battle by capturing the media but seems to lose interest once he has captured them. That happened in the case of the Garda Reserve.

Mr. McDowell: They are like putty in my hands.

Mr. Howlin: The Minister had won all the arguments on the Garda Reserve and faced down the Garda Representative Association and all and sundry. Now, however, we do not have a Garda Reserve.

Mr. McDowell: We do.

Mr. Howlin: We have a handful.

Mr. J. O’Keeffe: The Minister is a great man in theory.

Mr. Howlin: As a politician, the Minister is a great debater but winning the debate rather than implementing policy seems to be his main aim. The people will make the judgment on that.

With regard to sentencing, we now have a completely different section 24. The apparent mandatory provision is nothing of the kind, since a saver clause is being introduced for judges to exercise discretion, something that should have been there from the beginning and that I am happy to see now. We have reduced the number of offences considerably, to what the Minister has now determined to be gangland offences. However, the notion of parsing and analysing crime is peculiar, since another crime will capture the headlines tomorrow against which we may wish specific measures.

Mr. McDowell: It covers heavy grade criminality.

Mr. Howlin: If I may be blunt, I would regard the trafficking of children as heavy grade criminality rather than people trying to bring their second cousin into the country. That is not trafficking, but there are those who traffic children in order to exploit them, a most grievous offence. Matters now removed from the Bill include serious offences against the State. We have seen the heads of the trafficking Bill, which will not be introduced by this Government. However, I hope that it will be brought in very early in the next Dáil, since the area needs legislation.

I will delay the House no longer, other than to say that I am more content with this version of section 24. I have moved from a position of being implacably opposed to mandatory sentencing to being convinced that, in the face of the drugs plague faced by this country, I must reluctantly support it in certain narrow areas. However, I am against its becoming the norm. I am totally opposed to the American system of “three strikes and you’re out” whereby the prison system warehouses those whom one dislikes in society. One creates an underclass of people whom, after three “strikes”, one locks up for ever. I know that the Minister is not doing that here, but his original proposals smacked of it.

I did not like those echoes, but even the current position would be better met by Deputy Jim O’Keeffe’s proposal whereby this House would, in consultation with others, set a tariff for a first and repeat offence in each category, with judicial discretion regarding the appropriate tariff for each. That is a better approach and manifestation of the separation of powers between the Oireachtas and the Judiciary. We are in the business of laying down the law, but its implementation and application regarding international law and the Constitution are matters for the courts. I am very much attracted to Deputy Jim O’Keeffe’s proposal as a better way of achieving our objectives, although I now believe that they will be achieved by the so-called mandatory sentencing, which is no longer so.

Aengus Ó Snodaigh: Like Deputy Howlin I am, believe it or not, a good deal more comfortable with this than with what was initially presented. The Minister has rowed back substantially on what he announced as his intention on mandatory sentencing. I have tried when dealing with the issue to persuade him to include some type of caveat or mechanism whereby judicial discretion is still allowed in certain circumstances. In this instance, I believe that he has done so, which is to be welcomed. He also listened to our debate before Easter, in which the extent of Schedule 2 was debated, once again under considerable time pressure. He has removed specific offences that I and others highlighted.

There are instances where trafficking is a humanitarian act, for example, bringing children into the country to reunite them with their relatives. However, if human trafficking of any type

is carried out on an organised basis for exploitation, no Deputy would have a problem with our encouraging the Judiciary to come down very heavily on those convicted, since it is akin to slavery. However, there are instances that do not fit the pattern. I welcome the fact that the Minister has removed this instance, so that people who have broken the law on a humanitarian or non-profit basis do not suffer the full effect that the Bill’s author intended when he first produced it. The same is true of the Offences against the State Act 1939 and the Criminal Justice (Terrorist Offences) Act 2005, which is being removed. As the Minister said, it is being covered in other areas.

I still have a problem with the fact that, while the Minister is minimising the extent of mandatory sentences in this Bill, he is not carrying forward the same type of caveat as in amendment No. 64 regarding the other mandatory sentences in it and the previous Criminal Justice Bill, which should be removed. We must ensure judicial discretion and tackle sentencing by allowing the House to set guidelines in a Schedule which we as legislators believe appropriate, rather than something definitive.

As I said, I welcome the Minister’s moves in his amendments. There are specific points that I would like to debate, and some of my amendments are superseded by the Minister’s. We once again find ourselves in the final hour of debate on a Bill which is being changed substantially. This part has been changed a good deal, and we have only 20 minutes in which to deal with it. That is a living disgrace. It was crazy for a Minister in the dying days of this Administration to introduce this Bill which proposes extensive changes to our judicial system.

It is welcome that the Minister has amended the Bill since it shows that he has listened to us, but it also shows that he was wrong in the first place. There may be other major flaws in this legislation that we will not pick up because we are trying to jump ahead and do not have the time. There is one section of this Bill that we will not reach at all — we have never reached it. It is a great pity that legislation of this breadth should pass without our having done so.

Mr. J. O’Keeffe: One further issue occurs to me regarding these amendments. Buried in the middle of amendment No. 50 in the name of the Minister is a definition of remission from sentence. It states:

“remission from the sentence” means, in relation to the sentence imposed on a person, the remission which he or she may earn from that sentence under the rules or practice whereby prisoners generally may earn remission of sentence by industry and good conduct.

Along with my colleagues in the Fine Gael Party, in particular our leader, Deputy Kenny, I pre-

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viously raised the one quarter automatic remission of sentences. My recollection is that the Tánaiste’s reaction to that approach in the past has been to deride any such suggestion on the basis that to change the automatic remission system would virtually bring the whole prison system down around our ears. The definition which the Minister has proposed to include in the Bill appears to run exactly according to the lines outlined by Fine Gael. Does this signal an end to automatic remission and is it an acceptance of the Fine Gael position? Does it involve an acceptance in statute that a remission in sentence would mean what is stated in the amendment, that “the remission which he or she may earn from that sentence under the rules of practice whereby prisoners generally may earn remission of sentence by industry and good conduct.”? Will the Tánaiste clarify the position?

Mr. Howlin: It sounds Victorian to me.

Mr. McDowell: It is a good Victorian approach.

Mr. J. O’Keeffe: This appears to accord with the approach I and others in my party have been advocating. Is this an indication of a further conversion of the Tánaiste?

Mr. McDowell: The answer to that is “No”.

Mr. J. O’Keeffe: It looks suspiciously like it.

Mr. McDowell: This is a replication of the existing basis of remission. We have a practice in this country—

Mr. J. O’Keeffe: Why is the Tánaiste including it here?

Mr. McDowell: The Deputy should allow me to answer. We have a practice in this country that one gets a quarter of one’s sentence off. In the United Kingdom, it is one third off.

Mr. J. O’Keeffe: Which one earns.

Mr. McDowell: Every judge in the United Kingdom knows that one will get a third off when a sentence is imposed. When a judge in Ireland gives a ten year sentence, he or she knows a prisoner will be allowed out after seven and a half years, unless the prisoner does something in the course of his or her imprisonment which is of such a serious nature to allow a substantial deprivation of his or her liberty for a fraction or the entirety of that extra quarter.

Mr. Howlin: Does that ever happen?

Mr. McDowell: I have not derided what was suggested by Deputy Kenny in this regard. What I am saying is that the system would collapse if one had to earn one’s quarter, in the sense that if

one had a non-presumptive system in which one had to show one had earned one’s quarter off, and that it was a matter of debate in the case of each prisoner whether he or she had done so.

Mr. J. O’Keeffe: That is what the Tánaiste’s amendment proposes.

Mr. McDowell: The Deputy should allow me to finish and I will tell him why. I have not derided his position, I am simply informing him of the reality. Under European convention, and probably under the Constitution, there would have to be a very elaborate procedure before one prisoner was dealt with radically differently to another prisoner. If it was proposed to forfeit remission, there would have to be hearings with the involvement of lawyers, etc.

Mr. Howlin: Appeals.

Mr. McDowell: There would also have to be an appeal procedure within the prison system. A colossal industry would have to be set up in order to work out whether prisoner O’Keeffe or prisoner Howlin were entitled to an extra two months or whatever, or whether the day one or the other of them threw his porridge on the floor amounted to a reason for another two weeks to go on his sentence. Practicality must enter into what we do.

Mr. Howlin: Would throwing one’s porridge on the floor not ensure one would never get out?

Mr. McDowell: It is all very well to say prisoners will have to earn remission and they will not get it unless they satisfy the governor and all the rest of it. Prison governors and prison officers would spend their lives in court arguing about the whys and the wherefores of cases. I do not wish to elaborate at too much length, I merely say it may sound good to say that at an Ard-Fheis but it would create mayhem in the prison system and in the courts. Judges would spend long hours listening to tales of woe from one prisoner or another as to what had happened in a particular case and whether the prison officer or the accused had started the row. I can only imagine the chaos. Prisoners would certainly be entitled to legal aid and the lawyers would have a field day. We might as well hand over the entire prison system to the Judiciary to run because it would become unmanageable. It may look good on an advertisement billboard on the side of a road in rural Ireland but it could not be done because of the legal costs, the implications of managing prisons, the paperwork, the assessment of every prisoner—

Mr. Howlin: Let us get back to the proposal.

Mr. McDowell: —all of the independent procedures, and all of the appeal procedures. If one were to do that, one would bring down chaos on top of one.

It may be crude to prescribe a quarter of a sentence off but it works. Before anybody comes up with a theory about this, let us remember what was unfairly attributed to Garret FitzGerald, when he is reputed to have said, "That is all right in practice, but would it work in theory?". I remind the House that this is what one is likely to do here if one starts talking about changing the law. Nobody will do it. In the unlikely event that either Deputy Jim O'Keeffe, or Deputy Howlin will stand where I am standing in a few months time, neither of them will do it, but they will have told people they would attempt it.

Mr. J. O'Keeffe: Why is the Minister adding in a provision at this late stage in the Bill to allow for prisoners to gain remission of sentence in the following manner: "...the remission which he or she may earn from that sentence under the rules of practice whereby prisoners generally may earn remission of sentence by industry and good conduct."? Why is he including a provision to provide for exactly what the Fine Gael Party has been proposing, that the prisoner would have to earn his or her remission by industry and good conduct?

Mr. McDowell: I am not.

Mr. Howlin: Can we come back to the section?

Mr. J. O'Keeffe: Why is this provision being introduced at this late stage?

Mr. McDowell: The current practice is that one gets a quarter of a sentence off unless one does something which is totally egregious which gives rise to a hearing that would allow one's remission to be retracted.

Mr. J. O'Keeffe: Does one have to earn it?

Mr. McDowell: No, it is not earned.

Mr. Howlin: Can we get back to the section?

Mr. McDowell: Before Deputy Jim O'Keeffe gets up on his soapbox again—

Mr. J. O'Keeffe: I am not getting up on a soapbox.

Mr. McDowell: —I say to him, Deputy Kenny told people that a prisoner would not get remission unless he or she fulfilled certain criteria and, in effect, earned his or her remission. He said he would change the law. I accept Deputy Howlin wishes to move on to other matters but I wish to clarify this matter. What has been proposed by Fine Gael is a recipe for chaos. It is a theoretical approach and a barnstorming one which goes down well at an Ard-Fheis but will never be delivered.

Mr. J. O'Keeffe: The Tánaiste is providing—

An Leas-Cheann Comhairle: Order, please.

Mr. J. O'Keeffe: I am pleased to accept this amendment in that it is providing for exactly what we have been seeking—

An Leas-Cheann Comhairle: The Deputy is not in order to speak again as he has already spoken.

Mr. J. O'Keeffe: —even though the Tánaiste is trying to resile from his own amendment.

Amendment agreed to.

Amendment No. 51 not moved.

An Leas-Cheann Comhairle: Amendment No. 52 is in the name of Deputy Jim O'Keeffe. Amendments Nos. 53 to 55, inclusive, are related, therefore, amendments Nos. 52 to 55, inclusive, may be discussed together by agreement.

Mr. J. O'Keeffe: I move amendment No. 52:

In page 20, between lines 20 and 21, to insert the following:

"24.—In this Part—

"Freedom of Information Acts" means the Freedom of Information Acts 1997 to 2003;

"law terms" refers to the four periods (to wit Michaelmas, Hilary, Easter and Trinity) of prescribed sittings for the Superior Courts, as defined in Order 118, rule 1 of the Rules of the Superior Courts;

"the Register" means the Register of Sentences established by *section 4*;

"the Service" means the body established by the Courts Service Act 1998;

"time already served" means the period of time, prior to conviction, during which the convicted person was detained in custody without bail."

I will quickly dispose of these amendments. We should have a register of sentences. The case has been well made. It is something we will introduce in the next Government but, as of now, as the Tánaiste is not going to accept it, I will not press these amendments. We will keep them for the next Dáil.

Mr. Howlin: Shortly.

Amendment, by leave, withdrawn.

Amendments Nos. 53 to 56, inclusive, not moved.

Mr. McDowell: I move amendment No. 57:

In page 20, line 21, to delete "*subsection (2)*" and substitute "*subsections (2) and (3)*".

Amendment agreed to.

Amendment No. 58 not moved.

Mr. McDowell: I move amendment No. 59:

In page 20, lines 30 to 33, to delete all words from and including “within” in line 30 down to and including “period”),” in line 33 and substitute the following:

“that is committed—

(i) during the period of 7 years from the date of conviction of the first offence and, for the purpose of determining that period, there shall be disregarded any period of imprisonment in respect of the first offence or the subsequent offence, or

(ii) during any such period of imprisonment,

(in this section the total period comprising the periods referred to in *subparagraphs (i) and (ii)* is referred to as “the specified period”).”

Amendment agreed to.

Amendments Nos. 60 to 62, inclusive, not moved.

An Leas-Cheann Comhairle: Amendment No. 63 was already discussed.

Mr. Howlin: It was not actually discussed. In terms of numbering, I understood a new numbering was required when one reached CCC.

Mr. McDowell: I move amendment No. 63:

In page 21, line 3, to delete “section 27(3CCC)” and substitute “section 27 (3F)”.

I decided I would tidy that up. I forget to mention it.

Amendment agreed to.

Mr. McDowell: I move amendment No. 64:

In page 21, between lines 3 and 4, to insert the following:

“(3) *Subsection (1)* shall not apply where the court is satisfied that it would be disproportionate in all the circumstances of the case to specify as the minimum term of imprisonment to be served by the person concerned the term of imprisonment referred to in that subsection in respect of the subsequent offence.”

Amendment agreed to.

Amendment No. 65 to 67, inclusive, not moved.

Mr. McDowell: I move amendment No. 68:

In page 21, line 30, to delete “*subsection (1)(c)*” and substitute “*subsections (1)(c) and (10)*”.

Amendment agreed to.

Amendment No. 69 not moved.

Mr. McDowell: I move amendment No. 70:

In page 21, lines 40 and 41, to delete “this section” and substitute “*subsection (1)*”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 71:

In page 21, lines 42 and 43, to delete “*Schedule 2* during the previous 7 years.” and substitute the following:

“Schedule 2—

(a) during the period of 7 years from the date of conviction of the subsequent offence and, for the purpose of determining that period, there shall be disregarded any period of imprisonment in respect of the first offence or the subsequent offence, or

(b) during any such period of imprisonment.”

Amendment agreed to.

Mr. McDowell: I move amendment No. 72:

In page 23, to delete lines 6 to 13.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 73 requires recommitment. Amendment No. 1 to amendment No. 73 and amendments Nos. 74 to 81, inclusive, are technical alternatives and they are to be discussed together.

Bill recommitted in respect of amendment No. 73.

Mr. McDowell: I move amendment No. 73:

In page 23, to delete lines 14 to 45, to delete page 24 and in page 25, to delete lines 1 to 42 and substitute the following:

“25.—(1) Where a person (other than a person under the age of 18 years) (in this section referred to as “the offender”) is convicted on indictment of an offence specified in Schedule 2, the court shall consider whether it is appropriate to make an order or orders under this section in relation to the offender for the purpose of monitoring the offender after release from prison or for the purpose of protecting any person.

(2) The court may make an order (in this section referred to as a “monitoring order”) in relation to the offender requiring the offender, as soon as practicable after the order comes into force, to notify in writing an inspector of the Garda Síochána of the district in which his or her home is located of the address of it and to notify in writing such an inspector of any change of address of his or her home or any proposed absence for a period of more than 7 days from his or her home before any such change of address or any such absence, as the case may be, occurs.

(3) A monitoring order may be made for such period, not exceeding 7 years, as the court considers appropriate.

(4) The court may make an order (in this section referred to as a “protection of persons order”) in relation to the offender for the purpose of protecting the victim of the offence concerned or any other person named in the order from harassment by the offender while the order is in force.

(5) The court may provide in a protection of persons order that the offender is prohibited from engaging in any behaviour that, in the opinion of the court, would be likely to cause the victim of the offence concerned or any other person named in the order fear, distress or alarm or would be likely to amount to intimidation of any such person.

(6) A protection of persons order may be made for such period, not exceeding 7 years, as the court considers appropriate.

(7) A monitoring order or a protection of persons order in relation to the offender shall come into force on the date on which—

(a) the sentence of imprisonment imposed on him or her in respect of the offence concerned expires or, as the case may be, his or her remission from the sentence begins, or

(b) if the offender is imprisoned in respect of another offence, the date on which that sentence of imprisonment expires or, as the case may be, his or her remission from that sentence begins, whichever is the later.

(8) Where a monitoring order or a protection of persons order is made (whether or not it is in force), the court that made the order may, if it so thinks proper, on the application of the offender vary or revoke the order if it is satisfied that by reason of such matters or circumstances specified in the application that have arisen or occurred since the making of the order that it should be varied or revoked.

(9) An application under subsection (8) shall be made on notice to an inspector of the Garda Síochána of the district in which the offender ordinarily resided at the time that the order was made or, if appropriate, an inspector of the Garda Síochána of the district in which the home of the offender is located at the time of the application.

(10) A person who fails, without reasonable cause, to comply with a monitoring order or a protection of persons order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 or imprisonment for a term not exceeding 6 months or both.

(11) Nothing in this section shall affect any other order, restriction or obligation, or any condition attaching thereto, to which the offender is subject whether made or imposed under statute or otherwise apart from this section while a monitoring order or a protection of persons order is in force.

(12) In this section “home”, in relation to the offender, means his or her sole or main residence or, if he or she has no such residence, his or her most usual place of abode or, if he or she has no such abode, the place which he or she regularly visits.”.

On this section, we considered the debate that took place in this House and decided to subdivide crime prevention orders into two categories, namely, monitoring orders and protection of persons orders. The monitoring order is to provide that, where somebody commits an offence under the Second Schedule, he or she is obliged thereafter, or can be required by the court, to notify the Garda of his or her whereabouts for a period not exceeding seven years after the elapse of his or her prison sentence.

The protection of persons order is to protect the victims of an offence from harassment by the offender while the order is in force. The new section states:

(5) The court may provide in a protection of persons order that the offender is prohibited from engaging in any behaviour that, in the opinion of the court, would be likely to cause the victim of the offence concerned or any other person named in the order fear, distress or alarm or would be likely to amount to intimidation of any such person.

(6) A protection of persons order may be made for such period, not exceeding 7 years, as the court considers appropriate.

On the last occasion, we had a discussion on the question of the prevention of crime orders and Members expressed the view that they were drawn too broadly. We have therefore decided to subdivide them to encompass the protection of persons and the monitoring of the whereabouts of offenders after their release. We have simpli-

[Mr. McDowell.]

fied the provision very substantially. Deputy Jim O’Keeffe will probably say this marks a serious reduction of the ambit of the original section, and it does, but I will say in its favour that we are not accusing this House of doing something that is unconstitutionally broad. In that respect, this is a welcome sharp focus for these orders. The first objective is to allow for the notification of the Garda about the whereabouts of offenders after their release. If offenders move from place to place, change address or go abroad, they will be obliged to tell the Garda. The second purpose is to protect victims of crime after offenders are released.

We considered whether it would be possible to prevent people associating with others involved in criminal activities and associating with named people. We believe, based on an examination of the issue, that this might be regarded as an impermissible constitutional power and have therefore trimmed down the provision and sharpened its focus to take account of two areas in which we believe a good effect will be achieved and so it will not be regarded as a broad blunderbuss to allow courts to make orders interfering with people’s lives to a very substantial extent after release.

Mr. J. O’Keeffe: We are considering a totally new approach five minutes before the conclusion of our consideration of this Bill. From the way the Minister has outlined it, I am attracted by it but it is no way to make law. The Minister has partly resiled from the original crime prevention order approach in the new section 25 and is now advocating an approach that involves two different strata, involving both the monitoring orders and protection of persons orders. I am attracted by the approach and want any provision made to be constitutional but I have not had the opportunity to consider the approach in detail. It has not been debated on Second Stage or Committee Stage and we do not have time to discuss it on Report Stage. This is not a way to make effective law and it is a sure recipe for bad law.

Mr. Howlin: A number of contentious issues arose when this Bill was published and I have dealt with them all except one. We have dealt with them in a way that modified them substantially. The issue of the testimony of a member of An Garda Síochána above the rank of chief superintendent arose under section 7 and we made a substantial modification. We have modified mandatory sentencing and are now totally rewriting the legislation on crime prevention orders. The Minister has introduced an entirely new section. It is substantially different from its predecessor and we have seen it for the first time in the last couple of days.

Nobody outside the House will have seen the amendment or will have been given a chance to make any representation or recommendation in

respect thereof. It has not been discussed on Second Stage or Committee Stage. We have abandoned crime prevention orders, which were very broad and the essence of which I supported. They were obviously constructed such that the courts could apply any condition but they have now been replaced with two very focused orders, namely, monitoring orders and the protection of persons orders. These are quite different.

Is there provision for an appeals mechanism?

Mr. McDowell: There is a variation mechanism.

Mr. Howlin: Where?

Mr. McDowell: It is in subsections (8) and (9).

Mr. Howlin: I am reading the subsections for the first time to capture their essence. Do they apply to both orders?

Mr. McDowell: Yes.

Mr. Howlin: Is it clear that they are civil orders?

Mr. McDowell: They are orders made on foot of a criminal conviction. They pertain to the Criminal Court and are appealable to the Court of Criminal Appeal.

Mr. Howlin: What is the level of proof required?

Mr. McDowell: It is part of the decision the courts make. It is not a question of proof as sentencing does not require proof.

Mr. Howlin: Is a sentence required? The original order did not imply a sentence; it was a crime prevention measure, or at least was presented as such, and was almost like a civil order. The two proposed orders are quite different and therefore the section has been completely rewritten. We have 30 seconds or so to deal with it.

Mr. J. O’Keeffe: What evidence would be given? Would it be by a garda, probation officer or victim?

Mr. Howlin: This is no way to make law of this nature. We have made substantial progress, except on one issue on which we are not going to touch, that is, the detention period. Had we the facility in any of the preceding debates, we would have convinced the Minister to modify it also. I greatly regret we did not do so.

Aengus Ó Snodaigh: I probably have 20 seconds in which to express my total frustration with this Bill and the way in which we have tried to deal with it. In most cases, no evidence was presented for the House to discuss and no expert witnesses, as it were, explained why major

changes in the judicial system were being rushed through or why they were needed immediately. We have not had the opportunity to test the changes. Whenever we got into the nitty-gritty of the Bill, the Tánaiste backed down and made amendments.

It is the 11th hour, but half of the Bill remains to be debated on Report Stage. We did not deal with all of the Bill on Committee Stage or when it was recommitted, so short was the time available. Major elements in the Bill should not be present, but we should have had the opportunity to debate the substantial changes in the judicial system, including those relating to sentencing and the terms of detention.

Mr. McDowell: On a point of order, the record of the House should show that before the Easter recess, I stated that we would follow a particular course if we finished business today. However, Deputies have pursued other projects. There was plenty of time to discuss——

Mr. J. O’Keeffe: How ridiculous.

Mr. Howlin: What projects?

Mr. McDowell: Electronic tagging to the nth degree.

Mr. J. O’Keeffe: It is in the Bill. We had three hours in which to deal with 173 amendments and approximately 20 seconds per amendment were allowed.

An Leas-Cheann Comhairle: As it is now 10 p.m., I am required to put the following ques-

tion in accordance with an order of the Dáil of this day: “That the amendments set down by the Tánaiste and Minister for Justice, Equality and Law Reform and not disposed of are hereby made to the Bill, that Fourth Stage is hereby completed and that the Bill is hereby passed.”

Mr. Howlin: On a point of clarity, will any amendments we have not reached be accepted?

An Leas-Cheann Comhairle: There has been no indication.

Mr. Howlin: We have not had the opportunity to discuss the matter. There are amendments left.

An Leas-Cheann Comhairle: It is now 10 p.m.

Mr. Cuffe: Would the Tánaiste care to indicate?

Mr. J. O’Keeffe: We have not examined approximately 20 amendments.

Mr. Howlin: I would like to know what we are enacting or voting on.

Mr. McDowell: I am not accepting further Opposition amendments.

Mr. J. O’Keeffe: That was not the question.

Mr. Cuffe: No surprise there.

Mr. McDowell: Deputy Cuffe is here. There must be a vote.

Mr. Cuffe: I heard rumours.

Question put.

The Dáil divided: Tá, 62; Níl, 11.

Tá

Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Breen, James.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Connolly, Paudge.
Coughlan, Mary.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dennehy, John.
Devins, Jimmy.
Fahey, Frank.
Finneran, Michael.
Fleming, Seán.
Fox, Mildred.
Glennon, Jim.
Grealish, Noel.
Gregory, Tony.

Haughey, Seán.
Healy, Seamus.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McHugh, Paddy.
Martin, Micheál.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O’Connor, Charlie.
O’Dea, Willie.
O’Donnell, Liz.
O’Donovan, Denis.
O’Malley, Fiona.
O’Malley, Tim.

Tá—*continued*

Power, Peter.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.

Wallace, Dan.
Wallace, Mary.
Wilkinson, Ollie.
Woods, Michael.

Níl

Boyle, Dan.
Cowley, Jerry.
Crowe, Seán.
Cuffe, Ciarán.
Gormley, John.
Higgins, Joe.

Morgan, Arthur.
Murphy, Catherine.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
Ryan, Eamon.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Boyle and Ó Snodaigh.

Question declared carried.

Air Transport Agreement: Motion.

Minister for Transport (Mr. Cullen): I move:

That Dáil Éireann approves under Article 29.5.2 of the Constitution the terms of the air transport agreement between the European Community and its member states of the one part and the United States of America of the other part which it is proposed should be signed by the Minister for Foreign Affairs, or his nominee, a copy of which agreement was laid before Dáil Éireann on 23 April 2007.

The conclusion of the air transport agreement by the European Union and its member states with the United States is a landmark in the development of international aviation relations. The European Commission has already estimated that over the first five years it will yield €12 billion in consumer benefits and lead to the creation of 80,000 new jobs.

As projected by several studies the agreement will lead to considerable economic benefits for Ireland in the business sector, the tourism industry and the air transport industry, where new possibilities have been opened up. Aer Lingus has already moved quickly to capitalise on the new opportunities with the launch of three new services. This demonstrates the disadvantage we have borne and the economic benefits foregone because of the absence of an open skies agreement with the US. A total of 17 of the 27 member states already had open skies agreements with the US on a bilateral basis.

The Commission considers that over the first five years of implementation the agreement will mean more than 25 million additional passengers between the EU and US, up to €12 billion in consumer benefits and the creation of 80,000 new jobs on both sides of the Atlantic.

There are several key benefits of the agreement. It will bring the EU-US relationship into full conformity with Community law following the findings by the European Court of Justice in 2002 that the bilateral agreements of the eight member states taken before the court were not in

conformity with Community law. It will remove remaining market access restrictions on flights between the EU and US, thus creating a level playing field between Community carriers. It will serve to introduce new measures relating to ownership, investment and control that will create new opportunities for EU airlines and investors, including the possibility for the percentage of US airlines' equity that EU nationals may hold to exceed 50% of total equity, although ownership of voting equity will continue to be limited to 25%. It will give EU airlines operating to the US greater access to non-EU capital and allow airlines of several third countries operating to the US to be owned and controlled by EU nationals.

New measures will be introduced relating to ownership, investment and control, that will create new opportunities for EU airlines and investors. These will include the possibility for the percentage of US airlines' equity that EU nationals may hold to exceed 50% of total equity although ownership of voting equity will continue to be limited to 25%. EU airlines operating to the US will have greater access to non-EU capital and the airlines of several third countries operating to the US can be owned and controlled by EU nationals.

The agreement clarifies US rules on franchising and branding, which will facilitate EU airlines or undertakings to extend their network presence in the US market. It will ensure that EU airlines are qualified to apply for antitrust immunity for alliances with US airlines, and that applications will be treated expeditiously. It commits both sides to work towards compatible practices and standards and to minimise regulatory divergence in the field of aviation security.

It facilitates the creation of new co-operation arrangements between competition authorities so as to facilitate the joint assessment of alliances between EU and US carriers and allow for the development of compatible approaches. It will improve co-operation and consultation between the EU and the US in the areas of safety, state subsidies and environment, which have occasionally given rise to considerable difficulties between the two sides in recent years. A joint committee

is to be established which will be responsible for resolving questions relating to the interpretation or application of this agreement and for putting in place clear procedures for the commencement and conclusion of a second stage agreement.

This agreement is potentially the most important single step in the development of international aviation relations since the Chicago Convention was signed in 1944. It marks a major departure from the bilateral system of exchange of traffic rights and paves the way for new forms of co-operation on a range of issues spanning safety, security, regulatory convergence etc. I have no doubt that it will become a model for a whole new series of multilateral agreements.

The commitments to second stage negotiations provide a basis for an even greater deepening of our relationship with the US. It will enable the Commission on behalf of the European Union to pursue the original objective of an open aviation area set out in the mandate awarded in June 2003.

I now propose to turn more specifically to the implications of the agreement for Ireland. Throughout the process of negotiations with the US an important consideration for Ireland was that the implementation of an open skies agreement would, because it envisaged the removal of all restrictions on traffic rights, mean an immediate termination of the arrangement relating to Shannon — whereby half of the flights between the US and Ireland must serve Shannon. Arising from this concern a number of contacts with the US took place in parallel with the Commission's formal negotiations.

I met with the then US Secretary for Transportation, Mr. Norman Mineta on 9 November 2005 to negotiate transitional arrangements for Shannon which were included in the EU-US text. This provided that the 1:1 Shannon stop requirement — one stop at Shannon for every stop at Dublin — would change to 1:3 for the period November 2006 to end March 2008 after which the Shannon stop requirement would end. During the transitional period Irish airlines would have access to three additional US destinations. Being part of the proposed EU-US Aviation Agreement these were conditional on its conclusion. In the event, some delay arose in the conclusion of the agreement largely because of political difficulties that emerged on the US side and persisted throughout 2006.

It was agreed with the US at the final round of negotiations which concluded on 2 March this year that these transitional arrangements would stand as originally agreed and enter into effect immediately following approval of the draft EU-US agreement by the Council of Ministers.

At the time I negotiated the transitional arrangement relating to Shannon, I sought and obtained assurances from Aer Lingus that, in the context of a level playing field between the airline and its competitors, it will maintain the current level of transatlantic traffic — approximately 400,000 passengers a year — with regular year-

round scheduled services between Shannon-Boston and Shannon-New York.

The Brattle report for the European Commission, the report of the tourism policy review group to the Minister for Arts, Sport and Tourism, and the Air Transport Users Council report of the Chambers of Commerce of Ireland all supported moving to open skies with the US, and emphasised the significant benefits to Ireland when this happens.

The proposed Air Transport Agreement between the European Community and its Member States on the one hand, and the United States on the other, is now to be signed at the EU-US Summit on 30 April. While it will not enter into effect until March 2008, the transitional arrangements relating to Ireland are already being applied. From the perspective of air carriers the most immediate benefit is that Irish and other European carriers are permitted to launch services on three new US routes. Aer Lingus has moved quickly to exploit the opportunities presented by the more liberalised arrangements under the transitional arrangements. The airline intends to commence services to and from Dublin as follows: Washington on a four services per week basis from 3 September 2007; San Francisco on a four services per week basis from 28 October; and Orlando on a three services per week basis from 28 October.

The airline has commenced marketing of the new services. From 30 March 2008 it will be possible for Irish and European carriers to provide services between Ireland and any US airport. The benefits for Ireland will be significant in terms of increased tourism and economic activity. The opportunity for increased tourism is obvious. The Irish Hotels Federation has estimated that the open skies deal could double the number of US visitors to 2 million within seven years, generating an extra €1 billion for the Irish economy. From a business perspective new direct connections will open access to new markets and business linkages. This will provide a further impetus to the close economic relations that already exist between Ireland and the US.

I undertook when I announced the transitional arrangements for Shannon to prepare an economic and tourism development plan for it in consultation with the Ministers for Arts, Sport and Tourism and Enterprise, Trade and Employment to ensure that Shannon Airport sustains and grows transatlantic air services. A group under the aegis of the mid-west regional authority and comprising Clare County Council, Shannon Development, Shannon Airport Authority, SIGNAL and IBEC submitted a report in 2006 entitled *Mid-West Tourism & Economic Development Plan*. The recommendations of the report include infrastructure development, a regional conference centre, a tourism promotion fund and an airline route support fund. These will be taken into account by my Department in finalising the plan.

[Mr. Cullen.]

In conclusion, the EU-US Open Skies Air Transport Agreement is a good deal for Europe and represents the best possible opportunity at this time to reach a deal following several years of negotiations at EU-US level. From Ireland's point of view the new open skies deal creates a level playing field among EU airlines. The benefits for Ireland will be significant in terms of increased tourism and economic activity. It will in particular liberate Irish and other European carriers to inaugurate new services potentially to any city in the US over time. That Aer Lingus has moved with such alacrity to launch three new transatlantic services is indicative of the opportunities that exist in the marketplace and, by implication, the potential economic and tourism benefits.

I commend the motion to Dáil Éireann.

Ms O. Mitchell: On behalf of Fine Gael I welcome the opportunity to speak on this motion. It will come as no surprise to the Minister that I am in favour of liberalising the market, so it would be inconsistent of me to say anything other than that I support this initiative. Open skies can present enormous opportunities for Ireland. This agreement should be overwhelmingly positive, I hope, for all parts of the island. The European Commission believes it will make an enormous difference to the whole of Europe. By liberalising the market and removing all the restrictions that currently exist in terms of capacity, frequency and pricing, enormous benefits are in prospect for this country.

It is the biggest shake-up in aviation since the 1944 Chicago Convention. Heaven knows, aviation and indeed the whole shape of the world has changed enormously since those times. The restrictions that were placed on aviation then need to be swept away in a very effective manner. As the Minister said, the proposed deal will open up EU destinations, which will offer challenges to us as well. For example, our major competitor is Heathrow in terms of providing services throughout the rest of Europe from America so the new arrangements will bring challenges as well as benefits. Up to this the idea that only Irish airlines could fly out of Irish airports was a major restriction. When that was added to the Shannon stopover, it really meant there was only a limited number of flights out of Ireland. It is only when one tries to book a flight that one realises how restricted we are in terms of choice, to get to the United States. That is fatal for an island country such as ours. To make travel from an island country more difficult is ludicrous. We now know that open skies can bring enormous benefits.

The open skies policy in Europe since 1992 has transformed aviation services and opened up the Continent to many passengers. Some 22 million passengers alone will fly out of Dublin Airport this year. It has transformed the Dublin-London route into the busiest and most competitive air

transport market in Europe. The opportunity exists to make the EU-US open skies policy bring similar benefits to Ireland. All EU member states will expect to gain benefits from the policy. For Ireland, the opportunities are greater because of our traditional links with the US which were not fully capitalised because of the restrictive nature of the existing agreement.

The European Commission believes it will affect 60% of world airline traffic, increase transatlantic air travel by 50% and save passengers billions of euro over the next several years. This represents large potential for Irish business, trade, tourism, airlines and airports. For passengers, the extra competition gives choice and brings down prices.

Prior to last week's announcement on transatlantic flights by Ryanair, the open skies policy was expected to pave the way for low-cost carriers to operate on transatlantic routes. It will give greater choice, bring down prices and promote economic growth. It will help attract foreign direct investment and grow our tourism product. An increase in daily scheduled flights between Ireland and the US will benefit our island economy. The opportunities on capitalising on direct flights into the west coast of America will open up markets where traditional Irish links exist. The Irish Hotels Federation has welcomed the policy but it is concerned that we invest in selling Ireland as a tourist product. As well as seeking out new markets to the US, we must also promote our airports to ensure they become popular destinations.

The open skies deal is crucial for Aer Lingus as it sees its future growth in expanding into the profitable American routes. It will soon take possession of two new Airbus planes but I hope it will have the increased capacity to avail of the opportunities that will present themselves. Some European countries have already established good bilateral open skies arrangements. Their airlines will be positioning themselves to grab the lion's share in the remaining months before the full liberalisation of the market. Those ready to move in March will be best placed. I hope Aer Lingus will also be well placed then.

Open skies will mean an end to mandatory stopover at Shannon Airport. It behoves all of us that Shannon Airport benefits from the policy. The airport must embrace change. While the stopover deal was good for Shannon over the years, in recent years it has not been good for it or Dublin Airport.

Mr. Cullen: It held Shannon Airport back.

Ms O. Mitchell: It certainly held Ireland back. The environmental impact of a transatlantic plane, designed to travel long haul, having to land at Shannon and then fly within an hour to Dublin is unforgivable.

The recent deal done by Knock Airport shows the potential to circumvent the rules and that

people want additional routes to the US. It behoves whoever is in the next Government that Ireland's potential in tourism and foreign direct investment is maximised by this open skies deal. I welcome the agreement.

Mr. Deenihan: Whereas the agreement may lead to considerable economic benefits for the business and tourism sectors, I have concerns for its implications for Shannon Airport and the western region. Tourism is more important to the western economy than it is to the Dublin economy. Up to 7.5% of all economic activity in the region relates to tourism. A recent survey by the Shannon marketing group showed that Shannon could lose 100,000 transatlantic tourists because of the changes with the open skies deal. From a Kerry perspective, 68% of tourists will have landed at Shannon.

Mr. Cullen: The Deputy should take the example of Knock Airport. I am not being negative but that airport is having talks with other airports in America. Shannon Airport will have to do the same.

Mr. Deenihan: From 1999 to 2003, the western region lost 8 million bed-nights. The Minister may not be aware but bed and breakfasts and guest-houses are closing almost every day in the region. Many are finding this year particularly difficult.

Up to 50% of industries based around Shannon are from the US because of the airport's route connections with the US. That edge for the region could be lost because of this agreement as more American industrialists will opt to locate in the greater Dublin area.

The Minister established a committee to produce a Shannon Airport action plan to soften the blow and lessen the opposition from his colleagues in the west, including the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen. The tourism promotion body for the area wants €8 million for five years. We need to promote the airport before the agreement comes into play. Recently, Aer Lingus announced three new US destinations but none will involve Shannon. The signs are ominous. Unless something is done, Shannon and the western seaboard will suffer.

Mr. P. Breen: I am delighted to see the four Clare Deputies in the Chamber for this motion.

Mr. Deenihan: They are worried.

Mr. P. Breen: As a Clare Deputy, I take great pride in Shannon international airport. It is our second largest airport and provides European and US access to the west. It is critical to tourism and economic progress in the mid-west and the greater west of Ireland. The opportunities and threats of open skies have been evaluated in an independent study carried out by Dukes and Sor-

enson and by many other commentators. I have always said the open skies policy will have many benefits for Aer Lingus and particularly for Dublin and the east coast, but it will have few benefits for Shannon. Where open skies policies operate in European countries, evidence shows the majority of airlines fly into capital cities.

We all support balanced regional development and Shannon is an ideally placed airport and is the perfect example of what regional development stands for. Dublin Airport is choked with traffic and anybody who transited through the airport in recent times will have experienced this chaos. It can be a terrible experience for overseas visitors. Shannon still has a spare capacity of 2 million even though passenger numbers were up 35% in 2005 as a result of Ryanair's arrival. Transatlantic business in 2005 was worth €25 million in revenue terms to the region and revenue spent in the region by the North American visitor was worth nearly €300 million.

The year round transatlantic services underpin the regional US industrial investment of over €35 billion to the west. Some 50% of industry in the Shannon free zone is American and it is there because we have a year round direct transatlantic service. Unfortunately, we have a Minister for Transport who cares little for the west and panders to the Dublin business lobby and Aer Lingus.

Aer Lingus has no interest in Shannon Airport or in developing new routes out of the airport. It has no local management and it is managed out of Cork. No sooner had the ink dried following the signing of the EU-US open skies agreement when the airline announced new US routes out of Dublin to San Francisco, Florida and Washington, but no routes out of Shannon. It is very sad to see the route map in the *Cara* magazine, particularly the European route map with just one service out of Shannon to London Heathrow compared to the huge network out of Cork and Dublin. Even Aer Lingus crews in Shannon face an uncertain future with much chopping and changing in their rosters recently.

We in the mid-west always realised the open skies policy would be implemented but it should be introduced in an ordered way with a three year lead-in period and funding for tourism promotion should be in place to assist the challenges of such a policy. The Minister had a golden opportunity tonight to announce the implementation of the tourism and development plan but he failed to do so. I challenge him when he visits the region on Friday to announce this plan and provide the airport with a level playing pitch. We have had enough of the Minister's photo opportunities. We need action. The Minister has failed the people of the mid-west and has delivered nothing but misery to the region. On "Prime Time" tonight, the Minister's colleague, the Minister for the Environment, Heritage and Local Government, Deputy Roche, was called Pontius Pilate because he washed his hands of the Galway water crisis,

[Mr. P. Breen.]

but this Minister will go down as the modern day Pontius Pilate who plundered the west.

Mr. Cullen: I am providing motorways and a tunnel through Limerick.

Ms O'Sullivan: The tunnel is approximately two years late from the date it was originally promised.

Mr. Cullen: It is under construction.

Ms O'Sullivan: It is under construction but it is years late.

Mr. Cullen: Will the Deputy say the same thing in 2012 when going out to fight another election? She will not win elections with that type of rubbish because nobody will listen to it.

Ms O'Sullivan: There is no doubt but that the tunnel in Limerick is at least two years late.

Acting Chairman (Cecilia Keaveney): The Deputy should address the air transport agreement rather than the tunnel.

Ms O'Sullivan: If the Minister was not so disruptive, I would address the air transport issue.

I welcome the opportunity to address this transport agreement. Unfortunately, the Labour Party does not have a Deputy in Clare but this issue affects Limerick East and the entire mid-west region. Platitudes from the Minister are no good to the region. We need constructive action. We cannot stop the open skies policy because it has been agreed between the EU and the US. I accept there will be more than 25 million additional passengers between the two continents as well as the creation of 80,000 new jobs. We will not be able to stop that tide but we want the Minister to seriously take on board the concerns of the mid-west region. There is no evidence those concerns are being taken on board by him.

Mr. Cullen: I just gave €29 million to Kerry Airport but Deputy Deenihan did not even thank me.

(Interruptions).

Ms O'Sullivan: I refer to the two areas in which the Minister gave commitments which he has not yet fulfilled. There was meant to be a reasonable transitional period during which Shannon could adjust to the new regime. The time period allotted is only one year. The Minister signed the agreement in March and the one in three provision will only last for one year, from March 2007 to March 2008. We will then be on our own. It does not appear that the Minister has any concern for the needs of the region. He has made no attempt to publish his economic and tourism development plan. I tabled a parliamentary ques-

tion on it on 3 April and the Minister stated that following the endorsement of the EU-US air transport agreement by the Council of Transport Ministers on 22 March, he expected to be in a position shortly to finalise the tourism and economic development plan for Shannon. It is now one month later and the Minister is still waffling on. He said he set up this committee and that the Mid-West Regional Authority is leading a group that has made recommendations to him which he will take into account. That is very generous of him, but the original expectation in the mid-west was that the plan would be published with a good lead-in time so that we would have the opportunity to set up the marketing and economic protection we need for jobs.

The concern in the mid-west is that the region will lose jobs. We will lose jobs unless the Minister takes this issue seriously. I note the Minister of State, Deputy Killeen, and the former Minister, Deputy de Valera, are in the House. It is no good to them either if the Minister does not take seriously the needs of the region and that we are genuinely concerned for the industries in the Shannon free zone, for example, and in my constituency which depend on access through Shannon Airport for their executives, the people with whom they do business and for their goods and services. There is no sense that the Minister is taking that seriously. He has given us no date for the publication——

Mr. Cullen: If one takes that to its logical conclusion, why are there major international American companies in Waterford and Wexford? There is no international access to those——

Ms O'Sullivan: I do not know how well the Minister knows the mid-west, but the strength of the area has been built up around Shannon Airport over a long time. We have been innovative, constructive, flexible and co-operative and have shown the rest of the country how to behave as a region. Shannon was a region when no other area even knew what being a region was about. Now the Minister is just pulling the rug without seriously considering that these jobs have been built up over decades and that they are seriously under threat. I refer not only to tourism jobs but to other jobs in the region. The Minister needs to provide for a decent lead-in time and the type of infrastructural supports we need to make this happen.

Mr. Cullen: I have done all that.

Mr. P. Breen: The Minister has done nothing.

Ms O'Sullivan: The Minister has not done all that. Deputy Pat Breen expressed his scepticism in regard to Aer Lingus's commitment to Shannon Airport. The Minister stated that at the time he negotiated the transitional arrangement relating to Shannon, he sought and obtained

assurances from Aer Lingus that in the context of a level playing field between the airline and its competitors, it would maintain the current level of transatlantic traffic with a regular year round scheduled service between Shannon and Boston and New York. I wish I could believe that means that Aer Lingus will maintain regular year round flights. I would like the Minister to state whether that means we can be certain Aer Lingus will maintain year round flights because that is what is required by the businesses in the Shannon region which depend on them. What does that agreement mean? Is it in writing? Does the matter of a level playing field mean Aer Lingus can get out of it at the first opportunity?

I also wish to ask the Minister about the feasibility study on the rail link for Shannon because we need the infrastructure.

Mr. P. Breen: He does not give a damn.

Mr. Cullen: The Deputy is not being fair. I pride myself on being a regional Minister.

Ms O'Sullivan: This is all about the Pale and the Dublin region. There is no concern in the Minister's attitude or in his speech about the needs of the mid-west region——

Mr. Cullen: I have been severely criticised from Dublin for being a regional Minister and I am getting criticism from the regions for being a Dublin Minister.

(Interruptions).

Mr. Cullen: I am probably right when both sides are giving out about me.

Mr. P. Breen: The Minister is a modern-day Cromwell.

Ms O'Sullivan: I hate to interrupt my future Government colleagues in Fine Gael but I wish to continue my contribution.

I want to ask the Minister about the rail link for Shannon and the feasibility study. According to a written reply to a question I tabled two months ago on 20 February 2007, the Minister stated that a steering group was established which included a wide range of local interests. He stated that a draft final report had been prepared and was being considered by the steering group and that the final report would be available shortly.

Mr. Cullen: It has not been delivered to me. I am not running the steering group.

Ms O'Sullivan: The Minister could have asked for the report and shown a bit of interest.

Mr. Cullen: I am ready and they know where I am.

Ms O'Sullivan: Is it because there is no money in Transport 21 for such a rail link that the Minister has not been too concerned about speeding it up? We need a rail link for Shannon Airport and the proper infrastructural connections.

Mr. Cullen: That is why I am building a motorway for the area.

Ms O'Sullivan: The Minister is building a big rail link out to Dublin Airport——

Mr. Cullen: I am building tunnels, motorways, the western rail corridor.

Ms O'Sullivan: We need one for Shannon Airport as well.

Mr. Cullen: What more can I do?

Ms O'Sullivan: Motorways are not the answer. A motorway will not be much use to a tourist flying in from the USA who is not hiring a car and who wants to get to a destination in Deputy Deenihan's constituency or my constituency or the constituency of most of the other Members here tonight. A rail link to the airport is needed for those who do not have their own motorised transport. The Limerick — Ennis rail connection has proved to be very successful——

Mr. Cullen: It has.

Ms O'Sullivan: ——and I have no reason to believe the rail link feasibility study would not make a positive recommendation for the region even though I do not know its contents.

Mr. Cullen: When I receive the report I will inform the Deputy.

Ms O'Sullivan: I do not note any huge urgency in his tone and in his manner——

Mr. P. Breen: There is nothing on the Galway line yet.

Ms O'Sullivan: I attended a meeting with the Minister in his Department when he agreed to have a feasibility study for which I thank him. However, a feasibility study will not carry passengers so we need more than a feasibility study. We need the Minister to take an interest in the outcome of that study——

Mr. Cullen: The Deputy is being unfair; she is being very hard on me tonight.

Ms O'Sullivan: ——and we need a rail link to Shannon.

I am being as fair as I can be. I do not think the Minister is being very fair to——

Mr. Cullen: There is the Ennis bypass, I speeded up the Atlantic road corridor and I am building the western rail corridor.

Ms O'Sullivan: —the Shannon region. He has let us down in a number of areas and he has not given us—

Mr. P. Breen: We have ten more weeks.

Ms O'Sullivan: —the appropriate lead-in time in regard to the open skies agreement that everybody in the region was expecting. We were expecting to get at least two years if not three or more years but we are only getting one year. We were expecting to have the economic and tourism development plan in place well before open skies would come into effect so that the support structures for the region, as recommended by the body, could be set up under the mid-west regional authority. We were also expecting that the Minister would produce this feasibility study on the rail link within some reasonable length of time and not on the eve of a general election but I do not know whether he will publish it before the election.

Mr. Cullen: I would not do that because the Deputy would accuse me of pulling a rabbit out of a hat.

Mr. P. Breen: He is coming to County Clare.

Ms O'Sullivan: If we can get good announcements from the Minister when he comes down I will be the first to welcome them but from his attitude here tonight I do not see that he is taking seriously the concerns expressed by Deputy Deenihan that we could lose 100,000 transatlantic tourists as estimated by the Shannon marketing body. That body wants to market Shannon but we need the support of Government to do so and we need the Minister to publish his plan.

The region's strength has been built on the international airport in the heart of the region.

Mr. Cullen: The Minister of State, Deputy Killeen, will be proved right; it will be a huge success.

Ms O'Sullivan: It was once said that only the rabbits would run around Rineanna but it has turned out to be very different because of the commitment, the flexibility and the innovative approach in the region. We want to work with the Minister but we want to see some kind of commitment from him to show he is serious about developing the strengths of the region.

I hope the fact he has two Government colleagues from County Clare beside him will ensure that the Minister takes the issue seriously because I can tell him that we are taking it seriously in the mid-west and on a cross-party basis. We are standing with the interests of industry, of tourism, of the trade unions and IBEC. The mid-west is

standing together on this issue but we need proper Government reaction.

The policy of open skies cannot be stopped but the Minister can do what is necessary in order to support the region so that it can compete with a huge capital city and its hinterland. It is inevitable that airlines will seek to fly into capital cities so Shannon is up against it. We are up against a very strong Dublin lobby and against a very strong intention on the part of Aer Lingus to develop its flights in and out of Dublin.

Mr. Cullen: I do not wish to be argumentative but I have tried to say to Deputy Pat Breen and to people in Shannon that Shannon's competition is not Dublin but rather similar regional airports in Europe and that the Deputy is focusing on the wrong issue.

(Interruptions).

Mr. Cullen: Already, similar and smaller and more isolated airports than Shannon are in the United States talking to airports. I would hope that Shannon is already doing the same because Knock Airport is doing so.

Mr. P. Breen: How many technical stops could be made at Knock?

Ms O'Sullivan: There are millions of Americans with Irish connections and who want to come here on holidays.

Mr. Cullen: They want to come to the west.

Ms O'Sullivan: We are not competing with Frankfurt and some town in the south of France for those tourists—

Mr. Cullen: There can only be so many routes—

Ms O'Sullivan: We are competing with Dublin.

Acting Chairman: Is Deputy O'Sullivan prepared to give way to the Minister?

Ms O'Sullivan: I am not sure I want to give way because the Minister—

Mr. Cullen: There are only so many routes to be given from the United States into Europe and this is the point I am trying to make. No airport will have unlimited numbers of routes to unlimited destinations. Shannon Airport will have to compete with countries for particular destinations out of the United States. European destinations are already competing for those slots in American airports.

Ms O'Sullivan: We are not stupid.

Mr. Cullen: Shannon should be doing the same and that is the issue.

Ms O'Sullivan: We are competing with Dublin. If the Minister does not take this seriously, we will be in a position where practically all of the transatlantic flights in and out of Ireland will be going in and out of Dublin. We want the opportunity to keep the strength of Shannon to be supported in comparison to Dublin. This is needed to ensure the economic wellbeing of the region. It is ridiculous to say that we are competing with airports in other parts of Europe for that particular traffic. We are competing within Ireland and we want the opportunity to compete fairly.

Mr. Cullen: Those who think small stay small.

Mr. Eamon Ryan: I wish to share my time with Deputies Pat Breen and Aengus Ó Snodaigh.

The Minister is in good form tonight. It is like the last days of the Raj over there. There is a certain giddiness in the air—

Mr. Cullen: One must always be optimistic when one faces the electorate.

Mr. Eamon Ryan: One must be very optimistic.

Acting Chairman: One must also allow Deputy Eamon Ryan the opportunity to speak.

Mr. Eamon Ryan: I worked as a tourism operator for ten or 12 years prior to the decision of the electorate at the last election. We brought many tourists to the west and south-west and many came through Shannon Airport. One of the telephone calls I always dreaded was someone asking how they could get to Killarney or Westport. I had to tell them they could not get there on the same day because there was no public transport connection between Shannon and Killarney or Westport to allow travel on the same day. This was the reality for a tour operator trying to develop high value good product tourism in the west.

The representatives of the people of Shannon and the mid-west region are right to be worried about the changes. Shannon is not just competing with Frankfurt or other European airports but it is also competing with Dublin and Cork because the Government made a strategic decision to set those airports in competition against each other. There is a real question about the future viability of a lot of the industries in the regions and the long-term development of Shannon Airport if the direct connections are lost.

What can be done to save that? For a tour operator the first thing needed is proper public transport connections so that people flying into the region can travel from Shannon to their destination, be it Killarney, Galway, Clare or wherever. I would commence by putting in place a high-speed, high-quality rail connection from Dublin to Shannon. Dublin Deputies might then be in a position to state that Dublin Airport is not working properly, that it is overcrowded and that rather than

expanding it further, people who live in reasonably close proximity to Shannon should be encouraged to access Shannon Airport via a high-speed, high-quality rail link that will enable them to get in and out of Ireland quickly. With its overcapacity, Shannon Airport could be a good location if we had a high speed rail connection right to the door.

I agree with Deputy O'Sullivan that the Minister's attitude is to attempt to trivialise the issue of providing proper connections.

Mr. Cullen: I thought Deputies O'Sullivan and James Breen would thank me for obtaining a transition agreement but they have not done so.

Mr. Eamon Ryan: The transatlantic open skies agreement is a positive development and the Minister is correct that the local tourism industry should try to provide connections. However, this cannot be done without proper infrastructure in place. Shannon will not compete with Cork or Dublin unless an infrastructure is developed that will provide passengers arriving there with a first-class experience. Tour operators such as I would then be in a position to use Shannon because we would be confident they could transfer customers from the airport to their destination. Without a rail connection, we will not be successful in this regard. I am concerned about the future viability of the airport under the competitive open skies agreement if the proper infrastructure is not put in place.

I am sure our candidate in the constituency, Councillor Brian Meaney, will play a vital role in providing such a high quality and top class infrastructure so that the airport might survive and thrive.

Mr. J. Breen: The lack of firm commitment on the part of the Government to the long-term future of Shannon Airport and the importance of the latter to the future of the mid-west region was highlighted by the personal crusade of the Minister, Deputy Cullen, to fast track the open skies agreement. A five-year action plan detailing what needed to be done to cushion the impact of the open skies policy and to allow the mid-west to continue to develop, industrially and economically, was presented to him. I previously called on the Minister to follow up on his publicly-stated commitment to secure the future of the mid-west by stating when this report would be implemented and indicating if it would be acted upon in its entirety. Unfortunately, nothing happened. However, that is the common response of the Government to issues affecting Clare.

The lack of proper measures means that the Shannon area can expect a 30% drop in trade. The shortening of the introductory period leading into the start date of the open skies agreement confirms the apathy with which this Administration views the mid-west. In the immediate aftermath of the announcement of the agreement, Aer Lingus announced new routes to San Franci-

[Mr. J. Breen.]

sco, Orlando and Washington. Significantly, all of those routes will operate from Dublin Airport. There is no doubt that this agreement will lead to a cherry-picking of routes by airlines.

Much was made of the establishment of customs and immigration clearance in Shannon and this was trumpeted as a jewel in the crown of Shannon's future. However, it now transpires that a similar station will operate out of Dublin Airport within a year. This is further proof of the Minister's contempt for the mid-west. Last October I asked him if he would provide tourism promotional funding for Shannon Airport to partly balance out the heavy funding allocated to the development of Dublin Airport. He replied that the funding of future developments at Shannon Airport will be a matter for commercial consideration by the new independent airport authorities when Shannon Airport becomes fully independent in accordance with the framework provided in the State Airports Act 2004.

Shannon is the one airport for which open skies represents a major negative and the Minister can only wash his hands of it. If he was serious with regard to securing the future of Shannon and the mid-west, this fund and other packages would have been put in place before the open skies agreement was announced. In the past I asked the Minister if he would provide a route support fund for Shannon. He again kicked for touch by refusing to make any commitment in that regard. It is little surprise that there is great scepticism in the mid-west with regard to the chances of Shannon Airport starting from a debt free position under the State Airports Act.

Counties Clare and Limerick are among the top three counties with the highest concentration of employment by US-owned companies per head of population. The Shannon free zone is one of Ireland's largest industrial parks and incorporates the largest proportion of American investment in Ireland. American private investment, which has maintained the Celtic tiger economy, has in the past been split 50-50 in employment terms between the west and east of the country. The impact of open skies, combined with the road network which, under the national development plan, will radiate from Dublin, will give the greater Dublin region and its environs a huge advantage in attracting American investment.

More than 120,000 jobs in the mid-west are directly or indirectly affected by Shannon Airport. If the loss of regular flights within Ireland continues and results in a decline in the level of service being offered from Shannon Airport and its not being able to support business needs because of reduced service by carriers or poorly timed flight schedules, companies based in the mid-west will not easily connect to the major business cities in Europe, including Dublin, and will not be able to attract potential business. Last year IBEC conducted a survey of 123 companies that employ more than 20,000 people. Some 25 of these companies expressed strong concern that a

substantial reduction in flights from the US to Shannon could result in their relocating their operations outside of Ireland. They also outlined their concern that their parent companies might stop any further investment if access to Shannon were hindered under open skies.

I stated in the past in the House that it is high time serious investment was made in the mid-west to protect existing industry and attract future growth. A new bridge across the Shannon is required to open up north Kerry and west Limerick and make the mid-west attractive to investors.

Clare and the mid-west are long overdue a pay-off from this Administration to make up for decades of neglect. I guarantee the Minister if that payback is not announced in the near future the Government will get its own payback in spades in the forthcoming election. The Minister has let Shannon and the mid-west down and has sold us down the river.

Aengus Ó Snodaigh: The open skies agreement has been applauded by the Dublin business community in particular because it will bring about the end of the protectionist policy of the Shannon stopover. I and my party have serious concerns regarding the possible implications of the agreement, particularly as regards the west.

Despite people's criticising it, the protectionist policy to which I refer successfully led to extensive development in the region and helped create more than 12,000 decent jobs there. It also encouraged quite an amount of foreign direct investment in Limerick city and surrounding counties. It helped the University of Limerick in the context of the industrial research and development that has taken place on its campus.

Shannon Airport is a vital item of infrastructure in the mid-west and thousands of jobs are indirectly dependent on its future viability. When the Minister broke the airport authority into three separate authorities at Dublin, Cork and Shannon, we argued that it was wrong to do so and that it had the potential to undermine Shannon's future viability. The open skies agreement has similar potential. We need to hear a great deal more about the Minister's supposed intention to prepare an economic and tourism development plan for Shannon. That should have been announced ahead of any other announcement regardless of whether it was a transitional arrangement. The money should have been signalled ahead of schedule. The Signal group in Shannon highlighted the need to put in place this €53 million fund to help compensate Shannon for the loss of income from the tourism trade and on foot of the potential pull-out of business interests as a result of fewer flights to the airport. A concern also exists that in the future transatlantic air traffic will concentrate on large carriers to Dublin city to the detriment of the west. It is a major challenge for Shannon Airport. Many believe the open skies policy will signal the death knell for Shannon Airport. It is up to the Minister and the

Government to prove them wrong. This can happen but only if the development plan and compensation for the area are fast-tracked and the preparations are made. Marketing of Shannon and the west as a tourism area must also be increased substantially so it is made more attractive for tourists to seek flights directly to Shannon and to ensure the west is opened up.

This does not only involve Shannon Airport. The west must be opened up in terms of infrastructure. I concur with what Deputy Eamon Ryan stated previously with regard to a high-speed rail network. Even a simple matter such as the dual carriageway between Ennis and Galway has not been started even though it is long promised.

Mr. Cullen: It is past Ennis at this stage. What is Deputy Ó Snodaigh talking about? We opened the Ennis bypass recently.

Aengus Ó Snodaigh: It is not in Galway, is it?

Mr. Cullen: It is not. It is being built. What more does the Deputy want? Does he want me to build it myself?

Aengus Ó Snodaigh: I am not criticising the Minister. I am stating we need to fast-track development to ensure a soft landing for the west. A need for investment in tourism and jobs in the west if the status of Shannon was undermined was signalled for a long time. However, we still have the Minister announcing he will prepare a plan and that his Department will finalise it. It is hoped he will do so quickly within the coming weeks so the workers and people in Shannon can benefit from the open skies agreement in the same way as Dublin and the east coast. The agreement has been applauded by many and it is up to the Minister to prove wrong those who state the area will experience a down turn. I believe he can do so through the proposed plan.

Minister for Transport (Mr. Cullen): I thank all colleagues for their contributions to the debate and in general terms the welcome for what EU-US open skies will mean to Europe and, more importantly, to Ireland — notwithstanding some of the particular points of which I am well aware such as the concerns in the west. I absolutely reject any idea that I as Minister for Transport during recent years or the Fianna Fáil Party in Government have not fulfilled commitments made to the west. The level of investment in recent years in the west and mid-west in particular is unprecedented, certainly during my tenure in office.

One of the issues I was asked to deal with by interests in Shannon and the west during early discussions on EU open skies was to fast-track a range of infrastructural projects which would demonstrate clearly to the mid-west that the Government's commitment was real. This was raised as an issue in discussions I had with unions

and other representative groups. Any fair assessment of this commitment will accept this has happened.

The major motorway on the Atlantic road corridor is well under way. Ennis was bypassed, which brought fantastic benefits and relief to the area.

Mr. J. Breen: Ennis has been partially bypassed. The Minister should get the record straight and tell the truth to the House. The western bypass is not in place

Mr. Cullen: As the Deputy knows, I opened the Ennis bypass.

Mr. J. Breen: The Ennis bypass is partially complete.

Mr. Cullen: As a follow-on to this, under the national development plan, I moved forward, as requested, more than €400 million to continue the completion of this major section of the Atlantic road corridor motorway between Shannon and Galway at the fastest possible pace. This is under way and a major tunnel under the Shannon is under construction also.

Deputy O'Sullivan raised the issue of the feasibility of the railway connection to Shannon. As she probably knows from her colleagues in Limerick, I did not go with it because the analysis, figures and economic case in the original draft were extremely poor. A different set of requests and questions were sought and these have gone into the mix. The local authority is dealing with it at present. I expect to receive the final report soon and it is hoped that it will be positive.

I believe a good economic plan is important and I will fulfil the commitment. There is nothing like meeting new customers face-to-face. In this case, the new customers are any city or airport in the United States. I have tried to get this message through to the people in Shannon for some time. Getting on a plane to the United States with a product to offer is what it is all about. One does not need billions or millions to do so. One needs energy, a plan and focus to do it.

Ms O'Sullivan: One needs an airline willing to fly to the airport.

Mr. Cullen: I am struck by what Knock is doing. It is interesting and extraordinarily clever. Knock does not have half the natural hinterland available to Shannon. I do not state this as a criticism of Shannon but as an example of taking advantage of a changed environment. Shannon is a fantastic asset not only to the mid-west, but to Ireland. It is an extremely important international airport. I believe the future for Shannon is as big as Shannon wants it to be.

Mr. J. Breen: Will the Minister provide it with debt-free status? It is a straight question. Will the Minister invest €59 million over what the mid-west regional authority requested?

Mr. Cullen: It is not an issue because Shannon does not have a debt. I am not bothered about it.

Mr. J. Breen: Will the Minister invest in it as the mid-west regional authority requested?

Mr. Cullen: Absolutely.

Mr. J. Breen: Good man. I am delighted to hear it.

Mr. Cullen: There is no question about it.

Mr. J. Breen: It is extremely important to hear this from the Minister.

Mr. Cullen: Of course it is and it is important to the people there.

Mr. J. Breen: I thank the Minister for his commitment.

Mr. Cullen: I repeatedly stated this with regard to investment. The Deputy is correct.

Mr. Kehoe: The Minister is misleading the Deputy.

Mr. Cullen: It is crucial from the point of view of my responsibility for future major investment being made in the airport and there is no question about it. I made the point that Shannon is not only important to the mid-west, it is crucial to Ireland. It is significant infrastructure which is under-utilised and under-performing.

I am delighted that after many difficulties a new cost-base was agreed for Shannon as it is absolutely crucial. I know it was a difficult process but I am delighted the outcome is so positive. Having its cost base corrected positions the airport to be able to compete and have an asset to sell internationally to major destinations available to it in the United States.

From a European perspective, this is a good deal. Everyone accepts it is a terrific deal for Ireland. The potential for this country is unlimited. Already, it is stated—

Ms O'Sullivan: Why must we take all the pain and none of the rewards?

Mr. Cullen: —the potential benefit for Europe is approximately €12 billion for customers and 80,000 new jobs. This is how Europe views it. Ireland is included in this and for Ireland it potentially means a doubling of the number of passengers from the United States. It is correct to state that, similar to any country, the majority of those flights will want to go to a capital city. However, if Shannon holds what it has and increases its range of new destinations it will be enormously successful. I also believe Cork and Knock will be successful.

Mr. P. Breen: How could they all be successful?

Mr. Kehoe: What about Waterford Airport?

Mr. Cullen: The south-east airport goes without saying.

Mr. P. Breen: Look at the record for open skies. They all fly from capital cities.

Ms O'Sullivan: When will we receive the plan?

Mr. Cullen: As soon as it is ready. It is as simple as that.

Mr. P. Breen: When is that?

Mr. Cullen: I am happy to reject some of the points made and state that as a regional Minister I have strongly demonstrated my commitment on behalf of the Government and particularly Fianna Fáil in Government to the mid-west and west by all of the infrastructure that is not only being spoken of but is under way, totalling billions of euro.

Mr. P. Breen: Tell that to the people of Clare.

Question put and agreed to.

Adjournment Debate.

Sports Funding.

An Leas-Cheann Comhairle: We will begin with Deputy Wall as there is a Minister with responsibility for the issue present in the House.

Mr. Howlin: That is more of it.

Mr. Wall: I thank the Leas-Cheann Comhairle for allowing me to raise this very important issue. The last days of April herald two things, the commencement of the GAA football and hurling championships and the end of the administration of this Government. One might ask what the two have in common. Anybody vaguely interested in sport will know that as we commence one and end another, this Administration has not concluded its agreement with the Gaelic Players Association.

Over a long period of time, the Government has promised to deliver but this has not happened. It made a promise to the point that a figure of €5 million was mentioned over a period of time not only by the Minister concerned, Deputy O'Donoghue, but by the Taoiseach, Deputy Bertie Ahern. Both stated that when an agreement was reached by the GAA central council and the GPA, the Government would not be found wanting. The mechanism was agreed over a series of meetings and negotiations, and it was to operate through the infrastructural capital grants programme. Importantly, this would protect the amateur status of the players involved. After very difficult negotiations by the GAA

bodies, the final agreement was reached, but the Government has now been found wanting and has, to date, not honoured its commitments or indicated a “Yes” or “No” to the proposals.

Why has this happened after making a promise to the Gaelic Players Association, members of which week in and week out provide so many men, women and especially children with wonderful entertainment in the four provinces of the island? In the last days of this Administration, will the Minister not honour the agreement reached? Why would he not do this for a group that forgoes so much to have the honour of wearing the county jersey and which plays such a major part as wonderful ambassadors and role models for the hundreds of thousands of children who so faithfully follow their county and its players through thick and thin, week in and week out?

In examining the Government’s failure so far to honour its commitments, one must question the motives behind such a decision, if it is to be final. Is it an issue of equality or finance? Has the Government decided it does not represent value for money? If the issue is one of equality, it must be addressed, and the GPA would doubtlessly agree. The Government should not hide behind the issue but instead should state the facts that must be addressed to progress this matter to a successful conclusion. One would have thought that such matters would have been considered when the Minister and the Taoiseach discussed this matter and decided to agree on it so many months ago. Alternatively, did they take a gamble that the GAA and GPA would not agree, the result being that they are now between a rock and a hard place?

The second consideration — value for money — does not bear thinking about. When one is involved at this level of sporting commitment, one can immediately see what players forgo. This includes overtime opportunities, family and social occasions, educational opportunities and holidays, especially where a player has young children. There are also extra personal costs incurred. There are personal losses in each case. In many instances there are even greater problems, such as when a young family has a large mortgage, for example.

There is no doubting the commitment of all concerned in the presentation of our national games at this level and their inestimable value to our society as a whole. As I have already stated, the players are role models for our children and communities. The value to the Exchequer each week is also very large. Although I have never seen a valuation, such activities would play a major part in the annual returns for the Government of the day. I have no doubt the €5 million in question would be a very small fraction of the overall returns compared to the income that such games generate for the Exchequer.

I therefore ask that in its final days this Administration should honour the commitments of the Taoiseach and the Minister to the GAA and the GPA. The Minister should meet rep-

resentatives from both associations and finally underpin the agreement which the Government indicated it would honour when the associations agreed a procedure to permit such a payment. This would overcome the problems and meet the deserved demands of the GPA, and of so many who give so much in the cause of entertainment.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

I thank Deputy Wall for raising this matter on the Adjournment and for the opportunity to address the issues involved on behalf of the Minister for Arts, Sport and Tourism, Deputy O’Donoghue. I would like to outline the background to the this issue, which has generated significant debate in the media in recent weeks.

The Minister has had a number of meetings with both the GAA and the Gaelic Players Association at which player welfare issues for intercounty players were discussed. At these meetings and in subsequent letters to both the GAA and the GPA, the Minister has set out the position of the Government on this issue. The Minister has stated that he does not intend to provide direct funding to meet the costs either of direct grants to GAA players or of player welfare policies. This responsibility rests with the GAA in the same manner as similar player welfare issues in other sports must be dealt with by the responsible national governing body of sport. In this context it is the exclusive prerogative of the association to decide how it manages and funds such issues, and the Minister does not intend to influence the GAA as to the nature or cost of any new player welfare supports it may introduce.

The Minister has previously indicated, however, that in the event of agreement being reached between the GAA and the GPA on additional player welfare supports, he would be prepared to provide additional funding to the GAA on an annual basis, either through the existing sports capital programme administered by his Department in respect of prioritised infrastructural projects, or through additional funding by the Irish Sports Council in respect of games development, or a combination of both.

Any moneys provided under these programmes would have the effect of freeing up existing moneys within the association to meet the additional costs of agreed player welfare issues. Although the Minister indicated that an amount of €5 million could be set aside, he has also stated that it would be premature to lock into any particular funding mechanism or formally commit to any specific amount of such funding until such time as detailed costed proposals were submitted to him by the GAA under the headings of infrastructure and games development and considered by his Department. As any financial support to be provided by the Department of Arts, Sport and Tourism would be considered in the context of the additional costs to the GAA of new player welfare supports, the Minister has outlined to the association that he would have to be satisfied as

[Mr. Killeen.]

to the extent and nature of such supports, taking into account the ultimate responsibility of the GAA for funding such supports, and in the context of the Government's national sport policy.

The GAA, supported by the GPA, submitted a proposal to the Minister recently regarding Government funding for a senior intercounty player welfare initiative. The proposal has now been examined and a meeting with the GAA and the GPA will be held shortly to discuss the matter.

Social Welfare Benefits.

Cecilia Keaveney: I raise the matter of the €1,000 early childcare supplement payment announced in the 2005 budget, which commenced for children under six in April 2006. I again seek clarity on the status of this payment as it pertains to all children and ask the Minister to confirm that the current interpretation is treating all children equally in this Republic.

All children under six whose parents are resident in the Republic were to gain from it. However, I have a cohort of people who are cross-Border workers and they feel that their children are not receiving the payment either directly or indirectly. I know that the Six County family benefit system is different from that of the Republic of Ireland and I accept the need for equal treatment of all families, but that is the core of my query tonight. For many years the system favoured the cross-Border worker but with the advent of the early childcare supplement this group is being told that it is not entitled to this supplement, despite the fact that there has been a rebalancing of the levels of basic child benefit payment in the North.

I know the technical answer, as under EU regulations the country in which a parent works is responsible for paying family benefits. If the parents are employed in two different member states, the state in which the children reside is responsible for paying benefits. The other state pays a supplement if the rate of family benefits is higher than the rate of payment in the state in which the children reside.

In the Republic of Ireland, if a person is on a low income he or she can receive family income support, FIS, to bring income level up. This is on top of the €1,000 for the child. If a person works in the Six Counties in a low-paid job and lives in the Republic of Ireland, that person can receive, since April 2003, a child tax credit which brings income up. It is taken to be part of a child's income or benefit and so the child does not necessarily get the €1,000 euro "supplement" unless the other member state determines that a percentage is due. The family benefit supplement payment is the difference between the amount of family benefits in the Republic of Ireland — consisting of child benefit, family income supplement and I assume the early childcare supplement —

and Northern Ireland, which has child benefit and child tax credit. I read from this that the child should end up with the same level of financial support but given that it is seen to come a different way, through child tax credits rather than actual cash or cheque, it is not as transparent for those involved.

That is the core of my query. Does this constitute a payment to a child, just as the early child care supplement was supposed to be? Is it possible for cross-Border workers to choose to have their entitlements paid from the country in which they live, thereby giving them the choice and transparency that some of them feel they do not have? Is such a system only available when the two parents are working in different jurisdictions? Perhaps the Department of Social and Family Affairs needs to clear up some of the confusion that exists about whether cross-Border workers can choose where to draw their child benefits. One cannot get the early child care supplement without getting a child benefit payment from the Department of Social and Family Affairs. I have read an e-mail that states that parents can choose where to get their payments. However, people in these circumstances have told me they have been informed they do not have that choice.

This may be a simple case of problems caused by the complexity of the language used by the Departments on either side of the Border. I hope we will start to tear down such barriers on 8 May next, when Northern Ireland will once more be administered locally. As a representative of a Border constituency, I was involved in resolving the taxation issue for the vast majority of cross-Border workers. I trust that the Minister of State can confirm that all our children are being treated equally. The early child care supplement needs to become a reality for them, rather than being lost in bureaucracy.

I welcomed the announcement last June that extra jobs were to be created in Letterkenny to administer the operation of the child care supplement scheme. It was indicated that up to 22 new posts were to be created. We trust that such decentralisation, which has been a huge success, will be followed in the near future by the decentralisation of the Department of Social and Family Affairs to Bunclara. I have spoken this evening merely to get clarity on an issue that is regularly raised with me.

I ask the Chair to show me some latitude in acknowledging the matter that is about to be raised on the Adjournment by Deputy Howlin. I would like to extend very sincere condolences to the Dunne and O'Brien families on the sad losses. I sympathise with PJ and Marian O'Brien, who come from the Burt area of County Donegal, on the loss of their daughter, Ciara, and their grandchildren, Shania and Leanne. The recent tragic events have comprised a very big tragedy for County Donegal, as they have for County Wexford. I thank the Chair for showing me some latitude in commenting on the matter.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputy Keaveney for raising these issues on the Adjournment. I welcome the opportunity to respond as part of this debate. Of course, all children are treated equally when payments of this type are made. The Government decided in the 2006 budget to introduce a major new payment to parents of young children — the early child care supplement — under the remit of the Office of the Minister for Children. The scheme is being administered by the Department of Social and Family Affairs on an agency basis. The supplement consists of an additional payment of €1,000 in a full calendar year that is made to parents in respect of all eligible children under six years of age. Direct and non-taxable payments of €250 per quarter year are made in respect of each eligible child. They are intended to assist parents with the high cost of caring for children, especially in their early years. The parents or guardians of children up to six years of age are eligible for this universal scheme.

Eligibility for the child care supplement scheme is identical to that for the child benefit scheme, which was previously known as the children's allowance scheme. Parents who receive child benefit payments in respect of children under the age of six also receive the early child care supplement. If no child benefit payment is being claimed for a child in this State, no supplement will be paid in respect of that child.

I am pleased to deal with Deputy Keaveney's concerns about the entitlements of parents who work outside the State. When the early child care supplement scheme was introduced in budget 2006, my colleague, the Minister for Finance, Deputy Cowen, said that it was to be "a direct payment of €1,000 per year available equally to all parents regardless of their labour force status, for each child up to his or her sixth birthday". While this comment affirms that the employment status of parents is not a condition under this scheme, it does not suggest that all children under the age of six are entitled to the payment regardless of their residence or nationality.

I will describe how applications made by parents who live in the State but work in another EU state are treated. Deputy Keaveney will be familiar with the cases of people living in County Donegal who are employed in Northern Ireland. The practical application of the scheme is the responsibility of the Department of Social and Family Affairs, rather than my office. The Department, which makes the payment on my behalf on an agency basis, has direct responsibility for other family benefits which are co-ordinated by EU legislation. I will give a simple overview of how this is handled. European Union regulations, notably Regulation 1408/71, co-ordinate the payment of social and family benefits in the cases of migrant and frontier workers to ensure that nobody loses as a result of moving around the EU. Under those arrangements, a frontier worker will receive the

maximum family benefits which are appropriate regardless of whether he or she is subject to the legislation of the country of employment or the country of residence. The worker is paid family benefits by his or her country of employment in the first instance. If the payment is lower than the payment he or she is due under the legislation of his or her country of residence, the latter country pays a further payment to bring the total payment up to the entitlement guaranteed under domestic legislation.

I will outline how the system works in practice. A parent in County Donegal who works in Derry is paid the relevant UK family benefits. He or she can contact the Department of Social and Family Affairs in this jurisdiction to make a claim to this State's family benefits such as child benefit and family income supplement. If the total family benefits received by a family from the UK authorities do not meet its combined family benefit entitlement under Irish law, a further payment is issued to it from the Department of Social and Family Affairs to ensure it receives its full entitlement under Irish legislation. That entitlement was increased substantially by the introduction of the early child care supplement for the parents of children under the age of six. The net result is that parents in this position will always be paid an amount that is equal to the higher level of family benefits. They are in an advantageous position when compared to those who live beside them and work in the Republic.

I am happy that the introduction of the early child care supplement has increased the family benefits which are guaranteed under our legislation to all Irish resident parents of children under six years. It is operated in a way that allows cross-Border workers to receive their full family benefit entitlements, both under Irish legislation and in accordance with the relevant EU rules.

Family Support Services.

Mr. Howlin: I propose to share time with Deputy Kehoe.

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

Mr. Howlin: I thank the Chair for allowing me to speak in the House tonight about a profoundly tragic recent event in County Wexford. As Members are aware, those of us in the county have come through a profoundly sad few days. People in all parts of the county and throughout the country have been affected by this unspeakable tragedy. Deputy Keaveney mentioned the concern and pain of people in County Donegal, for example. People are stunned that such a terrible event has visited the quiet and peaceful village of Monageer. I knew the late Hughie Dunne, the father of the deceased Adrian Dunne, just as I know Adrian Dunne's dear mother, Mary. The Dunne family are decent and respectable people who are coping with life. The untimely and tragic deaths of Adrian, Ciara, Shania and Leanne

[Mr. Howlin.]

Dunne have numbed the whole community. The extended Dunne family and the Monageer community must be supported during this time of great sorrow.

We must hear now from the State. I ask the Minister of State, Deputy Brian Lenihan, to outline to the House and the people of this country the nature and scope of the independent investigation, announced by him this afternoon, into this awful tragedy. I recommend to him the model I established as Minister for Health, when I appointed Mrs. Justice Catherine McGuinness to lead a team to examine the aftermath of the Kilkenny incest case. The report that was speedily and efficiently produced in that instance had a profound impact. I hope something of that nature is being contemplated in this case.

The people of Wexford are asking profound and deep questions, most notably about what has been learned since the awful death of Sharon Grace and her beautiful children, Mikayla and Abby, two years ago. The heartfelt cry of the people of Wexford is not that blame needs to be apportioned, but that answers should be sought. As a community and as a society, we aim to seek, as far as possible, to put in place whatever measures are required to prevent a tragedy of this nature and scale from devastating another family.

Mr. Kehoe: I thank my colleague, Deputy Howlin, for sharing his time. I appreciate it very much. I sympathise with the Dunne and O'Brien families on the deaths of Adrian and Ciara Dunne and their children. This is an emotional time for the people of Monageer, Enniscorthy and County Wexford as a whole. The impact of this emotional issue is being felt as far away as County Donegal. This is not an appropriate time for speaking about blame, or reflecting on whether this event should or could have been avoided.

I welcome the announcement made today by the Minister of State, Deputy Brian Lenihan, that he intends to initiate an independent investigation into this matter. I hope he ensures that this issue is deeply examined, especially as there was a similar tragedy in Wexford town in 2005. My personal belief is that we have not learned any real lessons from the deaths of Sharon Grace and her two children, Mikayla and Abby. I plead with the Minister of State to ensure there is no recurrence of such tragedies in County Wexford or anywhere else in Ireland. A 24 hour, seven day service should be put in place so that it can offer assistance whenever somebody seeks it. Important lessons can be learned from this tragedy. I am not being political because I would say the same thing if I were on the opposite side of the House. I ask the Minister of State to ensure that the independent investigation results in a structure that prevents such a tragedy from recurring anywhere in Ireland.

I thank Deputy Howlin for sharing his time and again offer my sympathies to the Dunne and

O'Brien families. I knew Adrian and his family quite well in my political life over the past five years. It is a sad night when we lose two lovely children and two adults.

Mr. B. Lenihan: I thank Deputies Howlin and Kehoe for raising these issues and welcome the opportunity to respond. I was deeply saddened to hear of the loss of a young family in tragic circumstances in County Wexford last weekend. I extend my profound sympathies to the extended families and friends of the deceased, who are now left to come to terms with this very tragic turn of events.

I have sought a report on this case from the Health Service Executive. The Government has today agreed that, as soon as the relevant facts of this matter are outlined, an independent inquiry will be established to examine all the circumstances. The terms of reference of the inquiry will be determined in light of the facts of the case and we will disclose on an interim basis such reports as we receive. My officials are in constant contact with the HSE in this regard and a meeting between officials from my office and the HSE took place earlier this evening. The Garda Commissioner has also appointed a senior officer from outside the area to investigate the circumstances surrounding the tragedy. I am sure the Deputies will understand that it would be inappropriate for me to comment any further on this matter until the relevant facts have been established.

The HSE's primary aim is to provide child welfare and protection services within the family context, with the option of taking children into care considered as a last resort. Each individual circumstance is examined with the aim of providing the support and care deemed necessary at any given time. The provision of appropriate interventions in respect of families where concerns of risk have been expressed is a complex issue. The Garda and the HSE must balance their responses to such concerns, taking into account all the information available to them at that time, with the rights and privacy of families.

The House will recall that in previous cases which were the subject of debate in this Chamber, it has been implied that the HSE has been too zealous in taking children into care. This reminds us of the difficult and complex decisions required. The Child Care Act 1991, which Deputy Howlin implemented as Minister for Health, sets out the statutory framework for the provision of family support and child protection services. As well as supervision, interim and full care orders, which are the responsibility of the HSE, the Act provides for urgent intervention on emergency care orders by the Garda under section 12 and the Health Service Executive under section 13.

Deputy Howlin referred to the adequacy of HSE social service provision at weekends. The eastern region of the HSE operates an out-of-hours service every day of the year as part of its crisis intervention services. In the absence of a formal national out-of-hours service, other HSE

areas have responded flexibly to provide this service. In 2006, a national working group was established by the HSE to review existing out-of-hours service provision and develop a national model for an out-of-hours social work service for child welfare and protection. This model is intended to meet the needs of the public and service providers who have contact with children and young people. The development and operation of an out-of-hours service is underpinned by the responsibility placed on the HSE by the 1991 Act to promote the welfare of children who are not receiving adequate care and protection. In particular, the service will aim to respond to emergencies covered under section 12 of the Act which occur outside normal working hours. I understand from the HSE that the national group has met on a number of occasions and will be putting forward proposals regarding the establishment of an out-of-hours service in the near future.

I assure the Deputy that the tragic circumstances surrounding the deaths of this family will be examined thoroughly from the perspectives of the HSE and the Garda.

Water Quality.

Mr. J. Breen: County Clare and its capital town, Ennis, have been subjected to constant neglect by this Government. On a visit to Ennis in September 2005, the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O’Keeffe, sought to assure the people of Ennis of the Government’s absolute commitment to improving the quality of water supply to the town. He stated that €13 million had been ringfenced to improve the quantity and quality of the water supply to Ennis, allowing existing and future water needs of the town and its environs to be met in a sustainable way. This was probably one of the most misleading and insulting statements that any Minister ever made while visiting the county.

The truth is that in April 1999, Ennis Town Council commissioned an independent consultant report on the waste water treatment system in Ennis. This report, which was completed and forwarded to the Minister for the Environment, Heritage and Local Government in 2002, recommended an upgrading project be undertaken at an estimated cost of €50 million. However, the report was shelved in the Minister’s office until September 2006, when with an election approaching it was decided to dust it down and examine it. At that stage, the cost estimate was so out of date that the Minister told Ennis Town Council a new report with up to date costings would have to be produced.

The disdain with which this Government treats County Clare has hit new lows. A boil notice for water use in Ennis has been in place since 2005. The people of Ennis have bought bottled water since 2004, causing substantial increases in house-

hold bills. In November 2005, I called on the Clare county manager and the Ennis town clerk to issue rent and rates relief to the people of Ennis. Since I was first elected to Clare County Council, I have consistently looked for proper analysis and planning of infrastructure so that proper resourced development would take place.

This week I was informed by Ennis Town Council that because the water and sewerage systems in Ennis are already operating at maximum capacity, future planning applications for developments could be refused. The stark consequences of this action for employment and property prices are the result of the lack of investment in the county by this Government. When Galway was hit by water contamination, the Minister, Deputy Roche, and the Kerry joker, the Minister for Arts, Sports and Tourism, Deputy O’Donoghue, took to the airwaves to promise immediate funding for upgrading works and tourism promotion drives. However, County Clare continues to be neglected.

I recently visited a mother of young children who had a wheelie bin full to the brim with empty water bottles. Our all-promising Government has done nothing to ease her increased weekly costs. The one word that describes what County Clare gets from this Government is “nothing”. We will not accept that anymore. The Government paid a big price in County Clare in the last election but it will pay more this time because of its neglect of the county.

Mr. P. Breen: I welcome the opportunity to speak on this debate. On Wednesday, 19 October 2005, I raised the issue of contaminated water with the Minister of State, Deputy Batt O’Keeffe, who assured me that his Department would provide financial help on interim remedial measures. They have provided this help but the Minister of State also stated that he did not wish to see the people of Ennis living under the threat of “boil water” notices. He expected design stage of the new treatment plant to be completed by March 2006, construction and commissioning to take about 15 months and the plant to be operational by October 2007. The Government has got it wrong again. We have been told by Ennis Town Council officials that tenders for the new filtration plant have not yet been approved and that it will be the end of 2008 before a system is installed.

The people of Clare must live with a partial “boil water” notice covering children and the immuno-deficient. Ennis is the fastest growing town in Ireland, with a population of 20,000, estimated to increase to 40,000 by 2020. The people of Ennis have lost confidence in the Government, while their confidence in their water supply stands at an all-time low.

It is totally unacceptable in this day and age that people with limited means, particularly the parents of young children, those on social welfare benefits, and the elderly should pay for overpriced water in supermarkets or experience the cost

[Mr. P. Breen.]

and inconvenience of boiling tap-water. The council says the “boil water” notice applies to a small number of people and that it is constantly monitoring the situation with the HSE.

However, that is not the point, and it is not good enough. For a vulnerable group of people to have to fork out money for drinking water is grossly unfair, and for that reason Deputy Breen and I have tabled this motion. I am sorry the Minister is not here, and I know the Minister of State is taking the debate on his behalf. The Minister should provide adequate funding to Ennis Town Council so that bottled water might be subsidised for those vulnerable people.

I do not want to question the people of Galway, but it is quite obvious that the rapid response to the Galway crisis far outweighs Government action under its commitments to County Clare. I say the same thing regarding the Ennis main drainage preliminary report, which has lain idle in the Department of the Environment, Heritage and Local Government since 2002. Now the figures in it are out of date, and more consultants must be appointed at increased cost to the taxpayer. Above all else, we have a town with a damaged reputation for quality drinking water and a sewerage system so outdated it is ready to explode and create another serious crisis for the county town.

The Minister should be ashamed for not being here tonight, but having watched the “Prime Time” programme on the problem of water contamination throughout Ireland, I can see how he might hang his head.

Mr. B. Lenihan: I thank the Deputies for raising this issue, and I am glad to have the opportunity to respond on behalf of the Minister for the Environment, Heritage and Local Government, who was referred to by Deputy Pat Breen.

The Minister is aware that several “boil water” notices have been issued in Ennis in recent years. He accepts that having to boil water, necessary though it may be to protect public health, causes inconvenience, distress and anxiety.

The Ennis town water supply treatment scheme, which will provide a new water treatment plant for the town and supply the people of Ennis with a consistently high quality drinking water supply well into the foreseeable future, has been approved for construction in the Department’s Water Services Investment Programme 2005-2007, at a cost of over €6.6 million.

The Department has been working closely with Clare County Council to progress that scheme. The Minister is glad to say that the council’s

tender report and recommendation for the scheme were received earlier this month and are being examined urgently by the Department. As soon as they have been approved, the council will be able to place the contract for the construction of the new plant.

The Department has also been providing special assistance to Clare County Council under the local government fund towards the operational cost of a temporary treatment plant until the new permanent infrastructure becomes operational. As a result of the installation of the temporary plant last year, the “boil water” notice was lifted for the generality of Ennis consumers with immediate effect on 15 December last. However, as a precautionary measure, the HSE has instructed that the notice should continue to apply for the present to persons who are immunocompromised, infants and pre-school children.

It is a matter for Clare County Council, as the sanitary authority, to determine, in light of the likely duration of the limited precautionary “boil water” regime, whether further exceptional arrangements regarding water supply are appropriate for those cases. However, the council is hopeful of being able to lift the existing precautionary notice in the near future.

A separate Ennis town water supply augmentation scheme, which will provide Ennis with a supplementary water supply from Castl lake, has also been approved for construction under the Department’s water services investment programme. The Department has already approved the county council’s proposals to lay some of the pipes for that scheme, at an estimated cost of some €5.5 million, in conjunction with the Ennis bypass.

The Ennis Clarecastle sewerage scheme, which is sometimes referred to as the Ennis main drainage scheme, has also been approved for construction under the Department’s Water Services Investment Programme 2005-2007. That scheme has an estimated cost of over €57 million, and funding is available for draw-down under the programme as it is advanced.

The Minister approved the council’s preliminary report and the preparation of contract documents for the scheme last September, and I understand the council has advertised for consultants to prepare the contract documents.

I stress the Minister is anxious to see these Ennis schemes reach construction and that the Department will facilitate that in every possible way.

The Dáil adjourned at 11.55 p.m. until 10.30 a.m. on Wednesday, 25 April 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 6, inclusive answered orally.

Questions Nos. 7 to 37, inclusive, resubmitted.

Questions Nos. 38 to 44, inclusive, answered orally.

Drug Abuse.

45. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he has taken to address the explosion in cocaine abuse in Dublin and throughout the State in the past three years, and its effects on abusers of the drug, on abusers' families and the communities they live in. [14966/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I have become increasingly aware of the concerns about the level of use of cocaine in Ireland over the past few years, broadly reflecting the increase in the availability and use of cocaine in Europe generally.

At my request, the National Advisory Committee on Drugs (NACD) and the National Drugs Strategy Team (NDST) recently prepared a joint briefing paper on cocaine, based on existing data in Ireland. The paper, "An Overview of Cocaine Use in Ireland", concluded that all data sources indicated an upward trend in cocaine use, albeit from a low base. The paper also highlights the extremely high risks associated with cocaine and the physical and mental health problems that arise from its use.

Cocaine is particularly dangerous when combined with alcohol and other substances and these messages on the real dangers associated with its use need to be highlighted. The social and economic harm also needs to be stressed, not only to the users of cocaine, but also to their families and to communities that bear the brunt of the behaviour of criminal activity associated with the

supply and use of cocaine. I have repeatedly stressed the dangers associated with so-called "recreational" or "week-end" cocaine use and the glamorising of cocaine in some quarters.

A number of recommendations are made in the paper, principally in regard to treatment, but also covering supply, prevention and research.

A key conclusion of the report is that treatment, primarily in the form of counselling, can and does work and, in this context, the provision of cocaine specific clinics in areas where cocaine problems are more acute is being considered. However, in the broader context, I am of the view that we should work towards having drug services that can cater for the individual problem drug user, regardless of the drugs they use.

Another key recommendation relates to the training of frontline personnel to deal with cocaine issues. I have already funded a training initiative in this regard, as well as four pilot cocaine treatment projects to examine different methods of treatment for cocaine use. The outcomes of those projects which have been completed are being examined at present to see to what extent they can inform the way forward. Furthermore, I have funded six cocaine specific projects under the LDTF Emerging Needs Fund and support for a further nine projects aimed at polydrug/cocaine use under that Fund has been provided. All in all, funding of about €1.4m has been allocated to these projects.

Progress on the implementation of the recommendations of the briefing paper is being closely monitored by the Inter-departmental Group on Drugs, which I chair. In addition, the National Drugs Strategy Team, along with the Drug Task Forces, will continue to review the needs in communities.

Meanwhile, work on the second all-island Drugs Prevalence Survey is in progress and it is expected that preliminary results will be available in the latter part of this year. This will give much

[Mr. N. Ahern.]

greater clarity on the overall prevalence of cocaine.

The challenges posed by cocaine use are significant, but I am confident that we can meet these challenges through a co-ordinated approach utilising the structures of the National Drugs Strategy.

Rural Transport Services.

46. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs if the areas to be serviced by the proposed Nitelink buses have been chosen; the criteria used to select the areas; the amenities that will be serviced; and when the service will commence. [14989/07]

48. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals for rural transport; the expected sources of funding required; and if he will make a statement on the matter. [14983/07]

49. **Ms O. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs if the rural transport initiative will be expanded to allow for night time rural buses; if so, when this will be introduced; the money to be allocated for this purpose; and if he will make a statement on the matter. [12679/07]

673. **Mr. McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the progress being made in relation to the introduction of the proposed night time rural public transport system; when the system will be in place; if north east Galway will be included in the scheme; and if he will make a statement on the matter. [15083/07]

697. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs when the expansion of late night public transport in rural areas, as earlier outlined by the him, will be implemented; and if he will make a statement on the matter. [15152/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 46, 48, 49, 673 and 697 together.

As the Deputies will be aware, in many rural areas, there are no public transport services at night. While there are, in the more developed rural areas, either hackney or taxi services, these are totally at the discretion of the providers of these services and do not provide a guaranteed service to rural people. I believe, therefore, that there is a need in rural Ireland for an evening transport service to allow rural people to fully participate in the various activities — community, sporting and social — that take place in their areas and to address the market failure that currently exists.

What I have in mind is that the new scheme will be additional to the existing Rural Transport Programme (RTP), run by the Department of Transport, and that a small number of areas will be selected to run it, over a 12 month pilot period.

In this context, the 34 groups currently delivering the RTP were invited by Pobal, who administer the RTP on behalf of the Department of Transport, to submit applications to be considered under the new scheme. Of those, 22 of the groups subsequently applied and the applications have been appraised having regard to such criteria as:

- evidence of need;
- strength of proposal;
- capacity of the group;
- value for money; and
- geographical spread.

I hope to make an announcement on the half dozen or so pilot areas to be selected in the next week or two. The budget for the 2007 pilot will be of the order of €500,000 and I would expect the service to commence with a few weeks of the pilot areas being chosen.

All services will focus on maximising the general community good and I am, of course, conscious of the need to ensure that no displacement takes place of commercially viable existing services as a result of the introduction of the new scheme.

National Drugs Strategy.

47. **Mr. S. Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will publish the most recent six monthly Progress Report to the Cabinet sub-committee on social inclusion in regard to his Department's overall responsibility for co-ordinating the implementation of the National Drugs Strategy; and if he will make a statement on the matter. [15010/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): My Department's report to the Cabinet Committee on Social Inclusion in October 2006 focused, in particular, on developments in regard to the following five issues:

1. Cocaine Briefing Paper

I outlined the findings of the Cocaine Briefing Paper which was jointly prepared, at my request, by the National Advisory Committee on Drugs (NACD) and the National Drug Strategy Team (NDST). This Briefing Paper was subsequently published last month. It contains 13 recommendations which are being followed up with the appropriate Departments and Agencies and monitored through the Inter-departmental Group on Drugs (IDG), which I chair.

2. *Research Outcome Study in Ireland (ROSIE)*

The ROSIE study evaluated the effectiveness of the treatment of heroin users, the key finding of which is that treatment works. Specifically the study found:

- significant reductions in heroin and other drug use;
- 27% abstinent from all drugs after 1-year;
- extensive reductions in drug injecting;
- improvements in physical and mental health;
- extensive reductions in criminal activity; and
- increased contact with health and social care services.

3. *Working Group on Drugs Rehabilitation*

I provided an update on the progress of the Working Group on Drugs Rehabilitation. Subsequently, the Cabinet Committee approved the Report of the Working Group and I envisage that it will be published in the coming weeks.

4. *Progress on the Young Peoples Facilities and Services Fund (YPFSF)*

This Fund is aimed at the young people who are most at risk and it provides facilities, programmes and activities that are designed to provide an alternative to the dangers of drug misuse. Through the Fund, young people are offered positive pursuits (including sports and various recreational activities) that increase the potential for healthy lifestyles. Investment in the Fund has increased substantially over the last five years.

5. *Drug Prevalence Survey 2006/07*

I up-dated the Cabinet Committee on the position with respect to the all-island Drug Prevalence Survey 2006/07 for which fieldwork had just been initiated at that time. This fieldwork is expected to be completed shortly, with a first report of prevalence figures and trends becoming available in the latter part of the year.

Finally, the Deputy should note that reports to the Cabinet Committee on Social Inclusion are not published.

Questions Nos. 48 and 49 answered with Question No. 46.

Rural Development.

50. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made during the lifetime of the Government in regard to the achievement in rural Ireland of vibrant sustainable communities with the range of age, income, occupational groups essential to

adapt to ongoing economic, social, cultural and environmental change; and if he will make a statement on the matter. [15012/07]

66. **Mr. Stagg** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made during the lifetime of this Government in regard to retaining the maximum number of rural households and family farms; and if he will make a statement on the matter. [15013/07]

71. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the contribution made by his Department in regard to individuals and families having a real choice as to whether to stay in, leave or move to rural Ireland on the basis of sufficient income and employment being available; and if he will make a statement on the matter. [15015/07]

78. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his policy proposals in respect of rural development in the future; if this involves the cessation of existing schemes; the purpose of same; the expected impact on rural development in the future; and if he will make a statement on the matter. [14984/07]

81. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which equity has been achieved in terms of opportunity between rural and urban communities and between communities in rural areas during the lifetime of this Government; and if he will make a statement on the matter. [15014/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 50, 66, 71, 78 and 81 together.

Despite continuing urbanisation, Ireland is still a comparatively rural country. About 40% of the population continue to live in rural areas and while the rates of population growth over the past decade have been greater in urban than in rural areas, population growth in the regions has still been strong. There is little doubt, however, that in recent years, the rural economy has been undergoing rapid change. Rural areas will, therefore, need to continue to diversify and develop in the coming years to take account of the ongoing demographic, social and economic changes that impact on their communities.

One of the key goals of my Department is to promote and maintain living and working populations in rural areas by helping to foster sustainable and culturally vibrant communities. Since its establishment in 2002, my Department has been vigorously pursuing policies and programmes that seek to address the changing nature of rural communities, support their development and promote better regional balance.

[Mr. N. Ahern.]

The Rural Social Scheme (RSS), which I introduced in 2004, is particularly noteworthy in this context. The success of the Scheme is clearly evident from the fact that all available places have now been allocated. Participants work 19.5 hours per week. Significantly, the RSS has allowed people to supplement their farm income and yet remain involved in farming. In this way, many family farm incomes have remained viable, which I know the Deputies will appreciate is critical for the vitality of rural communities throughout the country. The RSS provides resources to maintain and improve local amenities and facilities in rural areas. Communities benefit from the skills and talents of local farmers and fisher persons, while the participants are provided with opportunities to improve existing skills, and develop new ones, as they perform valuable work in the community. Funding for the RSS for the period 2007-2013 is included in the new National Development Plan which clearly confirms the Government's continued and on-going commitment to the Scheme — and to rural communities — in the coming years.

Better infrastructure in rural areas means more people will live in them, taking pressure off the urban areas and in a completion of the circle, making the rural services more economically viable. The CLÁR (Ceantair Laga Ard Riachtanais) Programme supports physical, economic and social infrastructure in rural areas of special disadvantage across a variety of measures — such as electricity conversion, roads, water and sewerage, village, housing and schools enhancement, health, coastal and sports and community projects. CLÁR acts as a lever to elicit money from other sources through funding and co-funding arrangements with Government Departments, State Agencies and Local Authorities. In the years 2002 — 2006, €71m was spent on investments under the Programme with related public and private expenditure in the region of €61m. Over €18.6m is available for investment under the Programme in 2007.

Over 4,000 projects have been approved for funding in CLÁR areas from 2002 to date. Specific examples include more than 600 Class 111 roads assisted to the value of €9.6m and almost €19m spent on the improvement of Local Improvement Scheme (LIS) roads. Nearly 100 minor health projects and 660 schools playground projects have been approved since 2004. Just under €1.4m was provided to projects at Knock Airport. More than 345 water and sewerage projects have been approved since 2002. Many of these projects would not have gone ahead without CLÁR funding and in adding to the infrastructure of rural Ireland, I am sure the Deputies will agree that they have considerably improved the living conditions of rural communities.

It should also be noted that my Department has acted as the Managing Authority for the delivery of the two LEADER Programmes in

Ireland for the 2000–06 round of structural funding, the Area Based Rural Development Initiative and the LEADER+ EU Initiative. The combined budget for the two EU co-funded Programmes of €150m was committed by the end of 2006 and full drawdown of all available expenditure is anticipated. Among the key achievements, to end December 2006, of the Programmes are the following:

- No. of projects — 9,419;
- No. of jobs created — 5,090;
- No. of new enterprises assisted — 1,866; and
- No. of persons trained — 59,711.

A new seven-year funding round commences this year under the Rural Development Programme 2007-2013 and I have secured an almost three-fold increase in funding available for LEADER in that period. Key outside the farm gate measures will be targeted such as diversification into non-agricultural activities, support for business creation and development, encouragement of tourism activities, services for the economy and rural population, village renewal and development, and conservation and upgrading of the rural heritage.

The work being done by the Western Development Commission (WDC) is also of relevance. The WDC promotes economic and social development in counties Donegal, Sligo, Leitrim, Roscommon, Mayo, Galway and Clare through policy analysis and development, the promotion of regional initiatives and the operation of the Western Investment Fund.

One of the WDC's initiatives is the 'Look West' promotion and advertising campaign which positions the West as an appealing place to live and work. It is aimed at people in and around the greater Dublin area who may consider moving to the West. The intention is to attract a broad range of people and skills to the western counties. The key message of the initiative is the excellent quality of life available in the western counties. Typically, people living in the West can enjoy shorter commuting times, lower house prices, more affordable childcare and other services and a rich and varied sporting and cultural life.

In addition, in the period 2002-2006, €17m was invested through the Western Investment Fund in 66 enterprises in the western region.

Furthermore, I see the area of countryside recreation and pursuits such as walking and cycling, in particular, as offering great potential for rural communities in the future. The development of countryside recreation will be a key part of the measures to be rolled out under the new Rural Development Programme.

The Local Development Social Inclusion Programme is also important in terms of supporting rural development. The programme has a particular focus on supporting people and communities suffering disadvantage and exclusion through

a wide spectrum of locally promoted actions. Some €417m will be provided over the period 2007-2013 to support measures under the Programme in both urban and rural settings.

I would also like to briefly mention two other programmes run by my Department which, I believe, are of relevance. Firstly, under the Community Development Programme, the core costs of some 44 rural-based projects have been receiving, on average, just over €4 million annually from my Department to support their work. These projects provide a focal point for community activity within the local neighbourhoods.

Secondly, while the Community Services Programme is not a rural initiative *per se*, it aims to support the economic and social regeneration of local communities and to provide employment opportunities for the unemployed or other disadvantaged persons. Over 400 projects throughout the country are being funded.

I will also be announcing a new pilot night-time rural transport scheme in the next few weeks to target to allow rural people to fully participate in the various activities — community, sporting and social — that take place in rural areas in the evening.

Looking to the future, I believe that the signs are very encouraging for rural communities. As well as providing continued funding for the programmes operated by my Department, the National Development Plan (NDP) will — within the framework of other national policies and programmes — continue to assist in the social and economic development of rural areas through measures such as rural transport, non-national roads, rural water services, broadband and agriculture. Indeed, the Deputies should note that for the first time ever, a dedicated chapter on the development of the rural economy is included in the NDP. The implementation of the National Spatial Strategy over the coming years will, I believe, also have a significant impact on the development of rural communities.

Foclóir Gaeilge-Béarla.

51. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta leis an bhfoclóir leictreonach Gaeilge-Béarla. [15018/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tuigim ó Fhoras na Gaeilge gur ceapadh Bainisteoir Tionscadail i mí Feabhra agus go bhfuiltear ag obair go dícheallach ó shin chun an próiseas tairisceana do Chéim a Dó den tionscadal foclóra, mar aon leis na socraithe gaolmhara eile is gá a dhéanamh, a chur chun cinn. Chomh maith leis sin, tuigim go mbeidh post mar Eagarthóir Foclóireachta á fhógairt i gceann cúpla seachtain.

I measc na gníomhartha eile atá beartaithe taobh istigh d'achar gairid, tá:

- Dhá chúrsa san fhoclóireacht dhátheangach, ceann i mBéal Feirste agus ceann i gCorcaigh.
- Forbairt bhreise ar Chorpas Náisiúnta na hÉireann.
- Painéal de phearsanra cáilithe a chur le chéile.

Ach na gníomhartha seo a bheith i gcrích, beifear in ann luí isteach ar thiomsú ábhar an Fhoclóra fein, idir an leagan leictreonach agus an leagan clóite.

Anuas ar sin, tá socraithe á ndéanamh maidir le leagan leictreonach d'Fhoclóir Béarla-Gaeilge Uí Dhónaill, a bheidh in oiriúint do chóras oibriúcháin Windows, a chur ar fáil ar dhlúthdhiosca. Táthar ag súil go mbeidh an obair a bhainfidh leis sin i gcrích faoi dheireadh an tsamhraidh agus go mbeidh an diosca WinGléacht le fáil sna siopaí faoi dheireadh na bliana.

Acht na dTeangacha Oifigiúla.

52. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an mó Scéim faoi Acht na dTeangacha atá glactha aige anois; agus an ndéanfaidh sé ráiteas ina thaobh. [15019/07]

720. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé tar éis dréacht-scéim a lorg ó na heagraíochtaí iomchuí de réir Acht na dTeangacha Oifigiúla 2003. [15367/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tógfaidh mé Ceisteanna Uimh. 52 agus 720 le chéile.

Tá 50 scéim teanga, a chlúdaíonn 78 comhlacht poiblí — mo Roinn féin ina measc — daingnithe agam anois agus iad foilsithe. Tá gach ceann de na scéimeanna sin ar fáil ar shuíomh idirlín an Choimisinéir Teanga, www.coimisineir.ie. Lena chois sin, tá 68 dréacht-scéim eile, a chlúdaíonn 126 comhlachtaí poiblí, á ullmhú faoi láthair agus tá mo Roinnse ag plé leis na comhlachtaí poiblí atá i gceist d'fhonn an próiseas i ndáil leis na scéimeanna sin a chríochnú a luaithe is féidir.

Irish Language.

53. **Ms O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs the progress he has made over the term of this Government to advance the use of the Irish language; and if he will make a statement on the matter. [15006/07]

75. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs the contribution his Department has made to increase the use of the Irish language countrywide; the level of success achieved in regard to achieving this aim; and if he will make a statement on the matter. [15009/07]

696. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs when there will be a long-term Irish language strategy here; and if he will make a statement on the matter. [15151/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 53, 75 and 696 together.

As I have previously indicated in response to similar questions in this House, a wide range of policies and initiatives in relation to the Irish language have been put in place in recent years. These initiatives include:

- The enactment of the Official Languages Act in 2003, with all provisions of the Act in operation since 14 July 2006. To date 50 language schemes covering 78 public bodies have been confirmed by me and published. Both Dáil and Seanad Éireann have approved a draft of Regulations dealing with the use of the Irish and English languages by public bodies in pre-recorded oral announcements, on stationery and on signage, and I expect to be in a position to make these Regulations shortly.
- The establishment of the Office of An Coimisinéir Teanga.
- Securing the recognition of Irish as an official working language of the European Union with effect from 1 January 2007.
- The publication by Government in December 2006 of its Statement on the Irish Language. This Statement provides for the development of a 20 year strategy for the language based on the objectives set out in the Statement. It is intended that the Statement, which the Taoiseach launched before Christmas, will be the foundation for practical action for supporting and promoting the Irish language, based on a modern approach and an integrated strategy. Work on development of this strategy has already commenced and submissions on the strategy are being invited from the public. As I already indicated, it is intended that the strategy will be developed over a two year period.
- Achievement of significant advances in line with the recommendations in the Report of Coimisiún na Gaeltachta in 2002. A number of new initiatives continue to be implemented in Gaeltacht areas, including the development of public awareness measures aimed at the Gaeltacht community in particular, as well as the continuing roll-out of the language planning initiative. These practical measures continue to further consolidate the language.

- Significant resources continue to be made available to support the work of Foras na Gaeilge on an all-island basis.
- The continued provision of grants from Ciste na Gaeilge to foster and promote the Irish language. During 2006 four sub-funds were launched within the Ciste:
 - to fund Irish courses in 3rd level institutions abroad;
 - to support the Business Fund, which covers organisations such as Gael Taca, Gaillimh le Gaeilge and Tiobraid Árann ag Labhairt;
 - for Placenames Research Fund to provide bursaries to postgraduate students who select placenames as a subject for research; and
 - for the provision of Irish language DVDs for children.

I am satisfied that the measures outlined above, including the work of Foras na Gaeilge, Údarás na Gaeltachta and the various groups funded from Ciste na Gaeilge, have helped to increase the number of people who are able to speak the Irish language countrywide, as demonstrated in the Census returns. They also help to foster significant goodwill towards the Irish language.

Drug Abuse.

54. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he will take to address the growing heroin problem in Ballyfermot, Dublin, and the lack of a strategy to address the rehabilitative needs of addicts or recovering addicts in the Dublin 10 area. [14965/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): To date, under the National Drugs Strategy, my Department has made substantial funding available to Ballyfermot Local Drugs Task Force (LDTF) and this will continue in 2007, with nearly €1.5m being allocated. It is estimated that in the region of 40% of the projects being supported by the Task Force have a rehabilitative focus, much of this relating to heroin.

In total, the Ballyfermot area has received nearly €17m to address the problems of drugs misuse through the LDTF process and the Young People's Facilities and Services Fund.

In this context, I am delighted to inform the Deputy that I have in recent days approved expenditure of €500,000 under the Premises Initiative towards the refurbishment of the premises of Ballyfermot STAR Education & Training Programme (Realt Nua), located in Park West Industrial Estate. Currently Ballyfermot STAR organises a Community Employment Education and Training Programme for 25 people in recov-

ery from drug misuse from the Dublin 10 and Chapelizod catchment areas. With the new capital funding, the project will be in a position to cater for an extra 25 people. This will involve people from Ballyfermot who are not, as yet, on a methadone treatment programme.

I understand that the Addiction Services of the HSE are currently planning the development of an Addiction Centre to provide a range of services to the communities of Clondalkin and Lucan. This service will address waiting lists in Ballyfermot by reducing the numbers of people from Clondalkin who are currently in receipt of treatment in Ballyfermot. In addition to this, I understand that the Addiction Services are in negotiation with two community projects in Ballyfermot for the provision of two prescribing clinics with a view to addressing the waiting lists in the shorter term, while the Clondalkin facility is under construction.

The Deputy should also that the Report of the Working Group on Drug Rehabilitation is expected to be published in the next few weeks. The key recommendations focus on providing a continuum of care for clients through planned progression paths for each problem drug user, while ensuring that quality standards are achieved in the services provided. The Report also looks at the wider supports needed by recovering problem drug users in areas such as involvement in community employment schemes and support with progression to employment, educational supports, housing and childcare, while recognising the need to involve the families of problem drug users in the process.

Finally, with regard to the extent and trends in problem drug use, comprehensive data will start to become available from the second all-island Drug Prevalence Survey, the fieldwork for which is nearing completion, in the latter part of this year. With respect to heroin misuse in particular, a further national study is being commissioned by the National Advisory Committee on Drugs and it is expected that the results of this will be available early in 2008. These surveys will give us a much clearer view of current drug misuse in Ireland.

Irish Language.

55. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs the funding made available by his Department for the teaching of Irish in educational institutions abroad; the amount of money allocated; the colleges and institutions to which money was given; the effectiveness of such programmes; and if he will make a statement on the matter. [15001/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): In September 2005 I announced that a new fund would be made available from my Department to promote the teach-

ing of Irish at third level overseas. Funding of €1 million over a 3-year period from Ciste na Gaeilge was allocated to this scheme.

Since the beginning of this scheme, grants have been approved for the following institutions and programmes:

- Daltaí na Gaeilge, Washington, USA
- Fealsún — Teagasc Gaeilge do Thosaitheoirí, Missouri, USA
- Catholic University, Lublin, Poland
- University of Cambridge, England
- University of Montana, Missoula, Montana, USA
- SKSK, Königswater, Germany
- Glucksman Ireland House, New York University, USA
- Newman College of Aston, Philadelphia, USA
- The Centre for Canadian Irish Studies, Concordia, Montreal, Canada
- Rennes 2, University of Brittany, France
- University of Notre Dame, Indiana, USA
- Boston College, Boston, USA
- University of St. Thomas, Minnesota, USA
- University of St. Thomas, Texas, USA
- North American Association for Celtic Language Teachers, Ontario, Canada
- University of Bonn, Germany
- Freiburg University, Germany
- Dusseldorf University, Germany
- Ruhr University, Bochum, Germany
- Marburg University, Germany
- University of Liverpool, England
- Cardiff University, Wales
- Ionad an Léinn Éireannaigh, Karlova University, Prague, Czech Republic
- Szeged University, Hungary
- Karoli Gaspar University, Budapest, Hungary
- University of Wales, Aberswtwyth, Wales
- Irish College, Paris, France
- University of Oslo, Norway
- Institiúid na hÉireann, Pittsburgh, Pennsylvania, USA
- Universitat Mannheim, Germany
- Institiúid an Léinn Ghael-Mheiriceánaigh (Lehman), New York, USA
- Humboldt — Scoil an Léinn Cheiltigh, Berlin, Germany
- Wisconsin University, Milwaukee, USA

[Éamon Ó Cuív.]

- Ducis-Dalarna University, Denmark

I am satisfied that this is a worthwhile initiative, which promotes Ireland and our language and culture in a positive way abroad. The availability of this funding has increased awareness of the language in third level institutions and will lead to development of enhanced links between Ireland and the countries of these institutions with positive long-term impacts on the language.

Water and Sewerage Schemes.

56. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs if he questioned the Department of Environment, Heritage and Local Government on the implementation of the Water Services Bill which provides a licensing system in order that group water schemes are checked regularly and meet water quality standards in view of the fact that his Department regularly dispenses funding under the CLÁR programme for group water schemes. [14990/07]

62. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if there is an environmental quality standard criteria used for grant allocations given to group water schemes under the CLÁR programme. [14991/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 56 and 62 together.

Under the CLÁR Programme, Group Water Schemes are selected by the Local Authority on foot of applications received from local groups. Applications are then forwarded to my Department if the cost of the scheme is such that additional funding is required. The CLÁR Section of my Department, on a case-by-case basis, refers schemes to the Department of Environment, Heritage and Local Government (D/EHLG), as warranted, after examination. My Department does not set environmental quality standard criteria, as all applications must meet the criteria set by the County Councils and the D/EHLG.

In addition, CLÁR provides funding for Group Water Schemes participating in Bundled DBO projects for the provision of new water treatment and disinfection plants. The local authority selects the schemes.

Community and Voluntary Sector.

57. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department will be taking on the task of promoting the group insurance scheme currently open to members of local community and voluntary fora as has been recommended by the Taskforce on Active Citizenship. [14994/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The recommendations in the Taskforce Report and how best to implement them are under consideration. However, I am inclined to believe that it is a matter for the national network of C&V Fora to advance promoting the insurance scheme referred to by the Deputy. In this scenario, how the network might best be supported to carry out this task will require further thought and no doubt will be considered also by the new Active Citizenship Office.

Drug Abuse.

58. **Mr. Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the growth in crack cocaine and crystal meths abuse; and the steps he has taken to address this. [14967/07]

63. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the spread of crack cocaine in urban Ireland; if his attention has been drawn to recent reports that crack cocaine could potentially spread to increasing numbers of cities and towns; the efforts he has made to combat the spread of crack cocaine; and if he will make a statement on the matter. [15000/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 58 and 63 together.

I am aware of the dangers that crack cocaine and crystal meth use can pose in terms of their potential to add hugely to the harm caused to individuals, families and communities.

However, I am informed by the Garda authorities that, while there has been an increase in the number of seizures of crack cocaine over the past two years or so, this represents a small proportion of the total number of cocaine seizures recorded annually. They further inform me that crystal meth is currently not a major feature of the Irish drugs market and that only very small quantities of the drug have been seized to date. Also, it is worth noting that in my visits to various Drugs Task Force areas in the past year or so, these drugs did not arise to any great extent in my discussions with community representatives and others on the nature of the drug problem in their areas.

At the same time, vigilance is necessary in regard to crack cocaine and crystal meth and the Garda Authorities have taken a number of measures to address the matter. In this context, I understand that the National Drugs Unit, as well as local drug units, conduct intelligence gathering on individuals and groups suspected of involvement in the sale and distribution of drugs such as these. There is also targeted patrolling by uniform

and plain-clothes personnel of potential problem areas in order to detect and disrupt persons involved in such activity.

I am not aware of any specific studies on the use of crack cocaine being carried out in Ireland. The only available figures on prevalence come from the joint 2002/2003 Drug Prevalence Survey. That survey showed that the use of crack cocaine was very low at that time — 0.3% reported lifetime use; 0.1% reported use in the previous 12 months and there were no positive respondents in relation to last month use. However, a new Drug Prevalence Study is currently underway with fieldwork due to be completed in early May. Preliminary analysis will be done in the months following that, with the first report of national prevalence figures and trends expected in the latter part of 2007. This will give an up-to-date picture of overall problem drug use in Ireland.

In addition, I understand that funding has been provided by the Department of Justice, Equality & Law Reform for a study into the nature and extent of crack cocaine use in Dublin. A researcher has recently commenced work on this and it is hoped that the work will be completed early in 2008.

In relation to crystal meth, it is worth noting that the Drug Treatment Centre Board has not recorded any case of a person presenting for treatment in relation to its use. However, as it is used in the UK, the Gardaí are particularly aware of the risks involved and are closely monitoring the situation.

National Drugs Strategy.

59. **Ms McManus** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the recent report of the Working Group on Drug Rehabilitation, that represents the fifth pillar of the National Drugs Strategy; the main recommendations of this report; and if he will make a statement on the matter. [15004/07]

60. **Mr. Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs if consideration has been given to increasing the number of community employment places ringfenced as part of the rehabilitation strategy of the National Drugs Strategy, and to increasing the duration of the CE term to take account of the chaotic nature of the lives of many of the drug addicts when they begin CE and the damage caused to their rehabilitation programme if the stability CE brings to their lives is undermined by an arbitrary cut-off date. [14968/07]

702. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made by the working group on the rehabilitation tier of the National Drugs Strategy; and if he will make a statement on the matter. [15159/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 59, 60 and 702 together.

The Report of the Working Group on Drugs Rehabilitation was approved by the Cabinet Committee on Social Inclusion last month. It is currently being printed and it is envisaged that the report will be launched in the next few weeks.

The Working Group has taken a holistic view of rehabilitation and, while recognising the importance of clients being activated and prepared to fulfil their own role towards rehabilitation, it sees — as a key aim of the overall process — the empowering of recovering problem drug users so that they can re-engage with society in a manner consistent with their needs and expectations.

The key recommendations of the Report focus on:

- an effective inter-agency approach (protocols, service level agreements, quality standards);
- treatment facilities (in particular regarding detoxification);
- community employment related; and
- broader life issues including medical support, employment, access to education, housing, particular issues relating to the rehabilitation of offenders, childcare, the role of families in the rehabilitation process and research.

The Working Group acknowledged the contribution Community Employment (CE) is making to the drugs rehabilitation effort. They are recommending an increase from 1,000 to 1,300 in the number of drug-specific CE places, with increased focus on the educational and health requirements of participants. A pre-CE stabilisation initiative is also recommended.

An Teanga Ghaeilge.

61. D'fhiafraigh **Mr. Wall** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na cainteanna a bhí aige leis an gCoimisinéir Teanga mar gheall ar a Thuarascáil Bhliantúil don bhliain 2006. [15017/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Mar is eol don Teachta, tá an Coimisinéir Teanga neamhspleách i gcomhlíonadh a chuid feidhmeanna agus ní bheadh sé cóir go mbeadh plé idir an Aire agus an Coimisinéir maidir le hábhar a bheadh beartaithe ag an gCoimisinéir le haghaidh a Thuarascáil Bhliantúil. Tá dualgas reachtúil ar an gCoimisinéir, de réir alt 30 d'Acht na dTeangacha Oifigiúla 2003, a Thuarascáil Bhliantúil a ullmhú agus a thabhairt don Aire, agus tá dualgas ar an Aire

[Éamon Ó Cuív.]

an tuarascáil sin a leagan faoi bhráid gach Tí den Oireachtas.

Ar bhonn níos leithne, tig liom a dhearbhú go mbíonn teagmháil rialta idir mo Roinnse agus Oifig an Choimisinéara maidir le réimse leathan ábhar a bhaineann le feidhmiú an Achta.

Question No. 62 answered with Question No. 56.

Question No. 63 answered with Question No. 58.

Community Development.

64. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the operation of the RAPID scheme over the past 12 months; his views on whether more communities should be designated as RAPID areas; and if he will make a statement on the matter. [14999/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 45 designated RAPID areas. In addition, RAPID priority status was extended to Ballyfermot in 2006. My Department, with the support of Pobal, has overall responsibility for the co-ordination of the RAPID programme. It is a matter for each Department to respond to issues of funding within their area of responsibility.

The House will be aware that I introduced the RAPID Leverage Schemes in 2004. Under these schemes, My Department directly funds schemes to provide playgrounds, improve traffic measures, improve health facilities, provide CCTV, support sporting organisations as well as improve local authority housing estates and flat complexes. Some €11m was committed to projects identified in co-operation with the local communities in 2006.

The evaluation of the programme published on 1 June last indicates that the experience of the RAPID Programme has been very positive in many areas. The evaluators concluded that substantial progress had been made in identifying the needs of disadvantaged communities and in implementing important local projects in response to those needs. The evaluator stated that the leverage schemes appear to have secured a greater 'buy-in' from local stakeholders and were facilitating further activity at local level. The report also identifies strengths and weaknesses of the Programme and proposes 25 recommendations. Work on advancing the implementation of these recommendations commenced in 2006 and is continuing; these include, enhanced monitoring structures, the adoption of annual

work programmes, and improved corporate and business planning in agencies to prioritise RAPID areas for investment.

The RAPID Area Implementation Team (AIT) structure has allowed for effective engagements with the local communities and provided community representatives with greater opportunities to work with the local authorities and statutory agencies in identifying the problems that affect their areas. Matters requiring attention have been identified and prioritised for funding. There is widespread agreement that local consultation has played a key role in supporting statutory agencies in developing appropriate responses. Community representatives are supported to work in their immediate neighbourhoods to ensure deeper and wider involvement of the community with RAPID and the statutory agencies.

It is my strong view that we should build on the successes of the RAPID programme as shown through the community participation and local buy-in achieved to-date. I believe that the achievements of the local structures established under RAPID should be acknowledged from both the physical transformation that has begun to take shape in RAPID areas and the improved levels of community involvement and confidence in the process. I believe that the AITs provide a solid basis for moving forward with the programme.

As I have previously indicated I have no plans at present to further extend the areas covered by the RAPID Programme.

Departmental Funding.

65. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department will be introducing an initiative to help community and voluntary organisations to meet compliance costs and ensuring these costs are proportionate as recommended by the Taskforce on Active Citizenship. [14995/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Department's existing White Paper Grants Schemes provide for the core costs of applicant organisations. This includes provision for compliance costs, such as audit or governance requirements. Similarly the Department provides core funding to Partnership Companies, Community Development Projects, LEADER Groups, Community Services Projects, Rural Social Scheme Projects etc., which includes provision of funding to cover compliance costs.

I hope to be in a position to announce the follow-on to the existing white paper support programmes shortly. Separately the wider implementation of the Taskforce Report on Citizenship falls for consideration. Following Government decision, an Active Citizenship Office is being

established to lead implementation of the Taskforce recommendations.

Question No. 66 answered with Question No. 50.

Countryside Access.

67. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals arising from the report of Comhairle na Tuaithe; and if he will make a statement on the matter. [15016/07]

695. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made with the development of a country walkways strategy; and if he will make a statement on the matter. [15150/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 67 and 695 together.

Comhairle na Tuaithe presented its report on a National Countryside Recreation Strategy to me in September 2006. The Strategy defines the scope and vision for countryside recreation and it sets out the broad principles under which sustainable countryside recreation can be managed into the future. It also sets out the tasks that should be undertaken to achieve this vision and recommends the actions needed to be taken and by which bodies.

Following my consideration of the report, I have taken a number of actions. Firstly, I have reached agreement with Fáilte Ireland and the National Trails Office regarding the employment of 11 Trail Managers. Their role will be to promote walking tourism in areas where there are clusters of suitable, accessible walks.

Secondly, my Department in consultation with the Department of Arts, Sports and Tourism, Fáilte Ireland, Comhar LEADER na hÉireann and the National Way Marked Ways Advisory Committee, are identifying a further 30 looped walks and Way Marked ways for development in 2007. Fáilte Ireland has informed me that 15 of these will be underway by June 2007 and I have set aside funding of €1.5m in 2007 for this purpose. In this context, the Deputies should note that 14 looped walks have already been developed with the assistance of the Rural Social Scheme and my Department.

Thirdly, my Department is actively pursuing the possibility of using former railway infrastructure as recreational trails for walking, cycling etc. with the Department of Transport and Iarnród Éireann. Officials from my Department have met with representatives of Iarnród Éireann and CIE to discuss the possibility of using disused railway infrastructure around the country for recreational development as walkways, cycle paths etc. They confirmed that the only line abandoned and

definitely available for development is Tralee to Limerick.

Meetings are also taking place with Comhar LEADER na hÉireann, which represents the LEADER companies to discuss with them the proposal for the use of abandoned railway lines.

Separately, discussions are continuing with Coillte and Bord na Móna to discuss the possibility expanding the use of their lands for recreational purposes and I will continue to progress this matter.

Fourthly, to ensure that a number of legal issues are addressed as a matter of priority, I have established an expert group, comprising a Senior Counsel and officials from the Office of the Attorney General, the Department of Justice, Equality and Law Reform and my own Department. I have asked the group to report back to me by the end of this month.

Finally, meetings have been held with the interested groups to discuss ways of moving forward with the implementation of the Strategy. However, I want to make it clear that payment for access is not under discussion. What is being sought is a payment for the maintenance of specific walks throughout the country and I am fully in agreement that there should be no cost burden on farmers from the maintenance of permissive ways open to the public at no charge.

I recently attended a meeting with Comhairle na Tuaithe and my Department has drafted proposals in relation to the development and maintenance of both new and existing waymarked ways and looped walks which was circulated for observations to the members of Comhairle na Tuaithe in the last few days.

My view continues to be that a local community-based approach is the best way forward where issues of access to the countryside arise. Where it is not possible to reach agreement, in a particular location, alternative routes should be explored and developed so that landowners' rights over access to their lands are not interfered with.

Acht na dTeangacha Oifigiúla.

68. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an gceideann sé go bhfuil tábhacht mhór phoiblí le léarscáil Shuirbhéireacht an Ordanáis, faoi fhorálacha Acht na dTeangacha Oifigiúla 2003, Cuid 3, Alt 10 (e) agus Cuid 1, Alt 2; agus go bhfuil dualgas air dá réir impí ar an Aire Airgeadais an maoiniú cuí a chur ar fáil chun an léarscáil seo a bheith ar fáil sa dá theanga oifigiúla. [14964/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Ní fheictear dom go mbaineann na forálacha d'Acht na dTeangacha Oifigiúla 2003 atá luaite ag an dTeachta le léarscáileanna de chuid na Suirbhéireachta Ordanáis.

[Éamon Ó Cuív.]

Dírím aird an Teachta, áfach, ar alt 34 den Acht sin.

Is fiú dom a lua freisin go bhfuil iarrtha agam ar Shuirbhéireacht Ordanáis na hÉireann dréacht-scéim teanga faoi Acht a ullmhú agus a sheoladh chugam le daingniú. Is cinnte go dtiocfaidh méadú ar líon na seirbhísí i nGaeilge a bheidh á sholáthar ag Suirbhéireacht Ordanáis na hÉireann de thoradh na scéime sin, nuair a bheidh sí i bhfeidhm.

Oileáin Mhara.

69. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil iarratas ina Roinn maidir le hoibreacha ar Oileán Ghabhla; cad iad na hoibreacha atá i gceist agus an gceadóidh sé deontais ina leith. [14981/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá iarratas faighte ag mo Roinnse le déanaí ar chúnamh le haghaidh na hoibreacha seo a leanas a dhéanamh ar Ghabhla:

- síneadh a chur le Cé Thrá na mBláithín, balla cosanta a thógáil ar chúl na cé agus soilse sábháilteachta a chur ar fáil;
- síneadh a chur le Cé Phort a' Chrainn agus balla cosanta a thógáil ar a cúl;
- dramhaíl a thabhairt as an oileán; agus,
- bóithre ar an oileán a fheabhsú chun go mbeidís feiliúnach do shiúlóirí.

Tá na hiarratais seo á meas faoi láthair i gcomhthéacs an airgid a bheidh ar fáil dom le caitheamh ar fhorbairt oileán i 2007/2008 agus na n-éileamh éagsúil ar an airgead sin.

An Teanga Ghaeilge.

70. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfoilséoidh sé láithreach an Staidéar Teangeolaíochta Gaeltachta. [14987/07]

82. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cé na coinníollacha atá ann chun Gaeltacht agus Breac-Ghaeltacht a aithint. [14988/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá i gceist agam Ceisteanna Uimh. 70 agus 82 a thógáil le chéile.

Maidir leis an staidéar teangeolaíochta atá luaite ag an Teachta, faoi mar a chuir mé in iúl don Teach seo cheana, tá an obair ar an staidéar críochnaithe anois agus tuarascáil curtha ar fáil do mo Roinnse.

Mar is eol don Teachta, bhí an staidéar dírithe ar úsáid na Gaeilge sa Ghaeltacht mar bhunús chun:

- forbairt theangeolaíoch na Gaeltachta mar cheantar labhartha Gaeilge a threisiú; agus
- athbhreithniú a dhéanamh ar na limistéir oifigiúla Gaeltachta.

Tá socrúithe idir lámha chun an tuarascáil a chur faoi bhráid an Rialtais chomh luath agus is féidir agus tá súil agam go bhfoilséofar í ina dhiaidh sin.

Maidir le teorainneacha na Gaeltachta, tuigfidh an Teachta gur faoi Ordú na Limistéar (Gaeltacht) 1956 a aithníodh ceantair áirithe a bheith sa Ghaeltacht. Cuireadh leis na teorainneacha sin trí huairé ó shin trí orduithe éagsúla. Tá míniú mar a leanas tugtha sa réamhrá leis na hOrduithe sin ar an gcúis gur bronnadh aitheantas Gaeltachta orthu:

'De bhrí gur limistéir ar Gaeilgeoirí mór-chuid de na daoine iontu nó limistéir ina n-aice sin ar dóigh leis an Rialtas gur cheart iad a áireamh sa Ghaeltacht d'fhonn an Ghaeilge a chaomhnú agus a leathnú mar ghnáthurlabhra na limistéar a shonraítear sa Sceideal a ghabhann leis an Ordú seo'.

Níl aon aitheantas tugtha do Bhreac-Ghaeltacht sna hOrduithe.

Question No. 71 answered with Question No. 50.

Clár na dTogthóirí.

72. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta ar chóir go mbeadh sráidaimneacha agus logaimneacha eile dátheangach ar a laghad i gClár na dTogthóirí agus an raibh aon teagmháil idir é féin, oifigigh a Roinne agus an tAire Comhshaoil nó oifigigh ón Roinn úd maidir leis an cheist seo. [14963/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Cé go mbíonn teagmháil rialta agam le mo chomhghleacaithe Rialtais, tuigfidh an Teachta nach bhfuil aon fhreagracht ormsa mar Aire i ndáil le Clár na dTogthóirí. Is gnó é seo a bhaineann leis an Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

Drug Abuse.

73. **Caoimhghín Ó Caoláin** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he has taken in the past four years to address the major challenges faced by the families of drug abusers who are incapable of rearing their own children, including steps to inform the grandparents or other relatives who are caring for such children of their rights and entitlements in this regard and the way to go about legally adopting, fostering or otherwise caring for their siblings children. [14969/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Deputy will appreciate that statutory responsibility for childcare, and issues relating to childcare, rests with the Office of the Minister for Children which oversees the provision of services relating to legally adopting, fostering or otherwise caring for children whose parents — whether for reasons relating to problem drug use or otherwise — are incapable of rearing their children. It is open to family members to engage with these services to seek appropriate information to facilitate the pursuit of the best option that takes into consideration the well-being of both the child/children and the parent(s).

I have long been of the opinion that families of problem drug users need to have appropriate, accessible and timely services available to help them cope with the problems they are facing. This issue is reflected in Action 108 of the National Drugs Strategy, which was recommended in the mid-term review of the Strategy in 2005. It seeks the active encouragement by the Drug Task Forces to prioritise the provision of family services in their areas and to support family support networks in their work in the area of information provision and assistance to local family support groups.

In this context, the Deputy should note that, since 2005, approximately €1.1 million has been allocated to 16 projects that have a family support aspect to their activities under the Emerging Needs Fund. Under the Regional Drug Task Force plans, 18 projects with strong family support elements have been allocated funding of €1.7 million for 2007. These additional funds augment the activities of a further 126 projects across all LDTF areas that have a family support dimension to their programmes.

I am also expecting to shortly receive a recommendation from the National Drugs Strategy Team for an increased role for the Family Support Network.

National Drugs Strategy.

74. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the adjustments to re-focus priorities and accelerate the roll out and implementation of the various key actions of the National Drugs Strategy that have been implemented on foot of the mid-term review. [14986/07]

83. **Mr. Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date in regard to the ten Regional Drug Task Forces; and if he will make a statement on the matter. [15011/07]

700. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the targets and achievements reached by Regional

Drugs Task Forces in 2006; and if he will make a statement on the matter. [15157/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 74, 83 and 700 together.

The Report of the Steering Group on the Mid-term Review of the National Drugs Strategy was published in June 2005. The key conclusions of the Steering Group were that the aims and objectives of the Strategy were fundamentally sound and that progress was being made across the pillars. However, the Steering Group found that some adjustments were required in order to re-focus priorities and accelerate the roll out and implementation of the various key actions in the remaining period of the Strategy up to the end of 2008.

The Review found that 49 of the 100 actions had already been completed or were on-going tasks over the life of the Strategy; progress had been made on 45 other actions with more work underway to fully deliver them; and there were six actions upon which considerably more work was required. Also, the Steering Group's recommendations resulted in 17 of the Strategy's existing 100 actions being either amended or replaced, with a further 8 new actions being added.

Since then the Government has placed great emphasis on progressing all 108 Actions now included in the National Drugs Strategy across prevention, supply reduction, treatment, rehabilitation and research. While the implementation of the Actions is very challenging, I am confident that the momentum built up around the various initiatives will see them implemented within the Strategy timescale.

The 10 Regional Drug Task Forces (RDTFs), which cover all parts of the country not services by a Local Drugs Task Force, are charged with researching, developing, implementing and monitoring a co-ordinated response to illicit drug use in their areas. All RDTFs produced strategic plans for their regions and they are now in the process of implementing specific actions identified in those plans.

Considerable progress was made in 2006 when approximately €4.175m was expended by the RDTFs on around 90 projects. The projects involved range from prevention initiatives and work with youth to treatment services and outreach work. I am happy to advise that I have doubled the amount available to the RDTFs for the roll-out of the action plans in 2007 and it is envisaged that funding will be increased on an incremental basis as required to achieve the full roll-out of the RDTF plans, currently estimated to cost €14.1m on an annual basis.

Overall, significant progress was made by the RDTFs in the implementation of their strategic plans and I know that they are continuing to build

[Mr. N. Ahern.]

on this to achieve accelerated progress and increased impact.

Question No. 75 answered with Question No. 53.

Irish Language.

76. **Mr. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the operation of the Official Languages Act 2003 since it came into force; if he is satisfied with the implementation and effectiveness of the Act; and if he will make a statement on the matter. [14998/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I have outlined on a number of occasions in this House, considerable progress has been made to date in the implementation, on a phased basis, of the provisions of the Official Languages Act 2003.

- A total of 50 schemes, which cover a total of 78 public bodies, including my own Department, have now been confirmed by me and published. All 50 schemes are available on the website of An Coimisinéir Teanga, www.coimisineir.ie. In addition, 68 draft schemes covering a total of 126 public bodies are currently in the course of preparation and my Department is currently in discussion with the public bodies concerned in relation to the completion of the process of drafting of these schemes.
- All provisions of the Act are now in operation.
- On 14 December 2006 both the Dáil and the Seanad approved a draft of Regulations dealing with the use of the Irish and English languages by public bodies in pre-recorded oral announcements, on stationery and on signage. My Department subsequently wrote to all public bodies covered by the Act in order to provide them with an opportunity to comment on the draft Regulations. I expect to be in a position to make the Regulations shortly.
- Oifig Choimisinéir na dTeangacha Oifigiúla has been established. The Coimisinéir recently published his Annual Report for 2006.
- In April 2006, I made Regulations that updated the list of public bodies covered under the Act.
- I have made 10 Placenames Orders to date including An tOrdú Logainmneacha (Ceantair Ghaeltachta) 2004.
- At my request, Foras na Gaeilge has developed an accreditation system for Irish

language translators. To date 75 translators have achieved the required standard.

Having regard to the achievements I have just outlined, I am fully satisfied with the progress made to date in the implementation of the Act. I am also satisfied that the public bodies are able to fulfil their obligations under the Act and that they have accepted the challenge with a positive attitude and in the proper spirit. I should remind Deputies that each language scheme prepared by the public bodies under section 11 of the Act has been drawn up in the context of the resources — both in terms of finances and personnel — currently available or to be made available to bodies during the lifetime of each scheme. As I have stated from the beginning, while it will not be possible to achieve everything overnight, my main objective is that improvements in the range and quality of services available through Irish will be achieved over the lifetime of a number of schemes, subject to demand.

National Drugs Strategy.

77. **Caoimhghín Ó Caoláin** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that the funding available for 2007 for the Ballyfermot Local Drug Task Forces's Support for Childcare Fund which is administered by the Ballyfermot Advance Project has already been allocated; and if he will make additional funding available as a matter of urgency. [14970/07]

681. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that the funding available for 2007 for a fund (details supplied) has already been allocated; and if he will make additional funding available. [14564/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 77 and 681 together.

I understand that an application for additional funding has recently been made to the National Drugs Strategy Team (NDST) by the Project. I will consider any recommendation arising from this application if and when it is received in my Department from the NDST.

Question No. 78 answered with Question No. 50.

Dormant Accounts Fund.

79. **Mr. M. Higgins** asked the Minister for Community, Rural and Gaeltacht Affairs the organisations that have been allocated funding from the Dormant Accounts Fund since the start of 2007; the amount allocated on each occasion; the name

and location of each organisation; the purpose of the funding; and if he will make a statement on the matter. [15002/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N.

Funding Measures approved in 2007	Category	Applications Approved	Value of Approvals
			€m
ICT Initiatives for Disadvantaged Young People	Social & Economic Disadvantage	39	2.347
Projects addressing Alcohol Related Harm	Social & Economic Disadvantage	18	1.062
Small scale Equipment Grants for Youth Clubs/Groups	Social & Economic Disadvantage	1,446	2.025
RAPID Ballyfermot Priority Projects	Social & Economic Disadvantage	10	0.300
Recreational and Personal Development Opportunities for Disadvantaged Young People	Social & Economic Disadvantage	51	1.123
Small scale Building/Building enhancements in Residential Care Units.	People with Disabilities	28	3.704
Transition from Residential Care Settings to Community Care Housing.	People with Disabilities	15	7.151
Aids and Appliances for People with physical and sensory Disabilities.	People with Disabilities	15	2.266
Summary Totals		1,622	19.978

Details of the projects which have been approved for funding under the various measures listed above, including amounts awarded and purpose of funding, are available on my Department's website at www.pobail.ie.

I should add that earlier today the Government approved funding of €10.34 million from the Dormant Accounts Fund to support nine jointly-funded flagship projects. In addition to the Dormant Accounts grants, these projects have managed to secure over €25.7 million from private, philanthropic and community sources. Details of these projects will be announced when the project promoters have been informed regarding the grant amounts and the specific conditions attaching to each grant. There are a number of projects remaining to be assessed under this funding measure and it is anticipated that further allocations from the Dormant Accounts Fund will be made in respect of projects which have substantial funding commitments from private, philanthropic and community sources when the assessment process has been fully completed.

Charities Regulation.

80. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the reform and the need for regulation of the charities sector; and if he will make a statement on the matter. [14997/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Government has recognised that Irish charity law is in need of modernisation. To address this, the Charities Bill 2007 was published

Ahern): To date in 2007, the Government has approved funding in the sum of €19.978m from the Dormant Accounts Fund to support over 1,600 groups as per the table below:

on 12th April last. This draft legislation has been developed to ensure accountability and to protect against abuse of charitable status and fraud. It also aims to enhance public trust and confidence in charities and increase transparency in the sector.

Question No. 81 answered with Question No. 50.

Question No. 82 answered with Question No. 70.

Question No. 83 answered with Question No. 74.

Gaeltacht Areas.

84. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs the progress he has made to promote and support the sustainable and inclusive development of Gaeltacht communities; and if he will make a statement on the matter. [15005/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, my Department implements a range of schemes aimed at supporting the maintenance and strengthening of the Irish language as the principal language of both household and community in the Gaeltacht. These include Scéim Labhairt na Gaeilge, Scéim na bhFoghlaimoirí Gaeilge (Gaeltacht Summer Colleges), Infrastructural Improvement Schemes, Gaeltacht Housing Grants, Gaeltacht Summer Camps, Language Assistants, Youth Sports Training, etc.

[Éamon Ó Cuív.]

In addition, a number of new initiatives have also been undertaken, including:

- community-based language planning;
- the further development of third-level education provision through the medium of Irish in the Gaeltacht;
- the commissioning of a comprehensive linguistic study of Irish language usage in the Gaeltacht; and
- the implementation of a targeted language awareness campaign focused on intergenerational transmission of the Irish language.

A significant increase has been seen for a number of years now in my Department's Gaeltacht expenditure, in particular on infrastructure such as roads, piers, village renewal and community facilities, including community halls, summer colleges, sports and recreational facilities. By improving the infrastructure, these grants are aimed at improving the social, cultural and economic life of the Gaeltacht areas, as well as strengthening the Irish language as the community language within such areas.

In addition, Údarás na Gaeltachta, which is charged with developing the economy of the Gaeltacht and encouraging the preservation and extension of the Irish language as the principal means of communication in the Gaeltacht, promotes productive schemes of employment and supports community development initiatives throughout the Gaeltacht. Since the establishment of my Department in 2002, I have approved €227m in total in Exchequer funding to enable Údarás to achieve its objectives, and the benefits of this investment have been evident in the areas of job creation, community development and enterprise, and in the successes achieved across a range of projects based on the use of the resources in the Gaeltacht, including the Irish language.

Departmental Funding.

85. **Mr. McGinley** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs the funding provided by combat poverty to an organisation (details supplied) in County Donegal; if he is satisfied that the funding is used for the purpose intended and not for the promotion of a political party; and if he will make a statement on the matter. [15372/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I understand that the organisation to which the Deputy refers has received funding of some €1.36m in total for 4 projects over a 10 year period through Border Action, an intermediary funding body under the Peace Programme comprising Pobal and Combat Poverty. While funding for a range of measures under the Peace Programme — including the measure under which the organisation in question was funded — is channelled from my Department through the Special EU Programmes Body, the assessment and approval of funding applications is carried out independently by Selection Committees established by Border Action for this purpose.

I understand that the funding in this case has been used to deliver a programme of information and advice, education and training, counselling and mentoring as a progression to employment and integration. I am also informed that the expenditure has been verified and audited in accordance with procedures required under EU Regulations.

Employment Statistics.

86. **Mr. Kehoe** asked the Taoiseach the most recent figures for the number of persons working here with a breakdown of the figures in relation to the different sectors involved. [14425/07]

Minister of State at the Department of the Taoiseach (Mr. Kitt): Statistics on sectoral employment are compiled from the Quarterly National Household Survey. The most recent information relates to the fourth quarter of 2006 (September to November). The information as requested by the Deputy is set out in the following table.

Persons aged 15 years and over in employment (ILO) classified by sex and NACE Economic Sector

'000

Economic sector (NACE Rev. 1)		Sep-Nov 04	Jun-Aug 05	Sep-Nov 05	Dec-Feb 06	Mar-May 06	Jun-Aug 06	Sep-Nov 06
<i>Males</i>								
A-B	Agriculture, forestry and fishing	102.3	109.0	104.9	104.8	103.8	109.1	105.2
C-E	Other production industries	212.2	207.2	205.4	202.5	204.6	209.8	208.4
F	Construction	217.4	239.8	240.6	241.1	249.4	263.9	268.5
G	Wholesale and retail trade	134.6	142.1	141.5	143.5	143.7	147.7	146.8
H	Hotels and restaurants	45.7	50.5	48.0	49.1	49.7	50.5	48.6
I	Transport, storage and communication	90.5	91.2	91.9	91.3	91.8	97.7	89.8

Economic sector (NACE Rev. 1)		Sep-Nov 04	Jun-Aug 05	Sep-Nov 05	Dec-Feb 06	Mar-May 06	Jun-Aug 06	Sep-Nov 06
J-K	Financial and other business services	123.0	130.4	130.5	136.4	136.2	134.7	141.5
L	Public administration and defence	46.7	50.0	50.2	51.3	51.5	49.8	52.0
M	Education	35.0	35.0	36.3	37.6	38.9	34.6	37.7
N	Health	33.4	32.8	32.5	33.7	34.9	38.1	35.0
O-Q	Other services	51.6	58.2	58.7	58.5	57.6	55.5	52.8
Total males		1,092.4	1,146.3	1,140.5	1,149.8	1,162.0	1,191.4	1,186.3
<i>Females</i>								
A-B	Agriculture, forestry and fishing	10.2	10.6	10.4	10.7	10.7	12.5	10.7
C-E	Other production industries	88.9	87.4	82.8	82.5	83.9	86.8	83.6
F	Construction	10.0	12.2	12.5	12.7	13.3	13.9	13.2
G	Wholesale and retail trade	130.9	144.5	143.5	142.6	140.7	150.0	141.5
H	Hotels and restaurants	66.9	69.8	67.5	64.0	66.6	70.1	68.0
I	Transport, storage and communication	25.2	27.3	26.5	29.2	28.9	30.6	27.4
J-K	Financial and other business services	124.7	132.9	132.4	132.8	131.1	133.0	136.4
L	Public administration and defence	47.6	51.0	50.6	51.8	53.6	56.0	53.1
M	Education	83.5	84.8	91.5	95.3	96.7	89.2	101.9
N	Health	149.1	158.7	159.0	162.5	166.4	172.8	175.2
O-Q	Other services	64.7	64.2	63.4	64.2	63.0	66.9	68.8
Total females		801.7	843.5	840.1	848.3	855.0	881.8	879.8
<i>All persons</i>								
A-B	Agriculture, forestry and fishing	112.5	119.6	115.3	115.5	114.5	121.7	115.8
C-E	Other production industries	301.1	294.6	288.2	285.0	288.5	296.6	292.1
F	Construction	227.4	252.1	253.2	253.8	262.7	277.8	281.6
G	Wholesale and retail trade	265.4	286.6	285.0	286.1	284.4	297.8	288.3
H	Hotels and restaurants	112.6	120.4	115.5	113.1	116.3	120.6	116.6
I	Transport, storage and communication	115.7	118.5	118.3	120.5	120.7	128.3	117.2
J-K	Financial and other business services	247.7	263.3	263.0	269.2	267.3	267.7	278.0
L	Public administration and defence	94.4	101.0	100.7	103.1	105.1	105.8	105.1
M	Education	118.5	119.8	127.9	132.8	135.6	123.7	139.6
N	Health	182.5	191.5	191.5	196.3	201.2	210.9	210.2
O-Q	Other services	116.3	122.4	122.1	122.8	120.6	122.4	121.6
Total persons		1,894.1	1,989.8	1,980.6	1,998.1	2,017.0	2,073.3	2,066.1

Decentralisation Programme.

87. **Mr. S. Ryan** asked the Taoiseach his views on whether the proposed transfer of staff from the Central Statistics Office in Swords, County Dublin to a city centre location is going against the principal of decentralisation; and if he will review the decision taken. [14737/07]

Minister of State at the Department of the Taoiseach (Mr. Kitt): Additional staff were required for a six to nine month period to work on the processing of 2006 Census of Population in the CSO's Swords office. A number of these

additional staff were drawn from the ranks of existing Dublin based Civil Servants on the understanding that they would be re-deployed within the Dublin area on completion of the Census work. These temporary arrangements were not part of the Decentralisation Programme.

Migrant Statistics.

88. **Aengus Ó Snodaigh** asked the Taoiseach if there is a mechanism for collecting data regarding the various contributions made by immigrants here, including taxes and fees, volunteerism and local community participation, provision of caring

[Aengus Ó Snodaigh.]

services, and so on; if a report has been or will be provided showing that information; if not, if there are plans to collate such information; his views on putting in place resources to provide such information; and if he will make a statement on the matter. [15368/07]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The CSO have taken a number of steps to capture statistical information on the Non-Irish population in recent times. Nationality data is captured in a number of CSO surveys including the Quarterly National Household Survey (QNHS), the EU-Survey on Income and Living Conditions (EU-SILC), the National Employment Survey (NES) and the Census of Population (COP). It is therefore possible to varying degrees to cross-classify the information captured in these surveys by nationality, and in particular that collected in the COP.

A range of issues including volunteerism and the provision of unpaid caring services were included in the most recent Census of Population and data will be published on a phased basis throughout 2007. Topics of a similar nature were also included in a module on Sports and Social Capital attached to the QNHS in the third quarter of 2006, data for which should be available later this year. Labour market estimates classified by nationality are being published on an ongoing basis in the quarterly QNHS release and analysis of earnings data by nationality will also be possible from the NES 2006.

Awards System.

89. **Mr. F. McGrath** asked the Taoiseach the position regarding a system for honouring Irish citizens for doing voluntary and community work. [14019/07]

The Taoiseach: A National Presidential Citizens Awards system was one of the recommendations contained in the Report of the Taskforce on Active Citizenship which I was pleased to launch on 28 March last. The Report was prepared following extensive consultation and research carried out by the Taskforce since its establishment in April 2006. Copies of the Report have been placed in the Oireachtas Library.

The Taskforce proposes the introduction of National Presidential Citizens Awards to recognise outstanding contributions to civic and community life. It is recommended that the awards be presented to a limited number of people selected by an independent process based on nominations by members of the public. Presentation of the Awards could act as a focal point for the Active Citizenship Week also proposed by the Taskforce.

The Government has accepted the recommendations of the Taskforce in principle and also agreed to establish a non-statutory Active

Citizenship Office as proposed in the Report. This cross-departmental office will develop a three-year implementation plan for the recommendations in the report, in consultation with relevant stakeholders. An Implementation Steering Group, to be chaired by Mary Davis, will be established to oversee the work of the office.

Animal Welfare.

90. **Mr. Lowry** asked the Taoiseach if, in view of a recent Supreme Court decision (details supplied) an analysis has been carried out as to the impact this decision will have on all EU regulations transposed into Irish law by regulations since joining the EU; and if he will make a statement on the matter. [14034/07]

The Taoiseach: The advice of the Office of the Attorney General is that the judgement in this case relates to the Animal Remedies Act, 1993. Whether the judgment has implications for other legislation is under review. However, the case has no implications for the regulations made under the European Communities Act, 1972, or the related legislation recently passed by these Houses.

Departmental Staff.

91. **Mr. J. O’Keeffe** asked the Taoiseach the provisions that have been made to increase the resources of the Offices of the Director of Public Prosecutions and the Chief Prosecution Solicitor; and if he will make a statement on the matter. [12967/07]

The Taoiseach: Following a detailed examination of increases in both the volume and complexity of the work of the Office of the Director of Public Prosecutions, an additional 28 posts were sanctioned in January 2007. This increase brings the total authorised staffing complement of the Director’s Office to 202. The necessary additional funding to meet the costs of these posts was added to the DPP’s Vote for 2007.

The 28 posts sanctioned were to deal with a range of increases in work which had taken place. I understand that the Director is in communication with the Department of Finance and the Tánaiste with regard to further additional staff which will be required to implement recent Government initiatives in the criminal justice area.

The Director has been in touch with the Chairman of the Office of Public Works who is urgently seeking accommodation for the additional staff.

Ministerial Staff.

92. **Mr. Hogan** asked the Taoiseach the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments

in lieu of pension; and if he will make a statement on the matter. [14211/07]

The Taoiseach: Under the direction of the Programme Manager, the primary function of the Special Advisers is to monitor, facilitate and help secure the achievement of Government objectives and to ensure effective coordination in the implementation of the Programme for Government. They are also tasked with giving me advice and keeping me informed on a wide range of issues, including business, financial, economic, political, administrative and media matters and performing such other functions as may be directed by me, from time to time.

Each of the Advisers liaises with a number of Departments and acts as a point of contact in my Office for Ministers and their Advisers. My Advisers attend meetings of Cabinet Committees and cross-departmental teams relevant to their responsibilities. They also liaise, on my behalf, with organisations and interest groups outside of Government. One Adviser, assigned to the Minister of State and Government Chief Whip, provides advice to the Minister of State and is monitoring, facilitating and securing the achievements of Government objectives that relate to the Department of the Taoiseach, as requested by the Minister of State.

In addition, a number of my Advisers have specific responsibilities in relation to speech

drafting. My Programme Manager meets other Ministerial Advisers on a weekly basis. He monitors and reports to me on progress in implementing the Programme for Government.

The Government Press Secretary, together with the Press Officers, provide an information service on Government policy to the public through the national and international media on behalf of myself, my Department and the Government, together with promoting a co-ordinated approach to media matters across all Government Departments.

The central task of the Deputy Government Press Secretary/Head of Government Information Services (G.I.S.) is to assist the Government Press Secretary in communicating to the media the decisions of Government.

The Personal Assistants in my Department have a range of duties including providing administrative assistance in my Private and Constituency Offices, Protocol Division and Government Chief Whip's Office. One Personal Assistant (who is also based in my Department) is assigned to assist and provide administrative assistance to both the Programme Manager to the Tánaiste and the Deputy Government Press Secretary and Head of Government Information Services.

The following table outlines salary details and dates of appointment for the Special and Political Advisers, Personal Assistants and Press Officers currently working in my Department.

Name	Title	Date of Appointment	Annual Salary including pension contributions
			€
Gerry Hickey	Programme Manager & Special Adviser	27.06.97	225,410.00
Gerard Howlin	Special Adviser	08.06.99	133,367.00*
Úna Claffey	Special Adviser	13.11.00	133,367.00*
Brian Murphy	Special Adviser	01.03.99	100,299.00
John Lahart	Special Adviser to the Minister of State & Government Chief Whip	29.09.04	87,202.00*
Pádraig Slyne	Special Adviser with Special responsibility for co-ordination between all Ministers of State	01.10.04	66,376.00*
John O'Brien	Programme Manager to the Tánaiste	03.11.06	166,093.00
Mandy Johnson	Government Press Secretary	06.06.02	133,367.00
Mark Costigan	Deputy Government Press Secretary and Head of G.I.S.	29.08.05	104,343.00
Seán Nolan	Personal Assistant	27.06.97	51,352.00
Yvonne Graham	Personal Assistant	02.05.00	51,352.00
Olive Melvin	Personal Assistant	27.06.97	56,999.00
Denise Kavanagh	Personal Assistant	28.06.97	56,999.00
Sarah McLoughlin	Personal Assistant	02.04.01	51,352.00
Harry Murphy	Personal Assistant to the Minister of State & Government Chief Whip	27.10.04	46,078.00
Tracey Young	Personal Secretary to the Minister of State & Government Chief Whip	29.09.04	44,235.59
Perpetua Brady	Personal Secretary	14.08.00	37,772.58

*These members of staff, who are not members of a civil service pension scheme, receive a contribution towards their pension fund which they arrange separately. All other staff are members of civil service pension schemes, for which separate superannuation arrangements are in place.

Industrial Relations.

93. **Mr. J. O’Keeffe** asked the Taoiseach the position in relation to the long running dispute involving the State solicitors; the steps being taken to resolve outstanding issues; and if he will make a statement on the matter. [15118/07]

The Taoiseach: Following a meeting on Thursday, 19 April, agreement has now been reached with the State Solicitors Association. This follows intensive negotiations between the State parties and the Association. It is expected that local State Solicitors will sign the new contracts by the end of this week allowing for the service to transfer to the Office of the Director of Public Prosecutions as recommended in the Nally Report.

Legal Profession.

94. **Cecilia Keaveney** asked the Tánaiste and Minister for Justice, Equality and Law Reform the way many solicitors and others qualifying in the legal field can fulfil their training in view of the lack of apprenticeships position currently available nationwide; and if he will make a statement on the matter. [14392/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 29 (as amended by substitution by section 44 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 provides that five years continuous practice as a solicitor is required before a solicitor may, with the written consent of the Law Society of Ireland, take on an apprentice. The Law Society has recently submitted a proposal to me to amend the legislation to reduce to four years the number of years post-qualification experience required before a solicitor can take on an apprentice. The effect would be a higher number of solicitor apprenticeship positions becoming available. The proposal is to deal with the matter in the Civil Law (Miscellaneous Provisions) Bill 2006 that is before the House.

Violence Against Women.

95. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the proposals to or actions already made by him into research into violence against women, domestic violence and violence against ethnic women; the cost of such research; the decisions reached as a result of such research; the actions taken; and if he will make a statement on the matter. [14923/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Funding has been made available by my Department for a number of key research projects in the last five years relating to violence against women, violence against ethnic women and domestic violence.

In 2005, the National Crime Council, which is funded by my Department, published, in associ-

ation with the Economic and Social Research Institute, the first ever large-scale study undertaken to give an overview of the nature, extent and impact of domestic abuse against women and men in intimate partner relationships in Ireland. This major survey cost approximately €225,000. The results of this study have informed our understanding of the extent of the problem of domestic violence in Ireland.

In 2004 funding of €108,054 over a period of three years was provided to the Rape Crisis Network of Ireland for research into attrition rates in rape cases in Ireland. This study is approaching completion and will also inform future decision making.

An amount of €24,600 was granted to Women’s Aid in November 2006 to research female domestic homicide. In examining the crime in the context of Irish society it will help identify where opportunities for effective intervention were originally missed and recognise the identifiable risk factors present in many such deaths.

The Women’s Health Council have been awarded a research grant of €94,500 in December 2006 to examine the experience of ethnic minority women in Ireland in relation to violence. This research will inform future decision-making on provision of services to women from ethnic minorities,

In addition, and at a total cost of some €86,000, my Department has commissioned two separate evaluations of the perpetrator and other intervention programmes which it has been supporting. The outcomes of these evaluations have contributed to the recently announced decision on the establishment of a new Executive Office within the aegis of my Department to prevent domestic violence.

One of the tasks of the new Office, which will be called COSC — Irish Office for the Prevention of Domestic Violence, will be to commission further research into the causes and effects of domestic violence and violence against women. The Department is also supporting the establishment of a dedicated researcher post in the National Crime Council to develop a permanent research competence in the field of violence against women and draw down emerging international research on the topic.

Regulatory Reform.

96. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 170 of 6 March 2007, the position regarding the recommendations of the Law Reform Commission and wards of Court issue. [15142/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer to Question No. 170 of 6 March 2007. The position remains the same other than to indicate that the necessary legislation is a com-

mitment in the Government's Legislative Programme for the Summer Session as announced by the Chief Whip on 23 April 2007.

Community Policing Fora.

97. **Mr. Boyle** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason the commitment to set up 14 community policing fora under the 2002 National Drugs Strategy has not been fulfilled; and his views on whether community policing is an essential part of the efforts to control the supply of drugs in local communities. [14985/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Currently funding is made available via the Department of Community, Rural and Gaeltacht Affairs to a number of community policing fora which have been set up in the context of the Government's National Drugs Strategy 2001-2008.

The further establishment of community policing fora is being delivered in the context of the policy framework set out under the Garda Síochána Act 2005. This will ensure that such initiatives are developed in an appropriate, coherent and properly planned manner.

Under the 2005 Act, Joint Policing Committees (JPCs) are to be established in each of the local authority administrative areas throughout the State, which will bring together representatives from the local authority, Gardaí, public representatives (national and local) and representatives of the community and voluntary sector to discuss and make recommendations on matters affecting the policing of the area, including issues relating to drug misuse.

This is a significant new statutory arrangement with regard to how An Garda Síochána and local authorities will interact with elected representatives and representatives from local communities in relation to policing matters.

As the first phase towards implementation, the Government has established pilot JPCs (22) in the following areas: Fingal, Offaly and Wicklow County Councils; Dublin, Galway, Limerick and Waterford City Councils; Drogheda and Sligo Borough Councils; and Athy, Arklow, Ballinascloe, Birr, Bray, Edenderry, Greystones, Letterkenny, Mallow, Tralee, Tuam, Tullamore and Wicklow Town Councils.

In Dublin city, five sub-committees corresponding to the operational areas of the City Council are also being established. These are all, at this stage, up and running.

During 2007, an evaluation of the pilot phase will be undertaken with the intention that JPCs will be established in all local authority areas in early 2008 and committees will be put in place until the next local elections in 2009.

In conjunction with this, section 36 (2) (d) of the Garda Síochána Act 2005 provides for the

establishment of local policing fora by a JPC where they are deemed necessary.

Taking account of these provisions, priority will be given to establishing local policing fora in all Local Drugs Task Force areas and other areas experiencing problems of drug misuse.

This will be done in conjunction with the continued implementation of Action 11 of the National Drugs Strategy by An Garda Síochána.

All of this reflects the Government's strong view that community policing fora initiatives continue to play an important role in enhancing drug supply reduction measures being taken under our National Drugs Strategy.

Citizenship Applications.

98. **Cecilia Keaveney** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [14104/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship Section of my Department on 6 December 2004.

Processing of the application has commenced and the case file will be submitted to me for a decision in the near future. I will inform the Deputy and the person in question when I have reached a decision on the application.

Garda Investigations.

99. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will establish an independent inquiry into the death of a person (details supplied); and if he will make a statement on the matter. [14114/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Parliamentary Question No. 196 of 04 May 2006. As the inquest into this tragic death is ongoing, the position as outlined in my previous reply remains unchanged.

Residency Permits.

100. **Ms C. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will review the case of persons (details supplied); and if he will make a statement on the matter. [14115/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that a decision in the case of an application for Family Reunification by the person in question was issued on the 6th December 2006.

[Mr. McDowell.]

Visas were granted for the spouse and 4 minor children of the person in question and visa applications were refused for the mother and 5 adult siblings under Section 18 of the Refugee Act 1996.

A request to review the refusals was received from the person's legal representative. This matter is currently under consideration and a decision will issue in due course.

Collection Permits.

101. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will have a complaint (details supplied) treated with due attention and as a matter of urgency. [14116/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that on 9 December, 2006 two persons were observed collecting at the junction of Parnell Road and Dolphin Road in the Dublin Metropolitan Region (DMR) South Division. When approached by Gardaí they produced a collection permit issued by the Chief Superintendent, Pearse Street Garda Station authorising a collection for charity in the DMR South Central Garda Division only. The location where the persons were collecting was outside this Garda Division and was not authorised by the Local Divisional Officer.

The collectors were advised that all collections must be authorised by a collection permit issued by the Chief Superintendent for the area and that each collector must be in possession of a written authorisation issued by the permit holder. One of the collectors produced a collection authorisation form signed by himself and not by the person to whom the permit was issued, while the second person produced an unsigned collection authorisation form. They were also advised that collecting at traffic lights after dark without torches and suitable fluorescent attire was importuning traffic.

The powers provided by section 20 of the Street and House to House Collections Act, 1962, which authorises members of An Garda Síochána in certain circumstances to take all the money collected in a collection and the collection box or other receptacle in which the money is contained and all badges, emblems and other tokens used in or in connection with the collection, were then exercised, and possession was taken of the collection boxes, which were unsealed, and the bibs.

I am further informed that the persons were advised of the Garda Station to which the members of An Garda Síochána were attached and it is understood that the persons called to both Sundrive Road and Crumlin Garda Stations, where the Member in Charge explained that under the provisions of the Street and House Collections Act 1962 the members of An Garda

Síochána were entitled to seize the money boxes or receptacles and bibs and that these items would not be returned as there was a prosecution pending and the items were required as evidence.

Summonses for offences contrary to section 3 of the Street and House to House Collections Act 1962 of holding a collection without a permit and acting as a collector have been applied for in respect of both persons.

Garda Investigations.

102. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if there is an investigation ongoing regarding the allegations that certain Gardaí are assisting a company (details supplied). [14117/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I can confirm that the Garda Commissioner has appointed a senior officer at Assistant Commissioner level to investigate these allegations and the Garda Síochána would welcome the receipt of any information that would assist the investigation.

Residency Permits.

103. **Mr. Hayes** asked the Tánaiste and Minister for Justice, Equality and Law Reform when an application for reunification submitted by a person (details supplied) will be decided, in respect of their parents. [14118/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made an application for Family Reunification under Section 18 of the Refugee Act 1996 on behalf of her parents in October 2006. This application is in the final stages of processing by my Department and a decision will issue in due course.

Registration of Title.

104. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the case of a person (details supplied) in Dublin 11 who has applied for the deeds of their house will be expedited; and if he will make a statement on the matter. [14126/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

In order to be of assistance I forwarded the Deputy's query to the Authority for its attention

and direct reply. I understand that a reply has already issued.

I would also like to refer the Deputy to my letter of 26 May, 2006 to members of the Oireachtas regarding a new service for TDs and Senators concerning the current status of applications of this type. As outlined in my letter, the service was introduced, *inter alia*, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions.

Citizenship Applications.

105. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when Irish citizenship by naturalisation will be approved for persons (details supplied) in County Mayo.

[14135/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation from the persons referred to were received in the Citizenship section of my Department on 1 June 2005.

Section 15 of the Irish Nationality and Citizenship Act, 1956, as amended, requires that an applicant must have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years.

On examination of the applications, it was determined that the individuals concerned did not satisfy the above requirements. Letters informing them of this were issued in June 2005. The second named person subsequently forwarded documentation to show that she had since met the statutory requirements. Her application was accepted and was assigned its original reference number.

The first named individual made a new application for naturalisation which was received in the Citizenship section on 7 February 2006. On examination of this application it was determined that the person concerned now met the statutory requirements and his application was placed in chronological order.

Officials in Citizenship section are currently processing applications received in the latter half of 2004. There are approximately 2,000 applications to be dealt with before that of second named person and 5,500 applications before the first named person. It is likely, therefore, that further processing of the applications will commence in late 2007 and mid 2008 respectively. I will inform the Deputy and the persons in question when I have reached a decision on the applications.

106. **Cecilia Keaveney** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application for a person (details supplied) in County Donegal; and

if he will make a statement on the matter.

[14145/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to was received in the Citizenship Section of my Department on 7 December 2006.

Applications received in the latter half of 2004 are currently being processed and there are approximately 11,700 applications on hand to be dealt with before the person in question. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that the application will be submitted to me for a decision by mid 2009.

I will inform the Deputy and the person concerned when I have reached a decision on the application.

Visa Applications.

107. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a visa application for a person (details supplied) in County Carlow has been received by his Department; and when he expects to make a decision on same. [14150/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed that the person concerned is currently resident in the State. I also understand that the Immigration Division of my Department has no record of having received an application from the person referred to by the Deputy, to regularise his immigration status in the State.

The person in question should contact the Immigration Division with details of his future intentions.

Residency Permits.

108. **Mr. Morgan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a decision has been made in relation to the application for renewal of IBC/05 permission to remain in the State, granted on 15 February 2005, by a person (details supplied) in County Louth; if a decision has not been made, when it will be made; and if he will make a statement on the matter. [14180/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in my Department on 2nd February, 2007. A decision in respect of the application was taken on 26th March, 2007. I am pleased to inform the Deputy that the permission to remain for the person in question was renewed until 16th February, 2010.

109. **Mr. Morgan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a decision has been made on the application for

[Mr. Morgan.]

renewal of IBC/05 permission to remain in the State, granted on 15 February 2005, by a person (details supplied) in County Louth; if a decision has not been made, when it will be made; and if he will make a statement on the matter. [14181/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in my Department on 2 February, 2007. A decision in respect of the application was taken on 26 March, 2007. I am pleased to inform the Deputy that the permission to remain for the person in question was renewed until 16 February, 2010.

110. **Mr. Morgan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Louth; if, in view of the evidence, he will grant them permission to remain in the State; and if he will make a statement on the matter. [14182/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my previous reply to Question No. 228 of 24 October, 2006. My Department is currently appealing a number of matters related to the IBC/05 scheme, including the issue of continuous residency, to the Supreme Court. These matters will be further considered in the light of the findings of the Court.

Name	Title/Duties	Date Of Appointment	Salary
John O'Brien	Programme Manager	3/11/2006 – present	€122,590 – €140,385*
Sinead McSweeney	Special Adviser	07/06/02 – 18/06/04	€74,466 – €91,841**
Cormac Lucey	Special Adviser	11/01/05 – present	€80,408 – €99,457**
Cathal Fitzgerald	Special Adviser	01/12/06 – present	€80,408 – €99,457**
Hugh Hardiman	Personal Assistant	01/08/02 – present	€43,445 – €55,147
Mary McCowan	Personal Secretary	06/08/02 – present	€28,523 – €47,039

*In addition to salary an acting allowance of €25,708 per annum is payable.

**Entitled to claim up to 11% of their total salary in lieu of pension.

Citizenship Applications.

113. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he will make a decision on applications for certificates of naturalisation from persons (details supplied) in County Mayo. [14214/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Parliamentary Question No 395 of 31 January 2007 regarding the second-named person. As I explained, the person in question did not satisfy the statutory residency conditions, as set out in the Irish Nationality and

Citizenship Applications.

111. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects to make a decision regarding applications for naturalisation by persons (details supplied) in County Dublin. [14194/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation were received in the Citizenship Section of my Department on 17 October 2005. Officials in that section are currently processing applications received in the latter half of 2004 and have approximately 3,800 applications on hand to be dealt with before those of the persons in question. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that the applications will be submitted to me for a decision in early 2008. I will inform the Deputy and the persons concerned when I have reached a decision on the applications.

Ministerial Staff.

112. **Mr. Hogan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14209/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The information as requested by the Deputy is as set out below:

Citizenship Act, 1956 as amended. Consequently, she was deemed ineligible to apply at that time and her legal advisor was advised accordingly. I also advised the Deputy that provided the person in question had kept her permission to remain in the state up to date, she was eligible to lodge a new application. Officials in the Citizenship Section of my Department inform me that as of 16 March 2007, no such application has been received. An application for a certificate of naturalisation from the first-named person was received in October 2006. Applications received in the second half of 2004 are currently being processed and there are approximately 10,200 appli-

cations awaiting processing before that of the applicant. It is likely that the processing of this application will commence in mid-2009. I will inform the Deputy and the person concerned when a decision is made on this case.

114. **Mr. Noonan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on an application for naturalisation by a person (details supplied) in County Limerick; and if he will make a statement on the matter. [14217/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship section of my Department on 24 March 2005. Officials in that section are currently processing applications received in the latter half of 2004 and have approximately 1,200 applications on hand before that of the person concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely that the processing of this application will commence in the second half of this year. I will inform the Deputy and the person concerned when a decision is made on the case.

Juvenile Offenders.

115. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of behaviour warnings issued to people aged 12 to 18 since 1 March 2007; the number of cases where a good behaviour contract has been entered into following such a warning; the number of meetings held with young people, parents and the Garda under the anti-social behaviour provisions of the Criminal Justice Act 2006; the number of referrals to diversion under this Act; the number of anti-social behaviour warnings sought by the Garda in court or issued by the courts; and if he will make a statement on the matter. [14222/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): There have been five Behaviour Warnings issued against children recorded by Gardaí under the Criminal Justice Act, 2006 for the month of March, 2007. There were no Good Behaviour Contracts entered into and no Behaviour Orders granted by the courts on application by the Garda Síochána for March 2007.

Visa Applications.

116. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on restoring, on humanitarian grounds, the visa waiver scheme which facilitated immediate clearance at Shannon Airport of children from Chernobyl coming to Ireland on short holidays;

and if he will make a statement on the matter. [14224/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): A number of years ago my Department introduced a scheme whereby the requirement to hold a valid visa prior to entering the State was waived for certain persons travelling from Belarus with the Chernobyl Children's Organisation for the purposes of visiting Ireland for a period of rest and/or recuperation. The groups involved were, at the time, limited in number and were well known to my Department. The number of groups seeking such visa exemptions has increased significantly and there are now between 35 and 40 groups. This practice worked well in the past but we found it necessary to re-evaluate the system for a number of reasons: The introduction of the Children's Act 2001 has placed extra obligations on all parties involved in the establishment of private foster care arrangements. Some, but not necessarily all, of the arrangements entered into between host families, the Chernobyl groups and the parents of the children involved, fall into the category "private foster care arrangements" as defined by the Department of Health and Children. Indeed officials of my Department met with officials of the Department of Health and Children on this matter to ensure consistency and agreement on the revised practices; The introduction of Carrier's Liability under Section 2.1 of the Immigration Act 2003 means that visa waiver letters are no longer an acceptable alternative to visa endorsements on passports; There are, unfortunately, indications that in certain cases children have not returned to Belarus on the agreed date. While my Department may not be directly responsible for the welfare of these children as such, we have an obligation to put into place a system that guarantees, in as much as it is possible, their safety. Were we to continue the practice of issuing visa waiver letters we could be in breach of the relevant legislation.

My Visa Office in the Irish Embassy in Moscow prioritises such applications. Ultimately our aim is to ensure the safety and welfare of the children who arrive into the care of this State and we are satisfied that the "one person, one visa" system for all is the best way forward in this regard. I would emphasise that the safety of the children concerned is the primary reason for the introduction of these revised practices. While I have no plans at this time to change current practices I am satisfied the Immigration Officials in Shannon will continue to facilitate such groups and make their arrival in this State as easy and simple as possible while insuring that immigration legislation is fully complied with.

Garda Training.

117. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform if

[Mr. Naughten.]

he will ensure that front line staff such as gardaí are provided with appropriate training to deal with domestic violence; and if he will make a statement on the matter. [14259/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda Authorities that domestic violence training is provided as part of the Continuous Professional Development to serving members of An Garda Síochána. The Student Probationer School provides extensive training to new members of An Garda Síochána. Continuous Professional Development (CPD) incorporated Domestic Violence on the 1997 Core Programme for all members of Garda and Sergeant rank after the Domestic Violence Act came into force in 1996. Furthermore, a policy document was issued to all members. The Core Continuous Professional Development Programme for 2006 contained a module on Sexual Crime, developed in consultation with the Rape Crisis Centre Counselling Network and covered some areas pertinent to Domestic Violence. The situation is kept under constant review by Continuous Professional Development. Student /Probationer School deals with the area of Domestic Violence in two study areas, namely Social & Psychological Studies and Legal & Policing Studies as set out hereunder.

Social and Psychological Studies provides the following training to Student and Probationer Gardaí at the Garda College: 1. Women's Aid organisation provides 5 hours training in relation to the victim's perspective. This involves 1 hour in a lecture theatre and 4 hours training in workshops with groups of 20-23 Student Gardaí. 2. A representative of the organisation Men Overcoming Violent Emotions (M.O.V.E) provides a one hour training programme to Student Gardaí on the methods of dealing with offenders in relation to Domestic Violence. 1. AMEN, an organisation representing male victims of domestic violence provides a three hour training awareness programme from the perspective of male victims of domestic violence to Student Gardaí. 1. Social and Psychological Studies staff provide training to Phase III Student Gardaí, through development work and role-play scenarios which depict practical incidents that they may encounter relating to domestic violence. This role-play type training develops their skills and competencies in dealing with all aspects of domestic violence. Phase III Student Gardaí are assessed in conjunction with training provided by Legal & Policing Studies.

Legal and Policing Studies facilitate the following instruction in relation to Domestic Violence to Garda Students: Phase I Students are facilitated with instruction on offences committed within the family. While the majority of this training deals specifically with domestic viol-

ence, it is recognised that the subject cannot be dealt with in isolation and therefore elements of the training deal with the Children Act, 1908, Child Care, Act 1991 and the Children Act, 2001, where they are impacted by domestic violence issues. Phase III is conducted in a facilitative style in classrooms rather than lecture theatres for the most part. Taking into consideration the experience gained by Student Gardaí on Phase II, training is also provided which goes more in-depth into the procedures when dealing with Domestic Violence. Domestic Violence training is always under consideration by the Garda College. Close liaison is maintained with the various stakeholders to ensure that the training provided is current.

Proposed Legislation.

118. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will introduce measures to have the UN protocol to prevent, suppress and punish trafficking of persons, particularly women and children, and the Council of Europe's Convention on Actions Against Trafficking in Human Beings ratified; and if he will make a statement on the matter. [14304/07]

119. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform his legislative proposals in regard to human trafficking in order to prevent this human rights abuse, penalise those who engage in it, protect and rehabilitate those trafficked; and if he will make a statement on the matter. [14305/07]

127. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views in regard to submissions (details supplied); if his Department detected such tragedy here; if so, the action taken; the action he has taken through his contacts at EU or other such organisations; if the Government ratified all UN protocols in regard to the matter; and if he will make a statement on the matter. [14341/07]

205. **Mr. Deenihan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will bring before Dáil Éireann as a matter of emergency the criminal law (trafficking in persons and sexual offences) Bill; if he will enshrine the rights of victims of human trafficking in the Bill; and if he will make a statement on the matter. [15041/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 118, 119, 127 and 205 together.

As I informed the House previously, the Government approved the drafting of the Criminal Law (Trafficking in Persons and Sexual Offences) Bill 2006 last July. It is at present being drafted in the Office of the Parliamentary Coun-

sel. The Bill is criminal law legislation which will implement the criminal law aspects of EU, UN and Council of Europe instruments on trafficking by creating offences of recruiting, transporting, transferring to another person, harbouring or knowingly arranging or facilitating — (a) the entry into, travel within or departure from, the State of a person, or (b) the provision of accommodation or employment in the State for that person, for the purpose of that person's exploitation. The term "exploitation" in the Bill is defined as meaning sexual or labour exploitation or the removal of a person's organs for the purpose of transplanting into another person.

The UN Protocol to prevent and punish trafficking in persons, especially women and children, was signed by Ireland in December 2000 and the Government recently authorised the Minister for Foreign Affairs to arrange for the signing by Ireland of the Council of Europe Convention on action against trafficking in human beings. This was done on 13 April 2007. In addition, the forthcoming Immigration, Residence and Protection Bill, which is expected to be published shortly, will on enactment provide for a number of immigration related matters so as to comply with the relevant protection provisions in the Convention. In particular, in the context of the treatment of victims, the Bill will provide a framework whereby a victim of trafficking will be afforded an immediate period of recovery and reflection in the State and also, in circumstances where he or she wishes to participate in any criminal proceedings in the matter, a further period of residence in the State to enable him or her to do so. On enactment of these pieces of legislation, Ireland will be in a position to ratify the international instruments on trafficking. I am informed by the Garda authorities that they take a proactive approach and are ever vigilant to ensure that any allegations relating to the trafficking of women or children for sexual exploitation are vigorously investigated. In common with other EU countries, to date, all the indications are that, in Ireland, trafficking in human beings takes place on a much smaller scale than the facilitation of illegal immigration, i.e., smuggling of persons. Targeted Garda operations have been successful in disrupting trafficking activity.

Prisoner Transfers.

120. **Mr. Morgan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, in cases of prisoner repatriation to this State, are the remission rules a prisoner is subject to that of the sentencing State or remission regime of this State; if, in cases of life sentence does he consider the remission regime or release criteria applying contemporaneously in the sentencing State or if he is obliged to do so; if, in cases of repatriated life sentence prisoners, does he or must he consult with the sentencing State in relation to the release

of the life sentence prisoner; and if he will make a statement on the matter. [14320/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to advise the Deputy that the mechanism for enabling the transfer of sentenced prisoners is the Council of Europe Convention on the Transfer of Sentenced Persons. The legislative basis for the operation of the Convention in Ireland is the Transfer of Sentenced Persons Acts, 1995 and 1997. The sentences of prisoners transferring into Ireland under the Convention are administered under the "continued enforcement" procedure in accordance with Article 10 of the Convention. Article 6.2b of the Convention provides that the sentencing state shall furnish, to the administering state, a statement indicating how much of the sentence has already been served, including information on any pretrial detention, remission, and any other factor relevant to the enforcement of the sentence. My Department will take the relevant information provided by the sentencing state (including remission already earned) into account when determining the sentence which will be applicable in this jurisdiction if a transfer proceeds. I should add that prisoners are fully informed, in writing, of the consequences on the enforcement of their sentence when their formal consent to the transfer is being sought. Article 9.3 of the Convention provides that the enforcement of the sentence upon transfer, shall be governed by the law of the administering state (i.e. the receiving state). There is no obligation on the Minister to consult with the sentencing state regarding the administration of the sentence. Article 15 of the Convention does provide that the administering state shall furnish information concerning enforcement of the sentence to the sentencing state in certain circumstances, including when it considers enforcement of the sentence to have been completed or if the sentencing state requests a special report.

Residency Permits.

121. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the distress, anxiety and hardship being suffered in the case of a person (details supplied) in Dublin 8 whose child has many serious special needs; if he will use his discretionary powers to offer temporary residency status entitling them to travel documentation or green card with a view to compliance with requirements; and if he will make a statement on the matter. [14329/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Questions No. 131 of Thursday, 29 March, 2007 (ref:12220/07), No. 131 of on Thursday, 8 March, 2007 (ref: 9372/07), No. 173 of Wednesday, 6 December, 2006 (ref: 42010/06)

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and No. 158 of Thursday, 11 May, 2006 (ref: 17811/06) and the written replies to those Questions. The position is unchanged.

Visa Applications.

122. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason visa applications were refused in the case of a person (details supplied) in Dublin 24; if this application will be reviewed; and if he will make a statement on the matter. [14330/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer to Parliamentary Question 313 of 31 January, 2007. As the requested additional documentation was not received by my Department the visa applications were processed and refused. The decision of the Visa Officer to refuse these applications was taken on 7 March, 2007. The applications were refused because the Visa Officer could not be satisfied, on the basis of the documentation supplied, the reference could financially support the applicants. In addition it was considered that the granting of the visas could result in a cost to public funds and public resources. To date, no appeal in respect of these applications has been received. All appeals must be submitted within two months of the initial refusal decision.

Residency Permits.

123. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, as is provided for, he will accede to a request to him by a person (details supplied) in County Offaly to grant permission to resubmit an application for residency; and if he will make a statement on the matter. [14331/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Questions No. 109 of Thursday, 1 March, 2007 (ref: 8219/07), No. 378 of Wednesday, 31 January, 2007 (ref: 2172/07), No. 140 of Thursday, 19 October, 2006 (ref: 33847/06), and No. 358 of Wednesday, 27 September, 2006 (ref: 29160/06) and the written replies to those Questions. The position is unchanged.

124. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to the application for residency in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [14332/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the deputy to my previous reply of 29 March 2007 in relation to the person in question. The position remains unchanged.

Citizenship Applications.

125. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position on an application for citizenship in the case of a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [14333/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to in the Deputy's question applied for a certificate of naturalisation in January 2004 and I decided to refuse the application. The reasons for my decision were disclosed to the individual concerned in a letter dated 1 December 2006. It is open to the person concerned to submit a further application at any time provided he satisfies the relevant statutory conditions applicable at that time. In doing so, however, he should give due regard to my reasons for refusing the previous application.

126. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to his reply to Parliamentary Question No. 228 of 17 October 2006, who the adoption society were; the information that suggests that the parents had ceded parental responsibility; the reason they say there is no evidence of this; when it is expected a response will be received from the Attorney General's office; and if he will make a statement on the matter. [14334/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 228 of 17 October, 2006. As I advised the Deputy at the time, while there is information on file to the effect that the child's natural parents had ceded responsibility to a UK based adoption society (the name of which is unknown), there is no direct evidence from the parents or adoption society to support that contention. The information on file is contained in a submission dated 8 December, 1962 to the then Minister. A copy of the said submission was supplied to the individual concerned in June, 2003. Advice has been received from the Office of the Attorney General in this case. My Department is satisfied that the granting of citizenship to the person concerned was done entirely in good faith and with the best possible intentions. Solicitor's representing the individual were advised accordingly on 5 December, 2006.

Question No. 127 answered with Question No. 118.

128. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on an application for naturalisation by a person (details supplied); and if he will make a statement on the matter. [14346/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship Section of my Department on 8 February 2007. Officials in that section are currently processing applications received in the latter half of 2004 and have approximately 13,100 applications on hand to be dealt with before that of the person in question. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of the application will commence in late 2009. I will inform the Deputy and the applicant when a decision has been taken in the matter.

Registration of Title.

129. **Mr. Gogarty** asked the Tánaiste and Minister for Justice, Equality and Law Reform the timeframe for the resolution of the land ownership issue regarding land (details supplied) in County Dublin, which is being dealt with by the State Solicitor's office, in view of the fact that this area is subject to frequent graffiti and that the local authority is willing to allocate a small piece of land to the owner to fence off and prevent graffiti and vandalism at this location; and if he will make a statement on the matter. [14353/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions. In order to be of assistance I forwarded the Deputy's query to the Authority for its attention and direct reply. I understand that a reply has already issued. I would also like to refer the Deputy to my letter of 26 May, 2006 to members of the Oireachtas regarding a new service for T.D.s and Senators concerning the current status of applications of this type. As outlined in my letter, the service was introduced, inter alia, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions.

Asylum Support Services.

130. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a submission made by Dóchas, Kilkenny, on behalf of a number of residents of a hostel (details supplied) in County Kilkenny, who wish to remain in Kilkenny following the closure of the hostel will be given positive consideration by him; and if he will make a statement on the matter. [14362/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency (RIA) of my Department has a contract in place for the accommodation of asylum seekers at the Ormonde Hostel in Kilkenny until 9 May, 2007. After that time the premises will no longer be available for this purpose as the contractors have decided not to renew the contract. Obviously this decision is regrettable for the RIA but also for the residents of the centre who will have to be moved to alternative suitable accommodation. All State service providers (e.g., HSE, Department of Social and Family Affairs) have been advised of the closure of this centre so that they can prepare for the necessary adjustments to the provision of their services. In addition, the local support group, who have provided on-going support and assistance to the many residents who have resided at the centre since it first opened in December 2000, has also been advised of the closure. The Deputy will appreciate that the residents of this accommodation centre are involved in a process to determine the outcome of their claim for asylum in the State. Under a Government decision it was decided that all applicants for asylum would have their needs met through the system of direct provision. Direct provision is the means by which the State discharges its obligations to provide for the basic requirements of asylum seekers and represents, for the most part, a cashless system with suitable accommodation being provided on a full board basis.

In the event of a positive determination of refugee status, the residents will be free to reside in Kilkenny or anywhere else in the State. Officials from the Reception and Integration Agency visited the Ormonde Accommodation Centre to ascertain each resident's preference for alternative accommodation within the Reception and Integration accommodation portfolio. At this stage all residents have been made initial offers of alternative accommodation. Many of the residents have been offered their first accommodation preference and have taken up their new accommodation. All other residents will be moved by the date of closure on 9 May, 2007 and every effort will be made to facilitate their accommodation requests.

Registration of Title.

131. **Mr. Ellis** asked the Tánaiste and Minister for Justice, Equality and Law Reform if maps will be issued for a person (details supplied) in County Leitrim. [14386/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds

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and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions. In order to be of assistance I forwarded the Deputy's query to the Authority for its attention and direct reply. I understand that a reply has already issued. I would also like to refer the Deputy to my letter of 26 May, 2006 to members of the Oireachtas regarding a new service for T.D.s and Senators concerning the current status of applications of this type. As outlined in my letter, the service was introduced, *inter alia*, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions.

Visa Applications.

132. **Mr. Hogan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will review a decision in respect of a person (details supplied) seeking a tourist visa; and if he will make a statement on the matter. [14393/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Dublin Visa Office on 24 November, 2006. It was refused by the Visa Officer on 7 December, 2006. The decision of the Visa Officer to refuse the application was upheld by an Appeals Officer on 13 February, 2007. As an applicant is entitled to one appeal only, no further review of the application can be undertaken. It is, however, open to the applicant to make a fresh application.

Citizenship Applications.

133. **Mr. Hogan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when an application will be processed for a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [14394/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship section of my Department in June 2004. I understand that the case in question will be forwarded to me for a decision shortly and I will inform the Deputy and the person concerned when I have reached a decision on the matter.

Closed Circuit Television Systems.

134. **Mr. P. Breen** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a closed circuit television system will be operational for Ennis, County Clare; and if he will make a statement on the matter. [14409/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I recently announced a major expansion of the Garda

CCTV town centre scheme with over €7.5m provided in the Garda Vote for 2007 for CCTV projects. A total of 17 areas are included in the expansion and Ennis is one of these new locations. Installation is well underway in respect of three locations (Ballyfermot, Clondalkin and Tullamore) and the Garda authorities have issued a Request for Tender, with a closing date of today, 24 April 2007, for the installation of nine CCTV systems in Ennis, Castlebar, Drogheda, Kilkenny, Mullingar, Sligo, Tallaght, Portlaoise and Waterford. The responses received will be evaluated and it is anticipated, subject to appropriate contracts being put in place, that these systems will be installed in 2007. A further Request for Tenders will issue very shortly for the installation of Garda CCTV systems in respect of the remaining five locations: Athlone, Carlow, Clonmel, Dungarvan and Kinsale. These 17 schemes are in addition to garda systems already operational in areas such as Dublin city centre, Bray, Dundalk, Dún Laoghaire, Galway, Tralee and Limerick.

Missing Persons.

135. **Ms C. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of persons reported missing who were later accounted for as having died in each year between 1999 and 2006; the number of those whose death was deemed to be the result of foul play; the number of those whose death was deemed to be the result of suicide; the average length of time that these persons were unaccounted for between the original missing persons report and their being located; and if he will make a statement on the matter. [14421/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible in the time available for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Citizenship Applications.

136. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 499 of 30 May 2006, the position regarding an application; if he will expedite the case; and if he will make a statement on the matter. [14439/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question Number 258 of 31 January 2007. The position remains as stated.

137. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 189 of 14

November, 2006, the position regarding an application; if he will expedite the case; and if he will make a statement on the matter. [14440/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I informed the Deputy in response to Parliamentary Question No. 189 on 14 November 2006 that processing of the application of the person concerned would commence in the second half of 2008. The Deputy has not put forward any reasons why the matter should be expedited. Consequently, it is likely that processing of the application will commence in the second half of 2008.

Proposed Legislation.

138. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will make a statement on correspondence (details supplied). [14468/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): On 23 May 2006 the Supreme Court delivered its decision in the C.C. case in which it found that section 1(1) of the Criminal Law Amendment Act 1935 was inconsistent with the Constitution. That section, and the related provisions in the Act, formed an essential part of the legal regime for the protection of children from sexual abuse. The immediate response of the Oireachtas was to enact the Criminal Law (Sexual Offences) Act 2006 which was enacted on 2 June 2006. That Act restored a regime of protection of children against sexual abuse and modernised and brought up to date the law in that area. Also, because of the urgency of the legislation, there had been little opportunity to engage in a process of consultation or period of reflection which would be normal in the case of such significant legislation. Therefore, the Joint Committee on Child Protection was established by resolutions of both Houses of the Oireachtas to engage in such a process of consultation and to reflect on the issues involved. Among its terms of reference, the Committee was asked to consider the implications arising from the consequences of the Supreme Court decision in the C.C. case and to examine the desirability or otherwise of amending the Constitution to deal with the outcome of that case and/or provide for a general right of protection for children. The Committee issued its report to the Houses of the Oireachtas on 30 November 2006. The Government is committed to the Report of the Joint Committee on Child Protection and that commitment is reflected in the proposed amendment to the Constitution in the Twenty-Eighth Amendment of the Constitution Bill 2007 presented by the Minister for Health and Children on 16 February 2007. This amendment, if passed by the people, will allow the Oireachtas to enact laws which will offer greater protection to children against sexual abuse by creating offences of

absolute or strict liability. It has not been possible, given the time constraints, to debate the Twenty-Eighth Amendment of the Constitution Bill in the Houses of the Oireachtas, where it was hoped all-party agreement on the issue could be achieved. Accordingly, the referendum cannot be held before the Autumn, which leaves adequate time for consultations and reflection on the wording of the constitutional amendment.

Violence Against Women.

139. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will address the concerns raised in correspondence (details supplied); the directive he has issued to secure NDVIA; and if he will make a statement on the matter. [14469/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my reply to Parliamentary Question No. 67 of Wednesday 04 April 2007 (ref: 12934/07).

Registration of Title.

140. **Mr. Ellis** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a case for a person (details supplied) in County Leitrim will be finalised. [14475/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions. In order to be of assistance I forwarded the Deputy's query to the Authority for its attention and direct reply. I understand that a reply has already issued. I would also like to refer the Deputy to my letter of 26 May, 2006 to members of the Oireachtas regarding a new service for T.D.s and Senators concerning the current status of applications of this type. As outlined in my letter, the service was introduced, inter alia, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions.

Garda Operations.

141. **Dr. Cowley** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cost to date of the security operation in Ballinaboy, County Mayo to include all costs; and if he will make a statement on the matter. [14501/07]

142. **Dr. Cowley** asked the Tánaiste and Minister for Justice, Equality and Law Reform the

[Dr. Cowley.]

number of gardaí deployed to Ballinaboy, County Mayo on a daily basis; the number of gardaí on stand-by on a daily basis in Ballinaboy, County Mayo; and if he will make a statement on the matter. [14502/07]

143. **Dr. Cowley** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cost of the security operations carried out by gardaí in Ballinaboy, that is the total cost of gardaí, including their basic salary, overtime, transport, subsistence and so on; and if he will make a statement on the matter. [14503/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 141 to 143, inclusive, together.

I am informed by the Garda authorities that the total cost, including salaries, etc., of the policing arrangements at Ballinaboy, Co. Mayo, as of 17 April, 2007, was approximately €5.4 million. For security and operational reasons, it is not Garda policy and it would not be in the public interest to disclose detailed information of a kind that could potentially have an operational impact on policing arrangements, including numbers of Garda personnel deployed on an ongoing daily basis and/or on stand-by. The Garda Síochána is statutorily required to provide policing services for the State with the aim of preserving public order and protecting life and property. In this regard, Garda resources are allocated according to, inter alia, the assessed threat of breaches of the criminal law, so it is the latter which ultimately determines the associated costs.

Prison Building Programme.

144. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress on the proposed development of a prison at Kilworth, County Cork; and if he will make a statement on the matter. [14536/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Department of Defence has consented to the assignment of land at Kilworth, County Cork to the Minister for Justice, Equality and Law Reform for the purposes of developing new prison facilities to replace Cork Prison. Technical advisers have been appointed to carry out a range of preliminary studies, e.g. topographical survey, geology, ecology etc. These studies are currently underway and are expected to be completed shortly.

Departmental Property.

145. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform his plans for the future of Spike Island; the discussions he has had with other Departments on

the issue; and if he will make a statement on the matter. [14537/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the deputy that plans for the future of Spike Island will be considered by an Interdepartmental Group comprising of representatives from my Department and the Departments of Arts, Sport and Tourism; Finance and Defence. This group will begin deliberations shortly.

Garda Districts.

146. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 113 of 29 March 2007, the electoral divisions (details supplied) which each of the Garda stations cover in the Blanchardstown and Santry Garda districts; and the way the boundary between each is determined and the location where that boundary lies. [14538/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Blanchardstown Garda District includes Blanchardstown Garda Station, Cabra Garda Station and Finglas Garda Station. The Blanchardstown Garda District wholly or partially covers the following electoral divisions:

- Ashtown A & B
- Ballygall A, B & D
- Blanchardstown — Abbotstown, Coolmine, Corduff, Delwood, Mulhuddart, Tyrrellstown & Roselwan
- Cabra A, B & C
- Castleknock — Knockmaroon & Park
- Finglas North A, B, & C
- Finglas South A, B, C & D
- The Ward

The Santry Garda District includes Santry Garda Station, Ballymun Garda Station, Whitehall Garda Station and Dublin Airport Garda Station. The Santry Garda District wholly or partially covers the following electoral divisions:

- Airport
- Ballygall C
- Ballymun B, C, D & E
- Beaumont A & B
- Drumcondra South C
- Kilmore A & B
- Turnapin
- Whitehall A, B, C & D

Garda District and Sub-District boundaries are not coterminous with electoral divisions.

Closed Circuit Television Systems.

147. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 222 of 6 February, 2007, if he is in a position to provide the information requested. [14539/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that a reply to her original question issued from my office on 23 April, 2007.

Departmental Correspondence.

148. **Dr. Upton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the dates of correspondence between his Department and An Garda Síochána in 1996 and his Department and the Department of Education and Science in 1996 relating to the investigation of concerns regarding possible abuse of children in a centre (details supplied) in Dublin 11; if he will confirm that all correspondence between his Department and the Garda relating to Finglas has been provided to the child abuse commission; and if he will make a statement on the matter. [14544/07]

149. **Dr. Upton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the dates of all correspondence in 1996 between An Garda Síochána and the Department of Education and Science relating to the investigation of concerns regarding possible abuse in a centre (details supplied) in Dublin 11; and if he will make a statement on the matter. [14545/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 148 and 149 together.

There is currently no indication that there was correspondence between my Department and An Garda Síochána and the Department of Education and Science in 1996 concerning the investigation referred to. However, I have asked for the matter to be investigated in my Department, and I will be in contact with the Deputy when the investigation has been completed. I am informed by the Garda authorities that the information sought in relation to dates of correspondence in 1996 between An Garda Síochána and the Department of Education and Science is currently being researched and an early response will issue. I have requested a response at the earliest opportunity, and I will contact the Deputy again when the information is at hand.

Insurance Industry.

150. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law

Reform if he will make a statement detailing the clear distinctions, protections and ethical guidelines to ensure that nobody pretends to be a person in authority and that people do not feel they are dealing with a person in authority investigating the claim from a different perspective in the context of an insurance claim investigation which he said should exist during a parliamentary exchange on 4 April 2007; and the protections to which he referred that are currently in place. [14549/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy refers to an exchange of views during Leaders Questions on 4 April last. As I said then, I share his view that it should be clear to people, when dealing with a person investigating an insurance company claim, that they are dealing with a representative of an insurance company, not a person implying or insinuating that he or she is a person in authority dealing with the same issue. Where this should happen in relation to serving members of the Garda Síochána the position is clear. Every allegation that a Garda is engaged in investigating claims on behalf of insurance companies will itself be investigated and the full rigours of the law brought to bear should an offence be disclosed. As regards the activities of insurance investigators, I understand that the Financial Regulator is now the authority responsible for the authorisation and ongoing supervision of insurance companies. I understand that a code of conduct has been issued to all regulated entities, including insurance companies, and this sets out requirements and provisions for the handling and processing of claims. Where a consumer is dissatisfied with the manner in which their claim is handled they may make a complaint through the company's complaints procedures. If they are not satisfied with the outcome of this process they may refer the matter to the Financial Services Ombudsman who will adjudicate on the issue.

Visa Applications.

151. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a visa will be approved to allow a person (details supplied) with a valid work permit to travel to Ireland. [14550/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to was received in the Visa Office on 19 February, 2007. I am pleased to inform the Deputy that the visa application in question was approved on 16 April, 2007.

Citizenship Applications.

152. **Mr. Timmins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to a person (details supplied)

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in County Wicklow who has applied for naturalisation; if same will be dealt with as a matter of urgency; and if he will make a statement on the matter. [14557/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship section of my Department on 8 February 2006. Applications are generally dealt with in chronological order as this method is deemed to be fairest to all applicants. However, due to circumstances outlined by the Deputy, I understand that a submission will shortly be made to my Office for a decision on whether this case might be expedited. I will inform the Deputy and the person in question once I have reached a decision on the application.

National Strategy for Older People.

153. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will commit to the development and implementation of a national strategy for older people as recommended by the older and bolder campaign to age proof all policy, legislation and access to services and deliver equality for older people. [14578/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Employment Equality Act 1998, as amended by the Equality Act 2004, prohibits discrimination in relation to nine grounds, one of which is age. The Equal Status Acts 2000 to 2004 give protection against discrimination in access to and provision of goods and services on the same nine grounds. My Department chairs a Working Group on Equality Proofing, the membership of which is drawn from the Four Pillars of Social Partnership and from relevant Government Departments, the Equality Authority and the Combat Poverty Agency. The Group is working towards the introduction of a wide ranging system of equality proofing to assess the impact of policy on all nine grounds identified in equality legislation. The Working Group articulates a vision of a single integrated equality proofing process. The target groups to be covered by equality proofing procedures are those grounds, which include age, covered by the Equal Status Acts 2000 to 2004 and the Employment Equality Act 1998. I am pleased to note that this year's activities to celebrate the European Year of Equal Opportunities for All 2007 will include a campaign to develop public awareness on ageism and older people.

Residency Permits.

154. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of an application to remain here in the

name of a person (details supplied) in County Kilkenny; if permission will be granted in view of the fact that they are seven years here; and if he will make a statement on the matter. [14634/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my Reply to his Dáil Question No. 186 of 1 December 2005. The status of the person concerned remains as set out in that Reply. He is due to present again to the Garda National Immigration Bureau on 3 May 2007. The enforcement of the deportation order remains an operational matter for the Bureau.

Registration of Title.

155. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason for the delay in providing a dealing number to register a property at a location (details supplied) in County Kilkenny to Kilkenny Borough Council; and if he will request the property register section to expedite the matter. [14635/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions. In order to be of assistance I forwarded the Deputy's query to the Authority for its attention and direct reply. I understand that a reply has already issued. I would also like to refer the Deputy to my letter of 26 May, 2006 to members of the Oireachtas regarding a new service for T.D.s and Senators concerning the current status of applications of this type. As outlined in my letter, the service was introduced, inter alia, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions.

Residency Permits.

156. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will review the request to remain here on compassionate grounds in view of the age and background of the person (details supplied). [14636/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, a Nigerian National, arrived in the State as an Unaccompanied Minor on 30 April, 2003 and made an application for asylum on 15 May, 2003. His application for asylum was refused following consideration of his case by the Office of

the Refugee Applications Commissioner and on appeal by the Office of the Refugee Appeals Tribunal. A notification under Section 3(3)(a) of the Immigration Act 1999 issued to the person concerned on 29 June, 2004 advising him of the decision to refuse him a declaration of refugee status and setting out the options open to him at that point; i.e. to leave the State voluntarily, to consent to the making of a deportation order or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out the reasons as to why he should not be deported. Representations setting out reasons why the person concerned should not be deported have been received. A decision will be taken after consideration of a number of factors which are specified in section 3(6) of the Immigration Act 1999, as amended. These factors include considerations relating to the common good, the persons' individual family and domestic circumstances, age and humanitarian considerations. Consideration will also be given to the prohibition on refoulement which is contained in section 5 of the Refugee Act, 1996, as amended.

Garda Operations.

157. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a person (details supplied) is under Garda surveillance; and if attempts are being made to discredit him by the Department. [14637/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my replies to Parliamentary Questions Nos. 382 and 507 of 2 March and 23 March, 2004, respectively. I categorically reject any suggestion that my Department is in any way seeking to 'discredit' the person in question.

Crime Levels.

158. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the statistics for headline crime in the Dublin north division for the last year; and if he will make a statement on the matter. [14638/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the submission to me in 2004 of a report and recommendations by an expert group on crime statistics, I decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, I am pleased to note that the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive. I have requested the CSO to provide the information sought by the Deputy directly to him.

Garda Equipment.

159. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Garda cars, vans and motorbikes that are currently available to each station in the Dublin region; and if he will make a statement on the matter. [14639/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the transport resources currently attached to stations in the Dublin Metropolitan Region, including the Dublin Metropolitan Region Traffic Division, are as set out in the following table. I would point out to the Deputy that in overall terms the Garda Fleet has never been more modern. The total spend for 2006 on the purchase of 1,378 new vehicles to upgrade the fleet was €27.45 million resulting in the renewal of over half of the entire Garda fleet in just a single year and further investment in new vehicles for the Garda will be made this year.

Vehicles — DMR

Station	Cars	Vans	Bike	4x4	M/Bus	Total
Airport	2			1		3
Ballyfermot	10	4				14
Ballymun	3	1				4
Blackrock	7	2	3	1		13
Blanchardstown	26	3	7	3	1	40
Bray	6	2	1	1		10
Bridewell	5	3			1	9
Cabinteely	3					3
Cabra	3					3

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Station	Cars	Vans	Bike	4×4	M/Bus	Total
Clondalkin	10	1				11
Clontarf	7					7
Coolock	14	2				16
Crumlin	15	3			2	20
Dalkey	2					2
Donnybrook	7	5				12
Dundrum	4			1		5
Dún Laoghaire	9	5	2		1	17
Enniskerry	2					2
Finglas	8	1				9
Fitzgibbon Street	8	1	1	1		11
Greystones	4					4
Harcourt Terrace	4	1				5
Howth	3		1			4
Irishtown	3					3
Kevin St	12	2	1	1		16
Kill o grange	2					2
Kilmainham	5	7		1		13
Leixlip	3					3
Lucan	5	2				7
Malahide	4					4
Mountjoy	9	2				11
Pearse Street	22	2	9	1	2	36
Raheny	4	2				6
Rathcoole	3					3
Rathfarnham	5					5
Rathmines	4	1				5
Ronanstown	8	1		1		10
Santry	25	17	8	2	3	55
Shankill	3				1	4
Stepaside	4					4
Store Street	34	6	10	2	1	53
Sundrive Road	7					7
Swords	8	1				9
Tallaght	15	5	1	1	2	24
Terenure	7		6	1		14
Whitehall	5					5
DMR Traffic	14	4	33	4		55
Total	373	86	83	22	14	578

Garda Stations.

160. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of cells at Coolock, Raheny, Finglas, Ballymun, Clontarf and Swords stations; the number that are for men, women and persons under 18; and if he will make a statement on the matter. [14640/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda Authorities that the number of cells in

the Garda Stations referred to by the Deputy is as follows:

Station	Cells: Adult	Cells: Juvenile
Coolock	4	0
Raheny	2	0
Finglas	3	1
Ballymun	2	0
Clontarf	2	1
Swords	2	0

I am further informed that the cells in Garda Stations are not designated for use by gender.

Garda Operations.

161. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the amount of overtime worked by Gardaí in Coolock and Raheny Districts under Operation Anvil for 2005, 2006 and to date in 2007; and if he will make a statement on the matter. [14693/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the amount of overtime incurred by Gardaí in the Coolock and Raheny Districts under Operation Anvil for 2005, 2006 and to date in 2007 is detailed below in terms of both expenditure and hours worked.

Year	Coolock Expenditure	Raheny Expenditure
2005	395,470	275,627
2006	613,963	681,919
2007	611,258	453,681
Total	1,620,691	1,411,227

Year	Coolock Hours	Raheny Hours
2005	13,920	9,702
2006	20,541	22,814
2007	19,610	14,555
Total	54,071	47,071

Departmental Bodies.

162. **Mr. M. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding the work of the interim national property services regulatory authority and of its director, appointed in June 2006; and if he will make a statement on the matter. [14696/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware in July 2004 I established the Auctioneering/Estate Agency Review Group to carry out a review of all aspects of the auctioneering profession in Ireland and to make recommendations for any changes necessary in terms of structures and/or legislation.

A fundamental finding of the Review Group was that the existing statutory framework — the Auctioneers and Estate Agents Acts 1947 to 1973 — which regulates the sector is outdated, inappropriate and inadequate for the present day market and it recommended the establishment of a Regulatory Authority, on a statutory basis, to

underpin new regulatory arrangements in the industry.

Last December I obtained Government approval for legislation to establish the Authority on a statutory basis and the general scheme of the Property Services Regulatory Authority Bill was published on 21st December 2006.

Clearly for the new Authority to be fully functional it will be necessary for it to be established on a statutory basis. However, pending enactment of the legislation, I set up an Implementation Group to assist and advise on practical matters relating to the establishment of the new body and a Chief Executive designate, who is working closely with the Implementation Group, has been appointed. While the Group and the Chief Executive designate are currently involved in establishing the basic organisational structures, systems and procedures, necessary to any organisation a number of specific issues, fundamental to the long term functioning of the Authority, have been identified which can be addressed in advance of it being established on a statutory basis. These include the acquisition of accommodation for the Authority, the development of a code of practice for the industry, the creation of a National Public Register of Property Services Providers and the development of consumer information packs.

To date significant progress has been made in each of these areas as follows. Accommodation has been acquired in Navan for the Authority and plans for the fitting out of the accommodation have been agreed. A Code of Practice has been drafted by the Group and has been circulated to a wide range of interested parties including bodies representing the industry and consumer interests. Once discussions with the various interest groups have been concluded it is intended to publish the Code. A National Public Register of Auctioneers and House agents is being developed in conjunction with the Courts Service and the Revenue Commissioners. It is intended that this Register will be published as soon as possible after the Code of Practice has been agreed. Public information material on the provision of property services, including the purchase and sale of property, is currently being prepared. It is planned to have this material available before the end of the year.

Visa Applications.

163. **Mr. Allen** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on the visa application of a person (details supplied) who is anxious to live permanently here in view of the fact that this is a most genuine and urgent matter. [14697/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of a current visa application from the person in question. An earlier application was

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refused on 21 April 2006 and that decision was upheld on appeal in June 2006. An applicant is entitled to one appeal only, so no further review of that application can take place. It is open to the applicant, however, to make a fresh application.

Missing Persons.

164. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number who died violently at sea and accidentally in relation to missing persons who were found dead during the period 1999 to 2006; and if he will make a statement on the matter. [14698/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible in the time available for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Residency Permits.

165. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of the application of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [14699/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question was granted permission to remain in the State on 1st February 2006 under the revised arrangements for parents of Irish children born prior to 1 January 2005, commonly referred to as the IBC/05 Scheme.

An application for renewal of this permission to remain in the State was acknowledged by my Department on 5th March 2007. A request for additional documentation issued to the person in question on 18th April 2007.

The renewal application will be considered further upon receipt of the requested documentation. In the interim the person in question is advised to contact the local office of the Garda National Immigration Bureau to seek short-term registration while the renewal application is pending and to inform the benefit authorities accordingly.

Ground Rents.

166. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform if there has been a recent change in the policy regarding fees for the collection of ground rents; if a fee of €302.50 replaces the fee which was hitherto set at €70; and if he will make a statement on the matter. [14711/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Property

Registration Authority (PRA) administers a scheme under which owners of leasehold property can apply to purchase the ground rent and enlarge their interest into a freehold.

I understand that there are two types of such applications and that different fees apply to each. There has been no change in fee levels since 1984.

In cases where agreement has already been reached in advance between the parties ('consent cases') and the purchase price has been paid to the landlord, the fee is €30 if the applicant is in occupation of the dwelling house and €65 otherwise.

In cases where no advance agreement has been reached, the purchase price is determined by arbitration under the relevant legislative provisions. While this sum is paid to the PRA, it can then be claimed by the ground rent landlord. In these cases the PRA fee is €105 where the applicant is in occupation of the dwelling house and €195 otherwise.

Citizenship Applications.

167. **Cecilia Keaveney** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [14722/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have approved the application of the person in question.

The Citizenship Division of my Department have written to the individual requesting certain documentation and the payment of the prescribed fee. When the documentation and the fee are received, a certificate of naturalisation will issue to him.

168. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of an application for naturalisation in the name of a person (details supplied) in County Kilkenny; if their application will be expedited in view of the number of years they have been here and the community they are supporting and assisting; and if he will make a statement on the matter. [14741/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship section of my Department on 31 August 2006.

Applications are generally dealt with in chronological order. However, due to circumstances outlined by the Deputy, I understand that a submission will be made to my Office shortly for a decision on whether this case might be expedited.

I will inform the Deputy and the person in question once I have reached a decision on the matter.

169. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on an application for naturalisation for a person (details supplied); and if he will make a statement on the matter. [14742/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship section of my Department on 8 August 2006.

Officials in that section are currently processing applications received in the latter half of 2004 and have approximately 9,500 applications on hand to be dealt with before that of the person concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of the application will commence in the first half of 2009.

I will inform the Deputy and the person concerned when I have reached a decision on the application.

Anti-Social Behaviour.

170. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform the action he will take with regard to recent attacks on young people at a location (details supplied) in Dublin 5; and if he will put in a safety and community policing plan in the area. [14776/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area referred to is regularly patrolled by uniform and plain clothes Gardaí from its local Garda station with a view to ensuring a concentrated and visible Garda presence in the area. These patrols are backed up by the District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Unit, supplemented by the Divisional Crime Task Force and Traffic Corps.

Local Garda management is aware of the ongoing problem with public disorder and anti-social type behaviour being experienced by local residents in this area. A number of incidents of local youths gathering and drinking in public have been recorded in the vicinity of the area referred to and these incidents have been dealt with by Gardaí under public order legislation.

The local Community Policing Unit continues to liaise with local residents' groups and the local Neighbourhood Watch co-ordinators and offers advice, support and assistance on all matters brought to their attention. Visits by Gardaí to the local primary and post-primary schools in the area will also continue.

I am further informed by the Garda authorities that current policing plans in the area are predicated on the prevention of anti-social and public order offences, the prevention of crime, including crimes of violence, against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy will continue to be central to the delivery of a policing service to the area.

171. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will put in a local safety and security plan to deal with anti-social activity at a location (details supplied) in Dublin 5; and if he will work with local residents on this matter. [14777/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area referred to is regularly patrolled by uniform and plain clothes Gardaí from the local Garda station with a view to ensuring a concentrated and visible Garda presence in the area. These patrols are backed up by the District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Unit, supplemented by the Divisional Crime Task Force and Traffic Corps.

Local Garda management is aware of the ongoing problem with public disorder and anti-social type behaviour being experienced by local residents in this area.

The local Community Policing Unit continues to liaise with local residents' groups and the local Neighbourhood Watch co-ordinators and offer advice, support and assistance on all matters brought to their attention. Visits by Gardaí to the local primary and post-primary schools in the area will also continue.

I am further informed by the Garda authorities that current policing plans in the area are predicated on the prevention of anti-social and public order offences, the prevention of crime, including crimes of violence, against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy will continue to be central to the delivery of a policing service to the area.

Firearms Act.

172. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason the firearms licence fee has gone up by 50% even though the three-year licence means that less Garda man-hours are needed to administer it compared with the previous system. [14778/07]

173. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, in view of the fact that the proposed list of restricted

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firearms contains Olympic pistols, an association (details supplied) and other relevant sporting bodies will be given an opportunity to have input into the second draft of the Statutory Instrument; and if he will make a statement on the matter. [14779/07]

174. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he will be commencing the remainder of the Firearms Act 2006, in view of the fact that the Criminal Justice Bill 2007 is already amending it before it has been fully commenced. [14780/07]

175. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the Garda Commissioner's guidelines for superintendents with relation to the Firearms Act 2006 will be published. [14781/07]

176. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the firearms range inspector will be appointed by the Minister. [14782/07]

177. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason several firearms ranges have already had to spend tens of thousands of euro on upgrades to comply with Garda demands for range certification in view of the fact that the relevant legislation has not been commenced and that the range inspector not been appointed. [14783/07]

178. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the official regulations to which firing ranges must conform will be published. [14784/07]

179. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will give assurances that target shooters wishing to compete in international competitions who find their sporting equipment listed on the restricted list will not find themselves required to comply with draconian and onerous demands to obtain firearms certificates. [14785/07]

180. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason shotgun licences cost €115 for a three-year period with each subsequent shotgun on the licence costing €30 but an air rifle licence costs €170 and can only have one air rifle on it. [14786/07]

181. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason in view of the obvious benefit to tourism that the 2012 Olympics represent, the firearms licence costs for foreign visitors have been increased to €57; and the reason no free visitors'

permit mechanism has been created to encourage the tourism that competitive target shooting represents. [14787/07]

182. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to strong concerns expressed by an association (details supplied) regarding recent changes to firearms legislation and licensing systems; if he will meet the association; and if he will make a statement on the matter. [14788/07]

188. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received correspondence in relation to licence fees; his plans to address this issue in early course; and if he will make a statement on the matter. [14823/07]

194. **Mr. Ferris** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason it was necessary to increase the fees for firearms licences and training licenses by so much; and his views on whether this constitutes an exorbitant and unfair expense on tens of thousands of people who participate in gun sports here. [14866/07]

203. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of firearms licences currently in place for each category of shotguns, rifles, pistols and other firearms; the number of firearms licences currently in place in each county; and if he will make a statement on the matter. [14943/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 172 to 182, inclusive, 188, 194 and 203 together.

The Criminal Justice Act 2006 was signed into law by the President on the 16th July 2006. All sections of that Act relating to firearms have been commenced other than the following sections: 28 (Firearms training certificate); 30 (Application for, and form and effect of firearm certificates); 32 (Conditions of grant of firearms certificate); 33 (Authorisation of rifle or pistol clubs or shooting ranges); 38 (Registered Firearms Dealers); and 40 (Reloading of ammunition).

A Project Board, Chaired by an Assistant Commissioner of An Garda Síochána comprising members of my Department and An Garda Síochána is actively addressing the issues which need to be put in place before these sections can be commenced, including significant changes to the Garda PULSE computer system.

Officials of my Department met recently with two of the Shooting Organisations to discuss a number of issues relating to the new licensing regime. I am anxious that the programme of change which is being undertaken proceeds

smoothly and has legitimate regard to all the interests involved, not least the public interest. It is in that context that I am considering the establishment of a consultative panel to bring the relevant stakeholders together on a structured basis.

The licensing of firearms and registration of Firearms Dealers is governed by the Firearms Acts 1925-2006. The Criminal Justice Act 2006 substantially amended the existing legislation to provide for a new firearms licensing regime. The present frequency of licensing of firearms and the registration of Firearms Dealers on an annual basis is changing to a three yearly basis — primarily to free up Garda time and resources. The new scheme, however, will not take effect until 2008, so the licensing process will go ahead on the usual annual basis this summer under the old fee structure.

In relation to the increase in charges, the Department of Finance and Revenue Commissioners advised me that, since the last time the fees were changed in 1992 there had been a 51% increase in the Consumer Price Index. The new fee structure reflects this increase as well as a tripling of the annual rate to reflect the new three year term.

It was not intended that the increase should cause undue hardship or difficulties for those who have to obtain licences. I am in receipt of correspondence regarding the fees from various members of the shooting community and as it will be some time before the new fees arise there will be time to consider the legitimate concerns that have been expressed.

Under Section 29 of the Criminal Justice Act, 2006 I may, by statutory instrument and in the interests of public safety and security, declare specific firearms and ammunition as “restricted”, by reference to their category, calibre, working mechanism, muzzle energy and description. It should be noted that where a firearm is deemed “restricted” it does not mean that the possession or sale of such firearms is prohibited.

Where a person wishes to possess such a firearm they will be required to make an application to the Garda Commissioner for the grant of a firearms certificate and satisfy the Commissioner that they comply with the conditions set out in Section 4 of the Firearms Act, 1925, as amended by the 2006 Act. In addition firearms dealers will be required to seek an authorisation from me for the importation for sale of such firearms.

My Department has consulted with An Garda Síochána, organisations representing different shooting interest groups and firearms dealers representatives regarding the drafting of this statutory instrument. I am satisfied that the final version which will be published, within the near future, will represent a reasonable balance between allowing people go about their business or interests lawfully while at the same time having due regard to public safety and security.

The Commissioner in consultation with my Department has prepared draft guidelines on firearms licensing. The draft is currently being finalised and it is my intention that it will be circulated when ready.

The Firearms Act 1925, as amended, provides that gun clubs and ranges may be authorised by a Garda Superintendent. However, a Superintendent shall not grant such an authorisation unless he is satisfied that the possession, use or carriage of firearms in pursuance of such authorisation will not endanger public safety or the peace. In so far as the grant of an authorisation for a gun club or range is concerned the courts have ruled that the Superintendent is *persona designata* in relation to such decisions and cannot be fettered in any way.

In addition, under Section 4 of the Firearms Act 1925, a Superintendent before granting a firearms certificate shall be satisfied that such person can be permitted to have in his possession, use and carry a firearm or ammunition without danger to the public safety or to the peace.

We are in transition phase, however, and Section 33 of the Criminal Justice Act 2006, when commenced will provide that the owner or operator of a rifle/pistol club or range shall be required to apply to the Commissioner of An Garda Síochána for an authorisation. Such ranges and clubs shall be required to meet minimum standards as set down by me, by way of Statutory Instrument. In the case of a range authorisation, the application must be accompanied by a range certificate as issued by the Firearms Range Inspector.

Proposals are being finalised at present in my Department in relation to the Range Inspection function.

On statistics, I am informed by the Commissioner of An Garda Síochána that there are currently 220,715 firearms licences in the State, including 49,218 rifle, 170,156 shotgun, 1,228 handgun and 113 other various firearms licences. I am informed by the Commissioner that providing a breakdown of firearms licences by county could not be achieved without a disproportionate use of time and resources. The following table sets out firearms licences by Garda divisions.

Garda Division	Total No. of firearms licensed
Mayo	10,613
Clare	7,895
Kerry	8,948
Donegal	11,288
Limerick	8,759
Cork City	3,739
Cork West	10,260
Cork Nth	8,579
Tipperary	14,347

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Garda Division	Total No. of firearms licensed
Galway West	8,911
Louth/Meath	17,362
Laois/Offaly	13,030
Sligo/Leitrim	6,802
Carlow/Kilkenny	15,865
Cavan/Monaghan	14,379
DMR Eastern	4,157
DMR West	3,821
DMR Nth	3,617
DMR Nth Central	223
DMR South	2,675
DMR Sth Central	511
Wexford/Wicklow	17,815
Longford/Westmeath	11,478
Roscommon/Galway	11,052
Waterford/Kilkenny	11,644

Garda Strength.

183. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if there are plans to increase in 2007 the number of gardaí and community gardaí in the Cabra Garda Station covering the Cabra and Navan Road districts in view of the many requests made by the local communities for greater Garda visibility in the area; and if he will make a statement on the matter. [14800/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am 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 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training on 14 March 2007 was 14,258. Furthermore, I should say that on 19 December 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006.

Cabra Garda Station forms part of the Dublin Metropolitan Region, Western Division. The personnel strength (all ranks) of Dublin Metropolitan Region, Western Division as at 19 April 2007

was 730. The personnel strength of Cabra Garda Station (all ranks) as at 19 April 2007 was 71. The personnel strength (all ranks) of the Community Policing Unit as at 19 April 2007 was 7.

Community Policing is a central feature of current policing policy and members of Community policing units are encouraged to engage with the local communities where they are assigned. Current policing policy is predicated on the prevention of public order offences, the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy is, and will continue to be, central to the delivery of a quality policing service. All Gardaí have a responsibility, inter alia, to be involved in Community Policing issues as they arise.

It is the responsibility of the Divisional Officer to allocate personnel within their Division. Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

However, the situation will be kept under review and when additional personnel next become available the needs of Cabra Garda Station in the Dublin Metropolitan Region, Western Division will be fully considered within the overall context of the needs of Garda Divisions throughout the country.

Garda Reserve.

184. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cost to date of establishing the Garda Reserve. [14804/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The amount expended to date on the Garda Reserve is approximately €580,000. As the Reserve is in its start-up phase, the main expenditure to date has related to recruitment, training, development and initial equipping of Reserve members.

Asylum Applications.

185. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform if an application for family reunification has been decided upon in the case of a person (details supplied) in Dublin 11 who has refugee status; and if he will make a statement on the matter. [14805/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in December 2005.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department.

The Family Reunification section issued a request to the legal representative of the person in question for further documents on the 16th of March 2007 and is currently awaiting a response. Once a response is received this application will be considered further by my Department.

Residency Permits.

186. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform if an application to remain in the State by a person (details supplied) in County Carlow will be approved and expedited on the basis of their marriage; and if he will make a statement on the matter. [14807/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for residency in the State on the basis of marriage to an Irish national was received from the person in question in January 2006. Applications of this kind, in fairness to all other such applicants, are dealt with in strict chronological order. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State.

The application in question is currently being processed. A decision will be made after full consideration of all circumstances particular to this case.

Garda Reserve.

187. **Mr Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of fully qualified members of the Garda Reserve and the stations to which they are currently attached in respect of the latest date for which figures are available; the number of attested members of the Reserve; the number of recruits currently in training; and if he will make a statement on the matter. [14818/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Commissioner is proceeding with the recruitment and training of Garda Reserve members. The first group of 36 Garda Reserve members completed their training and were formally attested as members of An Garda Síochána on 15th December 2006. They have been deployed in Dublin (Store Street and Pearse Street), Cork (Anglesea Street), Galway City and Sligo.

Two further groups consisting of 86 trainees are continuing their training programme and will be formally attested in May and June of this year. Further groups of Reserve trainees will com-

mence training every four to six weeks with the next group commencing this coming Saturday, 28th April 2007.

Applications to join the Garda Reserve are still being accepted by the Public Appointments Service and further interviews will take place over the coming weeks and months.

Question No. 188 answered with Question No. 172.

Departmental Correspondence.

189. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has received correspondence (details supplied); his plans to address this issue in early course; and if he will make a statement on the matter. [14826/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The National Women's Strategy 2007-2016; including the establishment of COSC — the Irish Office for the Prevention of Domestic Violence; represents the policies of the Government on equality of women matters. My Department is generally responsive to campaigns which the relevant organisations collectively organise together.

The Department is of course already involved in the funding of a number of these organisations to deliver initiatives which link in with the work of the Department in relation to gender equality and violence against women (including domestic violence).

Garda Strength.

190. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of gardaí allocated to the Dublin west district; the breakdown by rank and area of activity; the number of community gardaí and the areas to which they are assigned; the number in each area; the equivalent numbers for May 2005; his proposals to appoint additional gardaí to the area in view of the developments taking place in the area and the consequent significant growth in population; and if he will make a statement on the matter. [14849/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am 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 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training on 14 March 2007 was 14,258. Further-

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more, I should say that on 19 December 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006.

The personnel strength of the Dublin Metropolitan Region West Division is 730 (all ranks) as of 19 April 2007. The personnel strength of each Garda station in the Dublin Metropolitan Region West Garda division by rank as at the 19 April 2007 and 31 May 2005 was as set out in the following table. The Deputy will appreciate that, as with any large organisation, on any given day, the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc.

Blanchardstown

Rank	19/04/2007	31/05/2005
C/Superintendent	1	1
Superintendent	2	2
Inspector	5	5
Sergeant	26	23
Garda	143	136
Total	177	167

Cabra

Rank	19/04/2007	31/05/2005
Inspector	1	1
Sergeant	10	11
Garda	60	50
Total	71	62

Finglas

Rank	19/04/2007	31/05/2005
Inspector	1	1
Sergeant	7	9
Garda	79	72
Total	87	82

Lucan

Rank	19/04/2007	31/05/2005
Superintendent	1	1
Inspector	3	4

Rank	19/04/2007	31/05/2005
Sergeant	7	9
Garda	62	56
Total	73	70

Leixlip

Rank	19/04/2007	31/05/2005
Sergeant	3	3
Garda	22	23
Total	25	26

Ronanstown

Rank	19/04/2007	31/05/2005
Inspector	1	1
Sergeant	14	14
Garda	75	72
Total	90	87

Ballyfermot

Rank	19/04/2007	31/05/2005
Inspector	1	1
Sergeant	13	11
Garda	74	64
Total	88	76

Clondalkin

Rank	19/04/2007	31/05/2005
Superintendent	1	1
Inspector	2	2
Sergeant	10	11
Garda	82	69
Total	95	83

Rathcoole

Rank	19/04/2007	31/05/2005
Inspector	—	1
Sergeant	2	2
Garda	22	23
Total	24	26

The number of personnel (all ranks) allocated to Community Policing duties in each Garda station

in the Dublin Metropolitan Region West Garda division as at 19 April 2007 and 31 May 2005 was as set out in the following table.

Station	19/04/2007	31/05/2005
Blanchardstown	20	18
Cabra	7	4
Finglas	11	12
Lucan	7	7
Leixlip	4	4
Ballyfermot	9	10
Clondalkin	11	11
Ronanstown	8	12
Rathcoole	1	1
Total	78	79

Community Policing is a central feature of current policing policy and members of Community policing units are encouraged to engage with the local communities where they are assigned. Current policing policy is predicated on the prevention of public order offences, the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy is, and will continue to be, central to the delivery of a quality policing service. All Gardaí have a responsibility, inter alia, to be involved in Community Policing issues as they arise.

It is the responsibility of the Divisional Officer to allocate personnel within their Division. Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

However, the situation will be kept under review and when additional personnel next become available the needs of the Dublin Metropolitan Region West Garda Division will be fully considered within the overall context of the needs of Garda Divisions throughout the country.

Crime Levels.

191. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform his proposals to deal with the number of unsolved murders, gangland killings and other serious crimes committed in recent years in the Dublin 15 area which remain unsolved; his views on the fact that confidence in the criminal justice system is eroded by failure to apprehend people who commit serious criminal acts; and if he will make a statement on the matter. [14850/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by

the Garda authorities that all incidents of crime, including those involving firearms, are subject to a rigorous investigation. The identification of all evidence available is a key element of the investigation and prosecution process. I am assured that all resources necessary, including national specialist units, are deployed in the investigation process.

When such an investigation is completed an investigation file is prepared for consideration by the Law Officers who direct what charges, if any, are to be preferred against those suspected of being involved in the commission of the crime. Every effort is made to ensure that all suspected offenders are prosecuted but prosecutions can only be taken where the evidence sustains the taking of a prosecution.

All killings, regardless of the circumstances involved, are the subject of rigorous investigation by An Garda Síochána. While the term “gangland murders” tends to be widely used in the media in referring to the nature of certain unlawful killings and speculation in this respect is understandable, it does not reflect the manner in which An Garda Síochána classifies crime or particular offences. Caution is necessary in ascribing particular motives to any particular incident as, potentially, this might jeopardise the procedures which need to be followed for the proper investigation and prosecution of offences.

Operation Anvil is central to the strategy of the Garda Síochána in combating serious crime and in particular murder. The Operation, which commenced in the Dublin Metropolitan Region in May, 2005 and was subsequently extended nationwide at my request, has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in the recorded number of incidents of crime being targeted by the Operation. In particular, I am pleased to note the increase of 34% in detections of possession of firearms in the fourth quarter of 2006 which I believe has contributed to the reduction of 3.4% in discharges of firearms. I believe that Operation Anvil has also contributed to the increase in that quarter of detections of offences of possession of drugs for sale or supply, which is closely associated with many murders using firearms.

Under the Operation, 74 arrests have been made in connection with murder and 914 in connection with serious assaults. There have been 643 firearms seized or recovered and 26,497 searches for drugs.

The personnel strength of the Organised Crime Unit at the National Bureau of Criminal Investigation has been augmented to address the problem of organised criminal activity. Enforcement by the Unit has resulted in arrests, seizure of fire-

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arms and substantial quantities of drugs and the disruption of criminal activities.

On 19 December last, the Government agreed my proposals for an unprecedented package of measures which includes: a further increase of 1,000 in the strength of An Garda Síochána to bring the total to 15,000 over the next three years; a proportionate increase in the targeted strength of the Garda Reserve from 900 to 1500; sanction for 300 additional civilian administrative support posts for An Garda Síochána; the recruitment of the seven senior civilian posts recommended by the Garda Síochána Inspectorate and Senator Maurice Hayes; an increase in the retirement age for Gardaí, Sergeants and Inspectors from 57 to 60; increased staffing for the Forensic Science Laboratory, the office of the Director of Public Prosecutions and the Courts Service; and no limit on funds available for the Witness Protection Programme.

As a result of the Criminal Justice Bill 2007 which is currently before the Oireachtas the law enforcement agencies will be in a much better position to ensure that those involved in gun crime will be made accountable for their actions.

I regularly meet the Garda Commissioner regarding all policing matters in order to keep the measures and resources for tackling crime under continued review.

192. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the figures for serious crimes such as homicide, fraud, burglary and sexual offences broken down by category for the Dublin west district; the same figures specifically for the Dublin 15 area; the percentage of cases for all of the above categories in both the Dublin west district and in the Dublin 15 area for which proceedings were initiated and convictions were recorded; and if he will make a statement on the matter. [14851/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the submission to me in 2004 of a report and recommendations by an expert group on crime statistics, I decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, I am pleased to note that the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter

of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the information sought by the Deputy directly to her.

Departmental Bodies.

193. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform his proposals in relation to drafting legislation to allow for a Property Services Regulatory Authority; when this legislation will be brought before Dáil Éireann; the functions and powers of the proposed authority; the remedies it will be able to provide for residents who are receiving an unsatisfactory service or being overcharged by their management companies; the powers the proposed authority will have in relation to companies that are meeting their statutory obligations as an Irish company. [14852/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government Legislation Programme published on 23 April provides for publication of the Property Services Regulatory Authority Bill in 2007. This legislation will give effect to key recommendations of the Auctioneering/Estate Agency Review Group, including establishment of the Property Services Regulatory Authority to control and regulate the provision of property services provided by auctioneers, estate agents and property management agents. Details of the proposed legislation are available on my Department's web site (www.justice.ie).

Pending enactment of the legislation, I have established an Implementation Group to assist and advise on practical matters relating to the new body and to prepare for the new licensing system. A Chief Executive designate has also been appointed and is engaged in preparatory work for establishment of the Authority.

As regards difficulties arising in relation to the operation of property management companies, the Law Reform Commission's Consultation Paper on Multi-Unit Developments makes it clear that action will be required across a broad range of policy areas, including the planning and development code, company law, consumer protection law and the development of regulatory structures. In recognition of this, and the cross-cutting nature of many of the issues, the Government has approved the establishment of a high-level interdepartmental committee to assist in the development of a coherent and comprehensive legislative response to the difficulties arising in relation to property management companies.

A key task of this committee is to identify the key legislative and administrative actions to be taken and to determine a timescale for implementation as soon as possible. In particular, the committee will have regard to recommendations for legislative reforms contained in the Law Reform

Commission's Report on Multi-Unit Developments which will be published later this year.

I should also mention that the National Consumer Agency has produced a very valuable booklet entitled 'Putting Consumers First' which contains information and guidance for those who have bought an apartment or house in a multi-unit complex, or are considering doing so. In addition, the Director of Corporate Enforcement has launched a draft consultation paper on the governance of property management companies which provides essential information for the members and directors of management companies and is seeking submissions from interested parties.

Pending the enactment of future legislation, I believe that improved awareness of their rights, and a better understanding of the corresponding duties and responsibilities of developers and builders, will enable the owners of apartments and houses in multi-unit complexes to assert their rights as company members, become involved in the management of their company and combat abuses.

Question No. 194 answered with Question No. 172.

Legislative Programme.

195. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 135 and 136 of 14 December 2006 and 273 of 27 September 2006, if he will report on the issues; and if he will make a statement on the matter. [14886/07]

196. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he will publish the Family Law Bill; and if he will make a statement on the matter. [14887/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 195 and 196 together.

Following Government approval I recently established, on an interim basis, the Legal Costs Regulatory Body recommended by the Implementation Advisory Group. Work has commenced in my Department on proposals to put the Regulatory Body on a statutory basis.

As indicated in my reply to Question No. 136 of 14 December 2006 work on the general scheme of a Family Law Bill is ongoing in my Department. The position is also outlined in the Government's Legislative Programme for the Summer Session, as announced by the Chief Whip on 23 April 2007.

Sexual Offences.

197. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he

will answer the specific questions raised in Parliamentary Question No. 190 of 27 March 2007 (details supplied); and if he will make a statement on the matter. [14889/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Persons who have been convicted of sex offences abroad who, at the time of the conviction or thereafter, become resident for the qualifying period in this jurisdiction are subject to the provisions of the Sex Offenders Act 2001, where there is comparability between the offence to which the foreign conviction applies and offences covered by the Act. It is not necessary for the offence or the conviction to occur after the coming into force of the Act.

The Domestic Violence and Sexual Assault Investigation Unit of An Garda Síochána monitor and manage the notification provisions as they apply to those subject to them.

Citizenship Applications.

198. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects to deal with an application for naturalisation by a person (details supplied) in County Mayo. [14890/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received in the Citizenship section of my Department on 5 March 2007.

The application has not yet been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be contacted at that time informing him if he satisfies the residency requirement under the Irish Nationality and Citizenship Act, 1956, as amended.

Garda Deployment.

199. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he has reviewed the situation pertaining to a full-time immigration and customs post at Knock International Airport, County Mayo; if, in view of the imminence of weekly transatlantic flights, he will make arrangements to have such facilities provided; and if he will make a statement on the matter. [14910/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Four members of An Garda Síochána are employed on Immigration duties when flights arrive at Ireland West (Knock) Airport, seven days per week. These gardai are drawn from personnel allocated to Swinford Garda District. When the members are not performing immigration duty they are available for regular policing duties within Swinford District.

In deciding on the number of personnel to be assigned to immigration control duties at ports of

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entry to the State, and the manner in which they are to be deployed, cognisance is taken of such issues as; throughput of passengers, the frequency of their arrival on particular routes, the jurisdictions from which they travel, and the result of any risk assessment completed with a view to establishing the extent to which illegal immigrants are likely to target a particular port of entry, route, flight or sailing.

Local Garda Management report that they have been informed by the management of Ireland West (Knock) Airport that transatlantic flights from and to the United States of America will commence in May 2007.

Local Garda Management report that its arrangements for the deployment of gardaí in Immigration duties are currently under review in light of the commencement of the transatlantic flights.

The question of a full time customs post is a matter for Customs and Excise Authorities.

Garda Recruitment.

200. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform the way a person who competed in a competition for employment as part of the Garda civilisation programme can establish where they are placed on the panel; the length of time they may be waiting for the next stage of the competition; and if he will make a statement on the matter. [14912/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Recruitment to An Garda Síochána is a matter in the first instance for the Public Appointments Service and then for the Commissioner of An Garda Síochána. I have no function in the process.

The Public Appointments Service is located in Chapter House, 26-30, Abbey Street Upper, Dublin 1, and can be contacted at Lo-Call 1890 449999 or by email at info@publicjobs.ie.

Prison Building Programme.

201. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if arrangements have been made to purchase additional lands in connection with the proposed prison project at Thornton Hall; and the details of any such proposed purchase, including area and price. [14913/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Two landowners in the area have approached the Irish Prison Service to offer a corridor of land that would allow a 1.5 km private access route to the site at Thornton. While the existing access route on the R130 is perfectly acceptable, the provision of services to the site would require the existing road to be excavated to accommodate pipes etc. and then to be resurfaced.

The technical advice is that the cost of laying services and constructing a new road on the route now offered would be less costly, less disruptive and quicker than routing services under the R130. The Irish Prison Service is engaging with the preferred bidder and the landowners in question to confirm that the parties concerned will enter into contracts that would result in a more cost effective route to Thornton. As the matter has not been finalised, I am not in a position to disclose details as to price etc. at this stage.

Garda Training.

202. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his Department provided funding or training for members of the Garda in relation to dealing with domestic violence cases; the amounts provided; the type of course or courses pursued; the number of gardaí both male and female involved; and if he will make a statement on the matter. [14926/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda Authorities that domestic violence training is provided as part of the Continuous Professional Development to serving members of An Garda Síochána. The Student Probationer School provides extensive training to new members of An Garda Síochána.

Continuous Professional Development (CPD) incorporated Domestic Violence on the 1997 Core Programme for all members of Garda and Sergeant rank after the Domestic Violence Act came into force in 1996. Furthermore, a policy document was issued to all members.

The Core Continuous Professional Development Programme for 2006 contained a module on Sexual Crime, developed in consultation with the Rape Crisis Centre Counselling Network and covered some areas pertinent to Domestic Violence. The situation is kept under constant review by Continuous Professional Development.

Student /Probationer School deals with the area of Domestic Violence in two study areas, namely Social & Psychological Studies and Legal & Policing Studies as set out as follows. Social and Psychological Studies provides the following training to Student and Probationer Gardaí at the Garda College. Women’s Aid organisation provides 5 hours training in relation to the victim’s perspective. This involves 1 hour in a lecture theatre and 4 hours training in workshops with groups of 20-23 Student Gardaí.

A representative of the organisation Men Overcoming Violent Emotions (M.O.V.E) provides a one hour training programme to Student Gardaí on the methods of dealing with offenders in relation to Domestic Violence.

AMEN, an organisation representing male victims of domestic violence provides a three hour training awareness programme from the perspec-

tive of male victims of domestic violence to Student Gardaí.

Social and Psychological Studies staff provide training to Phase III Student Gardaí, through development work and role-play scenarios which depict practical incidents that they may encounter relating to domestic violence. This role-play type training develops their skills and competencies in dealing with all aspects of domestic violence. Phase III Student Gardaí are assessed in conjunction with training provided by Legal & Policing Studies.

Legal and Policing Studies facilitate the following instruction in relation to Domestic Violence to Garda Students: In Phase I students are facilitated with instruction on offences committed within the family. While the majority of this training deals specifically with domestic violence, it is recognised that the subject cannot be dealt with in isolation and therefore elements of the training deal with the Children Act, 1908, Child Care, Act 1991 and the Children Act, 2001, where they are impacted by domestic violence issues. Phase III is conducted in a facilitative style in classrooms rather than lecture theatres for the most part. Taking into consideration the experience gained by Student Gardaí on Phase II, training is also provided which goes more in-depth into the procedures when dealing with Domestic Violence. Domestic Violence training is always under consideration by the Garda College. Close liaison is maintained with the various stakeholders to ensure that the training provided is current.

The information requested in relation to the number of male and female Gardaí provided with domestic violence training is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought.

Funding is available to members of An Garda Síochána who pursue educational courses including a Diploma in Conflict and Dispute Resolution.

Question No. 203 answered with Question No. 172.

Residency Permits.

204. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when long term residency will be granted to a person (details supplied) in County Mayo. [15030/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As I outlined in my replies to previous Parliamentary Questions put down for answer by the Deputy on 31 January 2007 (Question No. 418) and 8 March 2007 (Question No. 118), persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also

apply to be exempt from employment permit requirements.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residence from the person referred to by the Deputy was received on 16th June 2006. I understand that due to the significant volume of applications on hand, applications received in early June 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Question No. 205 answered with Question No. 118.

Refugee Status.

206. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to refugee status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [15050/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was the subject matter of an Adjournment Debate in the Dáil on Thursday evening, 22 March 2007. During this debate it was indicated on my behalf that I had directed my officials to look again at the circumstances surrounding the proposed deportation. In the meantime an application for revocation of his deportation order was received from his legal representatives on 23 March 2007. Further representations were also received on 16 April 2007. These are currently being examined in my Department and a decision will issue to the applicant in due course.

Residency Permits.

207. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the current or expected residency status in the case of persons (details supplied) in Dublin 22; and if he will make a statement on the matter. [15052/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons in question made an application for permission to remain in the State on the basis of family dependency in December 2005. An initial request for documentation issued in February 2006 which was returned by An Post as the persons were not residing at the given address. A second request issued in August 2006 and although some documentation was received in August 2006, it was insufficient to finalise the applications.

A third request for documentation issued in October 2006 and again the documentation received was insufficient to finalise the applications. A final request to give the persons in

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question one last opportunity to provide the specific documentation required issued on 5 April 2007. To date, no response has been received in respect of this correspondence. A decision on their applications will be made shortly.

Refugee Status.

208. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [15053/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 27 April 2000 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 31 October 2002, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

209. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if permission to remain in the State will be granted in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [15054/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 11 November 2002 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 26 February 2004, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain tem-

porarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Citizenship Applications.

210. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the application for citizenship will be acceptable in the case of persons (details supplied) in Dublin 24; and if he will make a statement on the matter. [15055/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation were received in the Citizenship section of my Department on 22 August 2006.

Section 15 of the Irish Nationality and Citizenship Act, 1956, as amended, requires that an applicant must have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years.

The application of the first named individual was examined and it was determined that he did not satisfy the aforementioned residency requirements. A letter informing him of this was issued on 8 March 2007. It is open to him to lodge a new application if and when he is in a position to meet the statutory requirements.

Officials in the Citizenship Division are currently processing applications received in the latter half of 2004 and have approximately 9,100 applications on hand to be dealt with before that of the second named person. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of her application will commence in the first half of 2009.

I will inform the Deputy and the person in question when I have reached a decision on the case.

Residency Permits.

211. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of the application for family reunification submitted by a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [15056/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by

the Immigration Division of my Department that a decision to refuse an application for Family Reunification by the person in question was issued on 7 December 2006. This matter is currently under review and a decision will issue in due course.

212. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to family reunification in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [15057/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that a Family Reunification application by the person in question was refused in July 2006. At present there are no Family Reunification applications pending in respect of any family members of the person referred to by the Deputy.

213. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the procedures available to appeal the decision to refuse an application for family reunification for a person (details supplied) in County Dublin; and if he will make a statement on the matter. [15058/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that the Family Reunification application from the person in question was refused because the people applied for do not come under the definition of a 'dependent member of the family', as outlined in Section 18.(4)(b) of the Refugee Act 1996. There are no provisions under Section 18 of the Refugee Act 1996 for the appeal of a Family Reunification decision.

214. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of the application for residency and family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [15059/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that the application for family reunification under Section 18 of the Refugee Act 1996 by the person in question is under consideration by my Department. I expect that a decision will be reached in this matter shortly.

215. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a new application for family reunification in the case of a person (details supplied) in Dublin 15 will be entertained in view of the grounds of pre-

vious decision of 18 January 2007; and if he will make a statement on the matter. [15063/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that it is open to the person in question to submit a new application for Family Reunification. Each application is processed on its own merits and the decision reached is based on the information submitted.

Garda Deployment.

216. **Mr. Gogarty** asked the Tánaiste and Minister for Justice, Equality and Law Reform the Garda station that is responsible for ensuring that the bus lane at the Long Mile Road outbound approaching Naas Junction is kept clear, as there seems to be some confusion in this regard as to whether this is the responsibility of Clondalkin or Crumlin station; the number of fines and prosecutions issued at or near this location since this bus lane has been opened; the amount of times the bus lane near the Lough and Quay Clondalkin is monitored; and if he will make a statement on the matter. [15110/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the bus lane on the Long Mile Road from its junction with the Walkinstown Road to the intersection with Robinhood Road is in Crumlin Garda District and from there to the Naas Road junction is in Clondalkin Garda District. The bus lane on the Nangor Road near the Lough and Quay licensed premises is in Clondalkin Garda District. I am also informed that both Garda Districts are regularly patrolled by uniform and plain clothes personnel including the District mobile units, foot patrols, mountain bike unit personnel supplemented by the regional Traffic Corps personnel based in Dublin Castle and the Divisional Traffic Corps Units.

Garda Recruitment.

217. **Mr. Penrose** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a person (details supplied) in County Westmeath is still on the entry list for training with An Garda Síochána; and if he will make a statement on the matter. [15115/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Recruitment to An Garda Síochána is a matter in the first instance for the Public Appointments Service and then for the Commissioner of An Garda Síochána. I have no function in the process. The Public Appointments Service is located in Chapter House, 26-30, Abbey Street Upper, Dublin 1, and can be contacted at Lo-Call 1890 44 99 99 or by e-mail at info@publicjobs.ie.

Garda Strength.

218. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the strength in each of the Garda divisions; the breakdown of the number in each division by area and by full-time and part-time; and if he will make a statement on the matter. [15173/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am 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 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June, 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training on 14 March, 2007 was 14,258. Furthermore, I should say that on 19 December, 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006. The personnel strength (all ranks) of each Garda Division as at 23 April 2007 was as set out in the table hereunder:

Carlow/Kildare

District	Strength	Job-sharing
Naas	141	2
Kildare	81	—
Carlow	101	1
Baltinglass	65	2
Total	388	5

Cavan/Monaghan

District	Strength	Job-Sharing
Cavan	80	1
Monaghan	127	—
Bailieboro	65	—
Ballyconnell	40	—
Carrickmacross	81	1
Total	393	2

Clare

District	Strength	Job-Sharing
Ennis	181	—
Ennistymon	33	—
Killaloe	41	—
Kilrush	36	—
Total	291	—

Cork City

District	Strength	Job-Sharing
Anglesea Street	312	1
Gurranabraher	94	1
Mayfield	105	—
Togher	132	—
Total	643	2

Cork North

District	Strength	Job-Sharing
Fermoy	82	1
Cobh	56	1
Mallow	61	1
Middleton	73	—
Total	272	3

Cork West

District	Strength	Job-Sharing
Bandon	103	2
Bantry	45	1
Clonakilty	45	1
Kanturk	43	—
Macroom	41	2
Total	277	6

DMR East

District	Strength	Job-Sharing
Dún Laoghaire	197	—
Bray	209	—
Blackrock	186	2
Total	592	2

DMR North

District	Strength	Job-Sharing
Santry	250	1
Raheny	178	1
Coolock	224	4
Total	652	6

DMR North Central

District	Strength	Job-Sharing
Store Street	280	1
Bridewell	170	—
Fitzgibbon Street	207	3
Total	657	4

DMR South

District	Strength	Job-Sharing
Crumlin	172	—
Tallaght	248	—
Rathmines	175	—
Total	595	—

DMR South Central

District	Strength	Job-Sharing
Pearse Street	347	4
Donnybrook	179	—
Kevin Street	217	—
Total	743	4

DMR West

District	Strength	Job-Sharing
Blanchardstown	335	3
Clondalkin	207	3
Lucan	188	2
Total	730	8

Donegal

District	Strength	Job-Sharing
Letterkenny	175	—
Buncrana	91	1
Ballyshannon	92	—
Glenties	48	—
Milford	49	—
Total	455	1

Galway West

District	Strength	Job-Sharing
Galway	228	1
Clifden	31	—
Gort	35	—
Loughrea	48	—
Salthill	70	3
Total	412	4

Kerry

District	Strength	Job-Sharing
Tralee	118	—
Caherciveen	43	—
Killarney	84	1
Listowel	54	—
Total	299	1

Laois/Offaly

District	Strength	Job-Sharing
Portlaoise	125	—
Abbeyleix	41	1
Tullamore	87	1
Birr	45	—
Total	298	2

Limerick

District	Strength	Job-Sharing
Henry Street	297	1
Askeaton	42	—
Bruff	43	—
Newcastle West	48	—
Roxboro Road	122	—
Total	552	1

Longford/Westmeath

District	Strength	Job-Sharing
Mullingar	111	1
Athlone	75	—
Longford	66	—
Granard	45	—
Total	297	1

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Louth/Meath

District	Strength	Job-Sharing
Drogheda	115	2
Dundalk	145	—
Ashbourne	79	5
Balbriggan	59	—
Navan	69	—
Trim	46	—
Kells	51	—
Total	564	7

Mayo

District	Strength	Job-Sharing
Castlebar	79	1
Ballina	57	—
Belmullet	31	—
Claremorris	43	—
Swinford	49	—
Westport	39	—
Total	298	1

Roscommon/Galway East

District	Strength	Job-Sharing
Ballinasloe	52	1
Boyle	37	—
Castlerea	42	—
Roscommon	71	—
Tuam	58	2
Total	260	3

Sligo/Leitrim

District	Strength	Job-Sharing
Sligo	150	1
Ballymote	31	—
Manorhamilton	52	—
Carrick-on-Shannon	56	1
Total	289	2

Tipperary

District	Strength	Job-Sharing
Clonmel	73	—
Thurles	79	—
Templemore	53	—
Tipperary	43	—
Nenagh	45	2
Cahir	54	—
Total	347	2

Waterford/Kilkenny

District	Strength	Job-Sharing
Waterford	167	1
Kilkenny	94	—
Dungarvan	54	—
Thomastown	40	—
Tramore	44	—
Total	399	1

Wexford/Wicklow

District	Strength	Job-Sharing
Wexford	104	—
New Ross	49	—
Enniscorthy	48	—
Gorey	89	—
Wicklow	64	—
Total	354	—

Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of garda resources, and the best possible garda service is provided to the general public.

Crime Levels.

219. **Mr. Stagg** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to his response to Parliamentary Question No. 149 of 5 April 2007, if he will explain his statement that headline crime in the Carlow/Kildare division has reduced when it has in fact increased by 12% in 2006. [15222/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Any interpretation of the crime figures has to factor in the increase in population. In 1995, with a population of 3.6 million, there were 28.5 crimes per 1,000 of the

population. In 2006, with a population of over 4.2 million, there were 24.5 crimes per 1,000 of the population, a significant reduction by any standard.

During the two full years of the Rainbow Coalition Government (1995 and 1996), the corresponding figures were 28.5 and 27.8. Since 2003, the first full year of this Government, the figures dropped from 26 crimes per 1,000 of the population in 2003 to 24.5 in 2006, with the figures for 2004 and 2005 being 24.5 and 24.8 respectively. The crime rate per 1,000 of the population in 2006 was therefore the lowest in the period of office of this Government.

The most recent crime statistics are the provisional headline crime statistics published by the Central Statistics Office for the fourth quarter of 2006 and the full year of 2006. The figures for the fourth quarter of 2006 continue the improvement in the headline crime statistics evident since the second quarter of the year. Following a worrying increase of 10.1% in the first quarter, there was a slight increase of 0.8% in the second quarter, followed by accelerating decreases of 1.5% and 3.2% in the third and fourth quarters. As a result, the outturn for the year was an increase in headline crime of 1.4%, compared with an increase of 3% in 2005. The reduction in headline crime in the Carlow / Kildare Division for the fourth quarter of 2006 is in line with the reduction nationally. The initiatives put in place by local Garda management in the Division have contributed to this improvement.

Garda Deployment.

220. **Mr. Stagg** asked the Tánaiste and Minister for Justice, Equality and Law Reform the population per Garda division and the number of Gardaí assigned to each Garda division using the 2006 Census figures. [15223/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am 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 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June, 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training on 14 March, 2007 was 14,258. Furthermore, I should say that on 19 December, 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda

Budget now stands at €1.4 billion, an 11% increase on 2006. I have also been informed by the Garda authorities that the personnel strength (all ranks) of each operational Garda Division on 20 April, 2007 was as set out in the table hereunder:

Division	20/04/07
Carlow/Kildare	388
Cavan/Monaghan	393
Clare	291
Cork City	643
Cork North	272
Cork West	277
D.M.R. East	593
D.M.R. North Central	657
D.M.R. North	652
D.M.R. South Central	743
D.M.R. South	595
D.M.R. West	730
Donegal	455
Galway West	412
Kerry	299
Laois/Offaly	298
Limerick	552
Longford/Westmeath	297
Louth/Meath	564
Mayo	298
Roscommon/Galway East	260
Sligo/Leitrim	289
Tipperary	347
Waterford/Kilkenny	399
Wexford/Wicklow	354

I am further informed by the Garda authorities that the Central Statistics Office are presently examining the 2006 Census of Population figures in relation to Small Area Population Statistics (SAPS). It is not expected that these SAPS figures will be available until October 2007. It is, therefore, not yet possible to provide population figures for each Garda Division based on the 2006 Census figures.

Garda Strength.

221. **Mr. O'Dowd** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number, rank, duties and location of Gardaí located at each Garda station in County Louth for the years 2002 and 2007; and if he will make a statement on the matter. [15263/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am 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 13,178 fol-

[Mr. McDowell.]

lowing the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June, 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training on 14 March, 2007 was 14,258. Furthermore, I should say that on 19 December, 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new

recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006. I have been further informed by the Garda authorities that the personnel strength of the Louth/Meath Division on 31 December, 1997 and on 20 April, 2007 was 532 and 564 (all ranks) respectively. This represents an increase of 32 (or 6%) in the number of personnel allocated since that date.

The Garda authorities state that the personnel strength (all ranks) of each Garda Station in the Louth/Meath Division on 31 December, 2002 and on 20 April, 2007 was as set out in the tables hereunder:

Stations 31/12/02	Chief Supt	Supt	Insp	Sergt	Gda
Drogheda	1	2	2	13	71
Castlebellingham	0	0	0	1	3
Clougherhead	0	0	0	1	2
Dunleer	0	0	0	1	3
Laytown	0	0	0	1	6
Ashbourne	0	1	1	4	31
Dunboyne	0	0	0	2	13
Dunshaughlin	0	0	0	2	9
Kilcock	0	0	0	1	5
Dundalk	0	0	3	13	80
Carlingford	0	0	0	1	2
Hackballscross	0	0	0	2	12
Dromad	0	0	0	2	11
Omeath	0	0	0	1	13
Louth	0	0	0	1	0
Blackrock	0	0	0	1	3
Kells	0	1	0	4	26
Crossakeel	0	0	0	0	1
Athboy	0	0	0	1	5
Oldcastle	0	0	0	1	3
Nobber	0	0	0	1	2
Trim	0	1	0	2	21
Kilmessan	0	0	0	0	1
Summerhill	0	0	0	1	1
Enfield	0	0	0	2	14
Ballivor	0	0	0	1	1
Balbriggan	0	1	1	5	28
Skerries	0	0	0	1	9
Lusk	0	0	0	1	3
Rush	0	0	0	1	3
Garristown	0	0	0	1	2
Navan	0	1	1	6	39
Ardee	0	0	0	1	8
Collon	0	0	0	1	1
Duleek	0	0	0	0	3
Slane	0	0	0	1	3

Stations 20/04/07	Chief Supt	Supt	Insp	Sergt	Gda
Drogheda	1	1	1	12	81
Castlebellingham	0	0	0	1	3
Clougherhead	0	0	0	0	1
Dunleer	0	0	0	1	3
Laytown	0	0	0	1	9
Ashbourne	0	1	1	4	44
Dunboyne	0	0	0	2	13
Dunshaughlin	0	0	0	2	7
Kilcock	0	0	0	1	4
Dundalk	0	1	3	15	91
Carlingford	0	0	0	1	2
Hackballscross	0	0	0	2	9
Dromad	0	0	0	1	6
Omeath	0	0	0	2	5
Louth	0	0	0	1	1
Blackrock	0	0	0	1	4
Kells	0	1	0	4	33
Crossakeel	—	—	—	—	—
Athboy	0	0	0	1	5
Oldcastle	0	0	0	1	3
Nobber	0	0	0	1	2
Trim	0	0	0	4	22
Kilmessan	—	—	—	—	—
Summerhill	0	0	0	1	1
Enfield	0	0	0	2	12
Ballivor	0	0	0	1	2
Balbriggan	0	1	1	4	27
Skerries	0	0	0	1	11
Lusk	0	0	0	1	3
Rush	0	0	0	1	6
Garristown	0	0	0	1	2
Navan	0	1	1	5	45
Ardee	0	0	0	2	7
Collon	0	0	0	1	1
Duleek	0	0	0	1	2
Slane	0	0	0	1	2

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 Garda authorities also state that the number of Gardaí (all ranks) currently assigned to administrative duties in the Louth/Meath division is 11. This number was calculated on the basis of those personnel who are in receipt of Designated post and Ex-Gratia allowance and as

such are employed on administrative duties. The total personnel strength (all ranks) of the Traffic Corps in the Louth/Meath Division 31 December, 2002 and on 31 March, 2007 was 23 and 46. This represents an increase of 23 (or 100%) in the number of personnel allocated since that date. I should add that Garda Divisional boundaries do not correlate with the County boundaries.

The information requested in relation to the number of Gardaí employed on administrative duties in each station in 2002 is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought.

Citizenship Applications.

222. **Mr. Gormley** asked the Tánaiste and

[Mr. Gormley.]

Minister for Justice, Equality and Law Reform the reason a person (details supplied) who wishes to become an Irish citizen and who has an Irish university degree is unable to remain here in order to pursue a career and contribute to this country with their skills and education; and if he will make a statement on the matter. [15264/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand the Immigration Division of my Department has been in contact with the person concerned outlining the options open to her. The person referred to by the Deputy should now contact the Immigration Division regarding her future intentions in the State.

Garda Deployment.

223. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 124 of 29 March 2007, when a response will issue; and if he will make a statement on the matter. [15284/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have since been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel resources, that the personnel strength (all ranks) of An Garda Síochána increased to a record 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June, 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training on 14 March, 2007 was 14,258. Furthermore, I should say that on 19 December, 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006.

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.

I have been further informed by the Garda authorities that the personnel strength and opening hours of each Garda Station in the Sligo/Leitrim Division and the Roscommon/Galway East Division on 31 December, 1997, 2002 and on 28 March, 2007 are set out in the attached tables. I should also point out that Garda Divisional boundaries and County boundaries are not coterminous. The situation will be kept under review and when additional personnel next become available, the needs of these Divisions will be fully considered within the overall context of Garda Divisions throughout the country.

Missing Persons.

224. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of persons reported missing in 2005; the number who remained untraced at the end of 2005, in view of the information in the Garda Annual Report of 2005 that states that 5,997 persons were reported missing in 2005 with 75 persons left untraced; and if he will make a statement on the matter. [15353/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): A clarification has been sought and will be communicated to the Deputy as soon as the information is received from the Garda authorities.

Garda Investigations.

225. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform the name and the rank of the member of An Garda Síochána who is handling the investigation into allegations made by a person (details supplied) in County Wexford in order that the individual will be able to provide documentation to the investigating officer. [15369/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that any documentation from the person referred to should be sent to the Commissioner, An Garda Síochána, Phoenix Park, Dublin 8. I am also informed that the complaint referred to has been referred to the Chief Superintendent, Cavan/Monaghan Garda Division for investigation.

Traffic Fines.

226. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the new policy of traffic wardens and Gardaí of not placing parking fine notices or illegal parking notices on cars, making it immediately apparent to the motorist that a fine has been issued, but of

only sending a notice in the post; and if he will recommend that this practice be discontinued. [15371/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that prior to the roll-out of the Fixed Charge Processing System on 3 April, 2006 a number of non-penalty point offences were dealt with by the fines on the spot system. Since 3 April, 2006 the use of hand-held devices and notepads replaced the fines on the spot system and all offences are now being dealt with under the Fixed Charge Processing System.

This system involves the detecting Garda or traffic warden recording the offences on either a hand-held terminal or a notepad. A fixed charge notice is then issued and posted from the National Processing Office to the owner of the vehicle as recorded on the National Vehicle File. It should be noted that traffic wardens are mainly employed by the local authorities. However, a number are still employed by the Garda Commissioner.

Port Status.

227. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to private airports here; the private airports that have port of entry status; his proposals to grant port of entry status to private airports without such status; and if he will make a statement on the matter. [15382/07]

228. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the application for port of entry status in relation to Weston Airport, a private airport in west Dublin; when the port of entry status will be examined; the financial implications in respect of same; and if he will make a statement on the matter. [15383/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 227 and 228 together.

I refer the Deputy to my previous answer to Question Nos. 193 and 194 of 6 March, 2007 and Question 27 of the 4 April 2007. The position as set out in those answers has not changed. Section 6 of the Immigration Act 2004 provides, inter alia, that a non-national (other than a seaman) coming by sea or air from outside the State shall not, without the consent of the Minister for Justice Equality and Law Reform, land elsewhere than at an approved port. A non-national who lands in the State in contravention of this provision shall be deemed to be refused permission and shall be guilty of an offence.

The most recent list of approved ports is set out in the Immigration Act 2004 (Approved Ports) Regulations 2004. These are:

Carrickfinn Airport	Galway
Cobh	Galway Airport
Connaught Airport	Greencastle
Cork	Moville
Cork Airport	Rosslare Harbour
Dublin	Shannon Airport
Dublin Airport	Sligo Airport
Dún Laoghaire	Waterford
Farranfore Airport	Waterford Regional Airport

As I set out in my answer to the Deputy's previous Questions there is no distinction in Immigration legislation between privately and publicly owned ports nor between airports and seaports. Apart from the general application of the criminal law and its enforcement by an Garda Síochána and such general legal provisions applicable to an airport in the same way as to any other location, my role as regards the operation of such ports is in relation to immigration matters only. I have no function as regards the general operation of an airport, including its licensing or the approval of traffic volumes or air safety. Such matters are appropriate to the Department of Transport and the Irish Aviation Authority. There is also a central role for local authorities in respect of planning.

Applications for approved port status in respect of private or publicly owned airports will be considered in the context of overall government policy in the airport sector and generally will fall to be considered once these policy aspects in regard to any particularly area have been determined. I have an application at present in respect of Weston Aerodrome and this will be dealt with when appropriate within the policy framework I have outlined.

Motor Taxation.

229. **Mr. McCormack** asked the Minister for Finance if he will exempt certain categories of people from the recent increase in registration tax on high powered vehicles when such vehicles are used by people with disabilities; and if he will make a statement on the matter. [14363/07]

Minister for Finance (Mr. Cowen): I wish to assure the Deputy that there has been no recent increase in registration tax on high powered vehicles. As the Deputy will be aware, in Budget 2007 I announced that it is planned to review the current VRT system to take account of environmental issues, in particular Carbon Dioxide (CO₂) emissions. A public consultation in this regard has commenced with a view to making such a move with effect from a target date of 1 January 2008. With respect to vehicles used by persons with certain disabilities, there continues

[Mr. Cowen.]

to exist the Disabled Drivers and Disabled Passengers (Tax Concession) Scheme which provides that persons who qualify under a specific medical criteria can purchase a car and qualify, subject to certain limits, for VRT and VAT refund on this purchase.

Motor Vehicle Registration.

230. **Mr. J. O’Keeffe** asked the Minister for Finance the action he will take to ensure that no car number plates will be provided to a person without the furnishing of verifying documentation to ensure the authenticity of the number plates sought; and if he will ensure that those who manufacture such number plates retain a record of such identifying documentation to ensure that false number plates are not readily available for criminal purposes. [14459/07]

Minister for Finance (Mr. Cowen): The Revenue Commissioners are the vehicle registration authority in the State. I am advised by the Revenue Commissioners that under legislation, the format, dimensions and technical specifications of identification marks (vehicle registration plates) to be displayed on vehicles in the State are set out in Statutory Instrument (S.I.) 318/92 as amended by S.I. 432/99. The owner or driver of a vehicle is responsible for ensuring that his/her vehicle registration plates comply with the law and it is an offence under Section 139(1)(b) of the Finance Act 1992 to be in possession of a vehicle displaying a vehicle registration plate in a format other than as prescribed. The legislation does not impose any obligations or restrictions on the manufacture or supply of number plates as long as they comply with these specifications.

There are no plans at present to impose further regulatory control in this area, such as by regulating plate providers as current controls are satisfactory in the collection of VRT.

National Development Plan.

231. **Mr. Cuffe** asked the Minister for Finance if there has been a strategic environmental assessment of the National Development Plan; if he will carry out such an assessment; and if he will make a statement on the matter. [13615/07]

Minister for Finance (Mr. Cowen): It was not necessary to carry out a Strategic Environmental Assessment of the National Development Plan 2007-2013. The Plan is primarily a strategic document and indicative financial Plan. It is not unduly prescriptive as regards projects over the period and does not impact on the planning or environmental framework within which consent is given for individual projects. It accordingly does not fall within the framework of the Strategic Environmental Assessment Directive and it was not therefore subject to a formal SEA. I

would point out, however, that Environmental Sustainability is a key horizontal objective of the Plan and Chapter 6 of the Plan deals with this issue in some detail, including the positive impact of Plan investment on the environment.

Tax Code.

232. **Mr. G. Murphy** asked the Minister for Finance if a certificate of standard rate cut point and tax credits from the Revenue Commissioners will be issued for a person (details supplied) in County Cork. [14099/07]

Minister for Finance (Mr. Cowen): The tax credits and standard rate cut off point for 2007 for the person in question were updated on 10 April 2007 and the appropriate certificate was issued on 11 April 2007.

233. **Mr. Connolly** asked the Minister for Finance if he will ensure an adequate income for older women by abolishing VAT on fuel and on homecare costs; and if he will make a statement on the matter. [14134/07]

Minister for Finance (Mr. Cowen): The position is that the VAT treatment of goods and services is governed by EU law with which Irish VAT law must comply. The rate of VAT that applies to a particular good or service is determined by the nature of the good or service, and not by the status of the customer. There is no provision in European VAT law that would allow the application of an exemption or reduction of VAT on supplies of fuel to customers over a certain age. However, I would point out that in last years Budget the excise duty on Kerosene and LPG for home heating was reduced to zero with effect from the 1st January 2007. This measure follows through on the commitment in Budget 2006 when these rates were halved. This measure is estimated to cost €24 million in 2007.

In addition, late last year, in response to energy price increases, the Government took steps to improve the social welfare Household Benefits Package scheme by increasing the amount of electricity or gas entitlements covered under the scheme. This will benefit over 340,000 social welfare recipients and cost almost €50 million per annum.

In relation to the VAT treatment of homecare services, following an amendment to the VAT Act 1972 introduced in this years Finance Act, homecare services provided by private operators which are recognised by the HSE are exempt from VAT. This is an important measure designed to support the Government’s initiative aimed at supporting the elderly and others who wish to continue living at home.

234. **Mr. Wall** asked the Minister for Finance if a person (details supplied) has met all of their commitments in relation to PAYE deductions;

and if he will make a statement on the matter. [14137/07]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the PAYE balancing statements which outline the taxpayer's liability to income tax for the years 2004, 2005 and 2006 was issued to him on 11 April 2007, together with cheques in settlement for overpayments arising in 2005 and 2006. For the year 2007, an amended certificate of tax credits and standard rate cut off point issued to the taxpayer on 10 April 2007, with appropriate adjustments made for the age tax credit and the tax liability due on his Old Age Contributory Pension.

235. **Ms O'Sullivan** asked the Minister for Finance if he will address the unfairness of stamp duty on credit cards, being based on the number of cards held, rather than the amount owed; and if he will make a statement on the matter. [14143/07]

Minister for Finance (Mr. Cowen): Stamp duty on credit card accounts has existed since 1982. The current annual rate of stamp duty is €40. The system of imposing a flat rate of stamp duty is simple, as issues such as the number of transactions on an account, the balances outstanding at different times and the value of transactions do not affect the amount payable. I have no plans to introduce changes which would make the system more complicated.

236. **Mr. Bruton** asked the Minister for Finance if, in the scheme for VAT refunds on aids and appliances used by people with disabilities, he will include mobile homes to be used for holidays by the disabled person in the scheme; and if he will make a statement on the matter. [14168/07]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that paragraph (xix) of the Second Schedule to the VAT Act 1972 (as amended) provides for the zero-rating of a range of medical equipment and appliances for use by disabled persons. In addition, to the zero-rating of the medical equipment specified in the Second Schedule, under the Value-Added Tax (Refund of Tax) (No. 15) Order 1981 repayment may be claimed of the VAT paid on certain special aids and appliances for people with disabilities. However, aids and appliances, which have not been specially constructed or adapted, but might reasonably be treated as having been adapted having regard to the particular disablement of a person may qualify. Therefore a VAT refund may be available on the cost of necessary adaptations to a caravan but not for on the overall cost of a caravan. The relief is also available in certain circumstances to persons other than disabled persons who purchase

such goods for handing over to a particular disabled person.

Further information on VAT (Refund of Tax) (No. 15) Order, 1981 is available from VAT Unregistered Repayments Section, Office of the Revenue Commissioners, 3rd Floor, River House, Charlotte Quay, Limerick.

Ministerial Staff.

237. **Mr. Hogan** asked the Minister for Finance the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14206/07]

Minister for Finance (Mr. Cowen): I have appointed Mr Gerry Steadman (30 September 2004) and Mr Colin Hunt (11 September 2006) as Special Advisers as set out in Section 11 of the Public Service Management Act, 1997, which provides that a Special Adviser provides advice to me and monitors, facilitates and secures the achievement of Government objectives that relate to my Department, and performs such other functions as may be directed by me. Mr Gerry Steadman is a serving civil servant. Mr Colin Hunt concurrently provides special adviser role to myself and the Minister for Transport. However, he is engaged under a single contract of employment with the Minister for Transport and is paid by that Department. I have also appointed Ms Sinead Dooley (8 October 2004) and Ms Elaine Hogan (11 October 2004) as Personal Assistant and Personal Secretary respectively to provide administrative/secretarial support to me. The salary scales in each case are set out below.

Title	Salary Scale
Mr Steadman	€61,755 – €77,703 + 10% allowance
Personal Assistant	€43,445 – € 55,147
Personal Secretary	€28,523 – €45,262

Tax Code.

238. **Mr. Kenny** asked the Minister for Finance if his attention has been drawn to the fact that a group of people (details supplied) have been excluded from the Irish Seafarers Tax Allowance Scheme and that this group meet the three qualifying conditions for this tax allowance, however, are excluded under the Finance Act 1998, Section 14 Paragraph (3) (a) (ii); his plans to amend this legislation; and if he will make a statement on the matter. [14230/07]

Minister for Finance (Mr. Cowen): Section 472B of the Taxes Consolidation Act 1997 is the legislative basis for the seafarers' allowance.

[Mr. Cowen.]

Where the section applies, a deduction of €6,350 is available to a qualifying individual, who is resident in the State, against income arising to him or her from a qualifying employment. Subsection (3)(a) specifically excludes circumstances where an employment is:

- an employment the emoluments of which are paid out of the revenue of the state, or
- an employment with any board, authority or other similar body established in the State by or under statute.

Accordingly, the allowance is not available to State employees such as, for example, Navy personnel, or employees of statutory bodies established in the State. In all other circumstances a qualifying individual must show that he or she was absent from the State for at least 161 days in a year of assessment for the purposes of performing the duties of a qualifying employment in order for the allowance to apply for that year.

A “qualifying employment” is one which is performed on a “sea going ship” on a voyage which begins or ends in a port outside the State or at a rig, platform or installation in a maritime area. The term “sea-going ship” excludes ships other than ships, registered in a member state of the European Communities, which are used solely for the trade of carrying by sea passengers or cargo for reward. Fishing vessels are also excluded.

EU approval of the allowance was received on the basis of the above conditions under the EU State Aid Guidelines relating to the maritime transport sector.

In summary, the allowance was aimed at, and is available to, employees of commercial, EU registered, passenger ferries and freight carrying vessels, including employees of vessels servicing drilling rigs in any maritime area.

On the basis of the information available to the Revenue Commissioners, the group of people in question are excluded from entitlement to the seafarers’ allowance as they are employees of a statutory body, and the activities of their employer do not constitute the trade of carrying, by sea, passengers or cargo for reward. I have no plans at this time to amend the legislation in question.

Water and Sewerage Schemes.

239. **Mr. McGinley** asked the Minister for Finance when the cleaning of a river details supplied) in County Donegal will take place; and if he will make a statement on the matter. [14256/07]

Minister of State at the Department of Finance (Mr. Parlon): The channel in question does not form part of any scheme for which my Office has a maintenance responsibility under the Arterial Drainage Acts. OPW officials have not been made aware of any flooding in the area con-

cerned. Therefore, my Office currently has no plans to carry out work on this channel.

Prison Building Programme.

240. **Mr. J. O’Keeffe** asked the Minister for Finance the arrangements made with the multi-disciplinary design team producing a redevelopment plan for the Mountjoy site, including the main terms of such contract; the persons involved; their qualifications; and the amounts paid to them to date and payable in the future. [14276/07]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have appointed a multi-disciplinary Design Team, headed by Heneghan Peng Architects, in order to seek full Planning Permission for the re-development of the Mountjoy Prison site. The total value of the contract is €2,042,679 excluding VAT, of which €408,535.80 excluding VAT, has been paid to date. Details of the Conditions of Contract are set out below in Appendix A. Particulars of the Design Team are contained in Appendix B.

Appendix A

The Commissioners of Public Works in Ireland
(CPW)

Mountjoy Site Redevelopment

SERVICES

CONDITIONS OF CONTRACT

1. Definitions:—

- 1.1 The “Contracting Authority” is the Commissioners of Public Works in Ireland (CPW) 51/52 St Stephen’s Green, Dublin 2, Ireland.
- 1.2 The “Project” means the Redevelopment of the Mountjoy Site of some 7.9ha for CPW at North Circular Road, Dublin 7.
- 1.3 The “Contract Documents” mean the Instructions to Tenderers, Form of Tender, Brief of Services Required and Conditions of Contract.
- 1.4 The “Lead Consultant” means the Architect in the partnership or company appointed by CPW who will contract with CPW and shall be identified in the Contract as the Consultant who alone shall have primary responsibility and liability for the performance of the full range of Services, notwithstanding the appointment by such Consultant of the other Members of the Grouping as Sub-Consultants. Such Sub-Consultants will be required to execute and provide collateral (direct) Warranties to CPW in the form set out in Appendix 1. The Architect of the Services Team will co-ordinate and direct the inputs from other Consultants involved in the Project and provide information to, discuss proposals with

and co-ordinate and incorporate the input of these Sub-Consultants.

1.5 “VAT” means Irish Value Added Tax.

2. Indicative Period for Completion of Services
CPW envisages that a Planning Application will be lodged with the Local Authority at the end of December 2006. The Planning process may then take some 3 months with the possibility of Requests for Further Information (RFI) and Third Party Appeals extending this period by a further 6 months. If Third Party Appeals lead to An Bord Pleanála Oral hearings etc., this indicative time period could be extended to 12 months.

The Services Provider shall facilitate this indicative timeframe or as may be amended by CPW.

N.B. No increase in the lump sum fee tendered will be given, if the above indicative timeframe changes.

3. Health and Safety Duties of the Services Provider

The fee for this shall be deemed to be part of the tendered fee.

4. Skill, Care and Diligence

The Services Provider shall have and shall exercise all reasonable skill and care in the provision of the services and duties to be performed or undertaken by them and shall carry them out diligently and in good time and with all necessary resources.

5. Collaboration with other Services Team Members

The Lead Consultant shall collaborate fully and intensively with CPW and with the other members of the Services Team at all stages of the Project and shall provide them with any necessary information reasonably required for their purposes and with copies of such documents, as may be required by them.

6. Professional Indemnity Insurance

Each Member of Grouping/Entity, shall maintain Professional Indemnity Insurance for 6 (six) years after the date of receipt of Planning Permission for the Project (with a well established and reputable insurance office or underwriter of repute carrying on business in the European Union) with a limit of indemnity not less than €2.54m for any one occurrence arising out of any one event arising out of any negligence, omission or default on the part of the Grouping/Entity. As and when the Grouping/Entity is reasonably requested to do so by the Contracting Authority the Grouping/Entity shall produce for inspection sufficient documentary evi-

dence that the insurance required under this Clause is being maintained in accordance with the terms of this Document.

7. Tax Clearance

It shall be a condition of the award of this Contract that the successful Grouping/Entity be able to produce promptly a Tax Clearance Certificate or, in the case of a non-resident, a Statement from the Revenue Commissioners in Ireland confirming suitability on tax grounds. In the event of a Group bid, this condition shall apply in respect of each and every member of the Group bid.

8. Scope of Works

CPW reserves the right to amend the “redevelopment of the Mountjoy Site — Scope of Works” (as set out in Section 4 of this Document) and to require amendments to the design in line with the development of the Master Plan. The Services Provider shall have no entitlement to increase the fee tendered as a result of any such change.

9. Financing of the Project and basis of Fee

The Services Provider shall be paid for the Services required, under the headings:—

(1) Lump Sum Fees or per hour/ per diem rates if or where applicable (see Sections 2 and 3 of this document).

The Lump Sum shall not include VAT or any similar tax payable on professional fees. Any such taxes shall be added separately to the fees calculated in accordance with the above. Tenderers should note, in particular, that fees will not be paid on VAT at any time.

Lump sum for expenses

The sum quoted in the Services Provider Tender for expenses shall cover all items of expenses, howsoever arising, to enable the Services required to be performed.

Time spent in travelling shall not be payable as an extra cost.

VAT on expenses shall be shown separately.

10. Additional Fees

Additional fees may be paid for additional professional services at the tendered per hour/per diem rate.

Before any work, meriting additional fees, on a time basis, is carried out, CPW must be informed that such work will involve extra fees and CPW’s formal approval to the carrying out of the work must be obtained. It must be clearly established that the work in question is not such as would be reasonably expected to be covered within the “Brief of Services Required” specified in Section 6 of this Document.

[Mr. Parlon.]

11. Payments

Fees upon completion of:—

- (a) Initial Stage up to and including presentation of a Master Plan and its agreement with CPW.
- (b) Development of Master Plan Stage.
- (c) Development of Planning Application and E.I.A Documentation Stage.
- (d) Submission of Planning Application Stage.

—all as specified in the “Brief of Services Required” (Section 6 of this Document) shall be 20%, 30%, 30%, 15% and for (a), (b), (c), (d) respectively of the Lump Sum tendered. CPW will pay the final 5% of the Lump Sum tendered on validation of the Planning Application by the Planning Authority.

All payments will be contingent on the Services provider having a then current Tax Clearance Certificate or Statement from the Revenue Commissioners in Ireland confirming suitability on Tax grounds.

12. VAT

The addition made for VAT in the Tender sum shall be regarded as a Provisional Sum. In the Tender it shall be calculated at 21% of the Tender before tax prior to any payments issuing. In any payment invoices it shall be calculated at such rate(s), applied to the Invoice before tax, as may be properly decided by the Revenue Commissioners in Ireland under the powers vested in them by the Value Added Tax Act, 1972, but shall exclude any over-payments made or penalties incurred under the Act.

13. Withholding Tax

Payment on foot of the Services Contract shall be subject to Irish Withholding Tax at the rate of 20% (or as amended) as laid down by the Revenue Commissioners in Ireland. Non-residents may be able to reclaim such deducted Tax from the Office of the Revenue Commissioners in Ireland, International Claims Section located currently at Government Buildings, Nenagh, Co. Tipperary, Ireland (Tel: 01-6774211).

14. Proceeding with Project

While it is envisaged that the Project will proceed to conclusion, CPW shall have no liability to the Services Provider arising out of any failure to proceed with the Project, in respect of any costs, losses or expenses (whatsoever or howsoever arising and including without limitation, loss of profit

or contribution to overheads) save in respect of any fees or expenses properly due pursuant to acceptance of the Services Provider Tender for Services provided prior to the making of the decision not to proceed.

Furthermore, if CPW decides not to proceed with the Project, (or any part thereof) for whatever reason, the Services Provider shall have no entitlement or right by virtue of acceptance of Tender or otherwise, to participate in any future development work at the site at North Circular Road, Dublin 7, unless CPW expressly agrees in writing by further Appointment.

15. Abandonment of the Services Contract

The Services Contract will be deemed to be abandoned if instructions necessary for the Services Provider to continue the work are not received from CPW within nine calendar months after such instructions were formally requested. If a Contract, which has been postponed is resumed without substantial alterations within two years any fees paid shall be deemed to be payment on account towards the total fees payable on the execution of the Services.

16. Termination of the Services Contract

CPW shall have the right of optional termination of the Services Contract on thirty days notice subject to an entitlement on the part of the Services Provider to be paid such part of the fee and expenses as is proportionate to the part of the total Service performed at the date of the issue of the termination notice.

17. Assignment of the Services Contract by the Services Provider

The Services Provider shall not assign his interest in the Services Contract to any other party without the agreement of CPW.

18. Assignment of the Services Contract by Commissioners of Public Works (CPW)

The Services Contract may be assigned by CPW, by means of absolute legal assignment to another person taking an assignment of CPW's interest in the project, without the consent of the Services Provider being required and such assignment shall be effective upon written notice.

19. Copyright

The copyright in all designs, drawings, reports, specifications, consents, papers and other similar documents produced by the Services Provider in connection with the Project (the “Documents”) shall remain vested in the Services Provider but CPW shall have a perpetual, non-exclusive,

irrevocable and assignable royalty free licence to reproduce, copy and use the Documents for all purposes connected with the Project. The licence granted to the CPW shall include a right for CPW to grant sub-licences.

CPW shall be entitled (at its own cost) to full and proper copies of the Documents in the possession or control of the Services Provider and the Services Provider will not claim copyright or a lien in respect of them against CPW.

20. Law

The Services Contract will be interpreted and construed in accordance with the laws of Ireland.

21. Irish Building Control Act 1990

The law applicable to design and construction of work in Ireland is the Irish Building Control Act 1990 and any Regulations made thereunder.

22. Language

The Services Provider shall provide all services in the English Language.

23. Disputes

Any dispute arising out of this Contract shall be referred to the Arbitration of a person to be mutually agreed upon or, failing agreement, of some person nominated by the Chairman for the time being of the Royal Institute of the Architects of Ireland (if the Chairman is willing to so nominate) and any such reference shall be deemed to be a submission to Arbitration within the meaning of the Arbitration Act, 1954, or any statutory re-enactment thereof for the time being in force.

24. Collateral Agreement

The Services Provider shall be required to execute, when requested by the Contracting Authority, a Collateral Agreement in the form set out in Appendix I attached.

Appendix B

Mountjoy Prison — Redevelopment Project:

Design Team:

Heneghan Peng — Architects & Design Team Leader

Arthur Gibney & Partners — Conservation Architects

Tiros Resources Ltd — Planning Consultants

Buro Happold — Services Engineers

Buro Happold — Fire Consultants

Michael Punch & Partners — Structural Engineers

Faber Maunsell — Traffic Consultants

Irish Archaeology Consultancy Ltd — Archaeology

Boyd Creed Sweet — Quantity Surveyors

H O K — Property Consultant

Tiros — Landscape & Visual Impact

Scott Cawley — Flora & Fauna

Awn Consulting — Waste Management, Noise, Air Quality

Pension Provisions.

241. **Mr. Broughan** asked the Minister for Finance the number of State employees, either civil servants or State agency employees, who have had any of their entitlements or retirement allowances withheld due to payments levied on them in respect of legal costs claimed by the State but not ordered by the courts; and if he will make a statement on the matter. [14406/07]

Minister for Finance (Mr. Cowen): As Minister for Finance I have primary responsibility for civil service pensions. Other Ministers have primary responsibility for pensions in their own respective areas. As regards serving staff, I can only respond in relation to my own Department.

There is a facility under Report No. 1276 of the Civil Service General Council whereby, in cases involving financial loss to the Exchequer, the amount of the loss, plus interest, can be recovered by means of deduction from superannuation entitlements. However, I am not aware of any case in the Civil Service where entitlements or retirement allowances were withheld in respect of legal costs claimed by the State but not ordered by the Courts, nor have there been any cases involving serving staff in my own Department.

Tax Code.

242. **Ms Shortall** asked the Minister for Finance the justification for the imposition of a stamp duty on banks for credit and laser cards; and the action he has taken to ensure that this tax is not passed on to customers. [14453/07]

Minister for Finance (Mr. Cowen): Stamp duty exists on various financial cards in order to provide Exchequer revenue. The stamp duty on cheques has existed for many years and when electronic means of money transfers were subsequently introduced, stamp duty was gradually extended to these products to ensure that the stamp duty from cheques was not eroded. The stamp duty is payable by the financial institutions who are entitled to recover the amounts paid from their customers.

243. **Mr. Wall** asked the Minister for Finance if a person donates a building site to a family member for their own personal use as a site for a personal family home, the transaction will be

[Mr. Wall.]

effected by taxation criteria; and if he will make a statement on the matter. [14456/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that a transfer of a building site, in the circumstances outlined, would have implications for a number of taxes. The person concerned would be well advised to seek specific advice from a tax professional. The general practice is as follows.

Capital Gains Tax (CGT)

The transfer of a site is a chargeable occasion for the transferor. As the parties are connected the disposal proceeds are taken as the market value of the site at the date of transfer.

The CGT payable is calculated by reference to the difference between the disposal proceeds and the cost of the site after allowable adjustments for inflation and the costs of acquisition and disposal. The first €1,270 of an individual's annual gains is exempt. The balance is chargeable at 20%.

Relief from CGT is available where a parent transfers a site to a child to enable the child construct a dwelling house for use as his or her only or main residence. For this relief the value of the site must not exceed €254,000 and the size of the site must not exceed 1 acre (excluding the area of the house).

A separate and distinct relief may also apply where an individual, aged 55 years or over, disposes of land which he/she has owned and used for farming or a trade throughout the period of 10 years ending on the disposal. Both reliefs are subject to conditions and in certain circumstances may be clawed back.

Capital Acquisitions Tax (Gift and Inheritance Tax)

The transfer of a site is a gift made to that family member and whether gift tax arises on that gift depends on the circumstances.

For the purpose of Gift and Inheritance Tax, the relationship between the person who provided the gift or inheritance (the disponer) and the person who received the gift or inheritance (the beneficiary), determines the maximum tax-free threshold—known as the “Group threshold”. Apart from the total exemption of transfers between spouses, there are three Group thresholds based on the relationship of the beneficiary to the disponer and these Group thresholds are indexed annually by reference to the Consumer Price Index as published by the Central Statistics Office.

The indexed Group thresholds for 2007 are as follows:

Group A: €496,824. This applies to gifts/inheritances received by a child, a step-child and a foster child from a parent. Group A also applies in certain circumstances to

gifts/inheritances received by a parent from a child and by a grandchild from a grandparent.

Group B: €49,682. This applies to gifts/inheritances received by brothers, sisters, nephews, nieces, grandchildren and parents.

Group C: €24,841. This applies to gifts/inheritances received by a beneficiary who does not come under Group A or B. Any other gifts/inheritances that might have been received by the beneficiary from within the same Group since 5 December 1991 will also be taken into account when applying the threshold for the purposes of calculating the gift/inheritance tax on the donation of the building site. If the total value of all gifts and inheritances received by the beneficiary since this date from within the same Group is above the threshold figure, then a 20% rate of gift/inheritance tax will apply on the excess over the threshold figure.

Finally, where both Capital Gains Tax (CGT) and Capital Acquisitions Tax (CAT) both arise on a gift of an asset, the CGT paid can be allowed as a credit or offset against the CAT liability.

Stamp Duty

A gift of a building site attracts a stamp duty liability on the basis of the market value of the site transferred. The normal stamp duty payable is reduced by 50% where the gift is between family members who are related to a certain degree (e.g. parents, children, brothers, sisters, aunts, uncles, nieces, nephews).

Section 83A of the Stamp Duties Consolidation Act 1999 provides for an exemption from stamp duty where a parent transfers a site to a child to enable the child construct a dwelling house for use as his or her only or main residence. As is the case with Capital Gains Tax, the value of the site must not exceed €254,000 and the size of the site must not exceed 1 acre (excluding the area of the house).

244. **Mr. Kehoe** asked the Minister for Finance if, due to the delay in on-farm inspections in order to approve the payment of grants, he will take action to alleviate the necessity of farmers having to submit the original invoice in respect of the VAT refunds (details supplied); and if he will make a statement on the matter. [14553/07]

Minister for Finance (Mr. Cowen): The position is that claims made by unregistered farmers for refund of VAT are made under the Value Added Tax (Refund of Tax) (No. 25) Order, 1993.

Under this Order farmers are required to submit original invoices in support of the claim. However, as explained in the claim form, where farmers want to have the original invoices returned to them, they should also enclose a set of photocopies. I understand from the Revenue

Commissioners that, when requested, the original invoices are returned without delay.

Road Signage.

245. **Mr. Kehoe** asked the Minister for Finance if signage will be improved on all approach roads to an abbey (details supplied) in County Wexford in order to cater for visitors from outside the area; and if he will make a statement on the matter. [14567/07]

Minister of State at the Department of Finance (Mr. Parlon): The OPW have been liaising with the National Roads Authority (NRA) recently in relation to their new guidelines governing the introduction of signage on public roads. It is intended, following these discussions, to assess the position regarding all signage, including the site in question.

Tax Code.

246. **Mr. Connaughton** asked the Minister for Finance if a person (details supplied) in County Galway is entitled to a refund of stamp duty paid on a house which they purchased in view of the fact that they are a single parent and in receipt of social welfare; and if he will make a statement on the matter. [14585/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that, based on the details given in the deed which was executed in this case, the person referred to by the Deputy is not a first time buyer. Accordingly, stamp duty at the rate of 5% (amounting to €13,500) was assessed and paid on a secondhand residential property costing €270,000. There is no statutory provision for exemption or relief from stamp duty for single parents or individuals in receipt of social welfare payments.

Flood Relief.

247. **Mr. Ring** asked the Minister for Finance if a report has been carried out (details supplied); if he will provide this Deputy with a copy of same; and the action the Office of Public Works will take if the local authority will not deal with this issue through the planning process. [14591/07]

248. **Mr. Ring** asked the Minister for Finance the information which the Office of Public Works has in relation to a channel of a river (details supplied) in County Mayo; and if he will provide a copy of it to this Deputy. [14592/07]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 247 and 248 together.

Mayo County Council sought a hydrological analysis of the impact of the development in question from the developer. In this context, the Council requested details of any data available to

the OPW in relation to the condition of the channel. The Commissioners replied on 2nd April. A copy of this letter will be provided to the Deputy. The OPW drawings referred to in the letter are available for viewing in OPW's office in Headford.

The enforcement of planning requirements is a matter for the Local Authority. The OPW will continue to work with Mayo County Council to reduce the risk of flooding in Crossmolina. Mitigating works are currently being undertaken by the Council as a preliminary to a joint study to identify a comprehensive solution to the problem.

Firearms Licences.

249. **Mr. Howlin** asked the Minister for Finance if the increases in firearms licence fees provided for in the Finance Act 2007 were recommended by the Department of Justice, Equality and Law Reform; if other submissions were considered by him in determining the rate of increase; and if he will make a statement on the matter. [14618/07]

254. **Mr. Bruton** asked the Minister for Finance the reason for the scale of increase in firearm licence fees; and if he will make a statement on the matter. [14769/07]

255. **Mr. Durkan** asked the Minister for Finance if he has received correspondence in relation to firearms licence fees; his plans to address this issue in early course; and if he will make a statement on the matter. [14824/07]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 249, 254 and 255 together.

At the request of the Department of Justice, Equality & Law Reform, the Finance Act 2007 provided for new three-year rates for Firearm Certificates and for registration duties for Firearm Dealers to replace the existing annual rates and the introduction of four new categories of certificate/authorisation/licence. This move follows provisions in the Criminal Justice Act 2006, which require that firearm certificates and firearms dealers registrations will be renewable every 3 years from the date of issue/registration. The administration of firearm certificates is dealt with by the Garda Síochána with the excise duty collected being remitted to the Revenue Commissioners.

The rationale for moving from an annual to a three-year lifespan for these certificates/registrations is primarily to free up Garda time and resources. Because there are 170,000 registered firearms in circulation, currently there is considerable time spent in ensuring compliance in this area. These changes come into effect on 31 December 2007.

Excise duty rates on firearm certificates and firearms dealer registrations were last increased in the Finance Act 1992 and consequently it was deemed appropriate that they be adjusted to take

[Mr. Cowen.]

account of CPI increases since then. Therefore the new rates take account of i) the fact that the new rates now covers three years rather than one year, and ii) inflation since 1992 (i.e. 15 years). My Department has received a number of representations with respect to these changes.

Tax Collection.

250. **Mr. G. Mitchell** asked the Minister for Finance if the Revenue Commissioners will consider a grant of postponement of liability to the collection of the inheritance tax on hardship grounds in the circumstances of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [14675/07]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that under the Capital Acquisitions Tax Consolidation Act 2003 the Revenue Commissioners do not have the power to waive gift or inheritance tax properly due. However Section 59 of that Act does provide for the postponement of tax by the Commissioners where excessive hardship would be involved. The Revenue Commissioners Statement of Practice (SP-CAT/1/90) outlines the practice and procedure to be followed in relation to applications for postponement of payment of tax and each case is examined on an individual basis. The Statement of Practice can be accessed on the Revenue Commissioners Website: www.revenue.ie.

However, given the circumstances of the person concerned he may be entitled to claim dwelling house relief under Section 151 of the Finance Act 2000 on this inheritance. This Section provides that inheritances of a dwelling house taken on or after 1 December 1999 will be exempt from capital acquisitions tax provided that the following conditions are complied with—

- the recipient must have occupied the dwelling house continuously as his or her only or main residence for a period of three years prior to the date of the gift or inheritance
- the recipient must not at the date of the gift or inheritance be beneficially entitled to any other dwelling-house or to any interest in any other dwelling house
- the recipient must continue, except where such recipient was aged 55 years at the date of the inheritance, or has died, to occupy that dwelling-house as his or her only or main residence for a period of 6 years commencing on the date of the gift or inheritance.

If the person concerned has any further queries in relation to the dwelling house exemption he can contact the staff of the Revenue Commissioners Capital Acquisitions Tax Advisory Unit on Lo-call 1890 20 11 04 who will provide him

with any further information required. Further information is also available on the Revenue Commissioners Website: www.revenue.ie.

Tax Code.

251. **Mr. Kehoe** asked the Minister for Finance if there are tax reliefs available for high performance athletes for the costs incurred in their training, equipment and attending competition; and if he will make a statement on the matter. [14676/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that there are no specific tax reliefs available for high performance athletes. However, there are a number of general provisions in the tax code which may apply to some high performance athletes where those athletes are engaged in athletic performance on a professional for profit basis. In such cases, a professional athlete would be entitled, for tax purposes, to set against his or her earnings from athletic performance all costs incurred in training and attending competitions where those costs are incurred wholly and exclusively for the purposes of his or her athletic profession. Capital allowances may also be available for expenditure incurred on the purchase of equipment for use by such a professional athlete for the purposes of his or her training or performing as an athlete. Capital allowances would allow the cost of any such equipment to be written off over 8 years at the rate of 12.5% per annum.

In addition, section 480A of the Taxes Consolidation Act 1997 makes provision for relief from income tax in respect of certain earnings of sportspersons listed in Schedule 23A of that Act. The sportspersons concerned are: athlete, badminton player, boxer, cyclist, footballer, golfer, jockey, motor racing driver, rugby player, squash player, swimmer and tennis player. The earnings to which the relief applies are earnings deriving directly from actual participation in the sport concerned such as prize money and performance fees, but not other earnings such as sponsorship fees, advertisement income or income from endorsements. The relief takes the form of a deduction from earnings equal to 40% of those earnings for up to any ten years of assessment back to and including the tax year 1990/91 for which the sportsperson was resident in the State. The relief is given by way of repayment of tax and is claimed in the year in which the sportsperson ceases permanently to be engaged in that sport provided they are resident in the State in that year. There are provisions whereby relief granted may be withdrawn if the person subsequently recommences participation in that sport, though this does not prevent a subsequent claim for the relief if and when the sportsperson finally retires at a later time.

I would also point out that over €274 million has been allocated by the Government to Sports and Recreation Services for 2007, a 41% increase on the figure for 2006. This includes an allocation of over €2 million to Ireland's elite athletes and players in grants under the International Carding Scheme administered by the Irish Sports Council, which is the statutory body responsible for the development of sport. This scheme provides direct support in terms of grant-aid and indirect support in terms of sport science and medical backup to athletes.

Departmental Offices.

252. **Mr. Bruton** asked the Minister for Finance when building will commence on the offices for the District Vet Office for County Leitrim based in Drumshanbo; when tenders will be sought for construction; and if he will make a statement on the matter. [14767/07]

Minister of State at the Department of Finance (Mr. Parlon): Tenders have recently been received and are currently being examined. It is anticipated that a contract will be awarded by mid May with work commencing on site in June 2007.

253. **Mr. Bruton** asked the Minister for Finance the cost to his Department regarding the provision of temporary offices for the DVO for County Leitrim based in Drumshanbo; and the rental cost and other maintenance costs per year to the Office of Public Works of the same building. [14768/07]

Minister of State at the Department of Finance (Mr. Parlon): The annual rent for the provision of temporary office accommodation for the District Veterinary Office in Drumshanbo, Co. Leitrim is €51,500 plus VAT. The cost of fitting out the offices to the requirements of the Department of Agriculture & Food was €130,000 plus VAT.

Questions Nos. 254 and 255 answered with Question No. 249.

Tax Code.

256. **Mr. Kehoe** asked the Minister for Finance the tax relief available to commuters who travel by train to work. [14842/07]

Minister for Finance (Mr. Cowen): Section 118(5A) of the Taxes Consolidation Act 1997 provides for an exemption from benefit-in-kind tax where an employer provides a monthly/annual rail or bus pass to employees or directors. From 1 January 2004 this also includes passes for travel on the Luas. The exemption was further extended with effect from the 1 January 2005 to include passes for travel on commuter ferry services which operate within the State in respect of journeys which begin and end in the State.

The bus, rail or ferry pass is one that is issued by either:

- CIE or any of its subsidiaries (e.g. Bus Eireann, Iarnrod Eireann, Bus Atha Cliath); or
- a private bus operator holding a passenger licence under Section 7 of the Road Transport Act 1932; or
- a person who provides a passenger transport service under an arrangement entered into by CIE in accordance with Section 13(1) of the Transport Act 1950; or
- a person who has entered into an arrangement with the Railway Procurement Agency, in accordance with section 43(6) of the Transport (Railway Infrastructure) Act 2001 to operate a railway; or
- a person who provides a ferry service within the State, operating a vessel which holds a current valid (1) passenger ship safety certificate, (2) passenger boat licence, or (3) high-speed craft safety certificate, issued by the Minister for Communications, Marine and Natural Resources. It is to be noted that this exemption applies only where passes are purchased by the employer and given to the employees.

Additionally, in the specific context of the provision of bus/rail and ferry passes, the exemption referred to above may also apply where employees agree to sacrifice salary with the employer purchasing the train, bus or rail pass with such salary sacrificed by the employee. In this latter context, the conditions to apply for the tax exemption to apply are as follows

- there must be a bona fide and enforceable alteration to the terms and conditions of employment (exercising a choice of benefit instead of salary);
- the alteration must not be retrospective and must be evidenced in writing;
- there must be no entitlement to exchange the benefit for cash;
- the choice exercised (i.e. a benefit instead of cash) cannot be made more frequently than once a year and then only with the consent of the employer.

Where the conditions are met:

- the employee will not be chargeable to tax on the remuneration sacrificed; and
- the corresponding amount paid by the employer to provide a monthly or annual bus/rail or ferry pass will not be regarded as a taxable perquisite.

257. **Mr. Kehoe** asked the Minister for Finance if an application for tax refund on refuse charges has been received from a person (details supplied) in County Carlow; and when he expects a decision on same. [14857/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that an application for tax refund on refuse charges has been received and was processed on 16 April. Notices of assessment have issued for 2004, 2005 and 2006. A tax refund of €316.59 arises for the year 2005 and a cheque for this amount issued on 19 April. There is no refund due for 2004 and 2006 as no tax was paid in those years. An amended certificate of tax credits dated 16 April issued to the person's employer for the current year and his employer, through the operation of the PAYE system, will make any refund due for this year.

Political Representations.

258. **Ms Burton** asked the Minister for Finance the number of representations from TDs that the Revenue Commissioners have received for each of the years, 2005, 2006 and to date in 2007; the number of representations received by the Revenue Commissioners from himself for each of these years; the number of his representations that resulted in a payment being made to the person on whose behalf the representation was made for each of these years; the total sum paid out as a result of the representations from him for each of the years; and if he will make a statement on the matter. [14873/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that 816 representations were received from TDs in 2005 and 854 in 2006. Figures for 2007 are not available in the time available and will be sent to the Deputy as soon as possible. (The figures for each year may not include a small number of representations which would have been made on Human Resource matters related to Revenue staff). Revenue figures indicate that they received 130 representations from me in 2005, 94 in 2006 and 53 to date in 2007.

Political representations are a longstanding feature of a parliamentary democracy and both Revenue and the members of the Oireachtas have traditionally operated on a strict understanding of the constraints within which such representations must function. While members of the Oireachtas, including members of the Government, reserve the right to articulate a constituent's concerns, it is accepted that the Revenue Commissioners must remain steadfastly independent in their interpretation and application of the law as enacted.

I assure the Deputy, and the Revenue Commissioners confirm, that payments are not made as a result of such representations being made by me

or anyone else. Where a payment is made by Revenue, it is always on the basis of entitlement to the payment and a valid claim having been made or requisite information having been provided.

The Revenue Commissioners have indicated that they are satisfied that all such representations are dealt with in a professional manner, at an appropriate level in their offices.

Flood Relief.

259. **Mr. Ring** asked the Minister for Finance if a local authority (details supplied) has carried out a report on an issue; if this report has been carried out; the proposals that have been made; and the estimated cost to resolve the problems which have been identified. [14878/07]

Minister of State at the Department of Finance

(Mr. Parlon): I am advised that Mayo County Council has prepared a report on flooding in South Mayo. The report has identified a number of proposals to solve the problems in the different areas, many of which relate to flooding of roads. The Office of Public Works is in consultation with the Council in relation to the report and will provide assistance where appropriate under the initiative, which I established to help Local Authorities to deal with flooding in areas where the cost works is in line with the social and economic benefits of the measures required.

The estimated costs of the measures proposed are very tentative at this stage and it would be contrary to good practise to publicise them.

Motor Vehicle Registration.

260. **Ms Harkin** asked the Minister for Finance if there is flexibility with regard to payment of vehicle registration tax on a vehicle (details supplied). [14899/07]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that they are investigating the matter and will examine whether the request can be acceded to under the relevant legislation. They will make contact with the person concerned shortly in this regard.

Departmental Correspondence.

261. **Mr. Naughten** asked the Minister for Finance, further to Parliamentary Questions No. 306 of 20 March 2007 and No. 193 of 5 April 2007, the status of the contracts for sale; and if he will make a statement on the matter. [14946/07]

Minister of State at the Department of Finance

(Mr. Parlon): Clarification of technical queries is currently taking place and will be completed by 27th April 2007. The responses will be sent to the Chief State Solicitors Office for transmission to the Vendors Solicitor as in the normal process of conveyancing.

Tax Code.

262. **Mr. Ring** asked the Minister for Finance if a person (details supplied) in County Mayo is entitled to an income tax refund. [14949/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the person concerned is due a small refund of less than €40.

263. **Mr. Durkan** asked the Minister for Finance if med 1 or med 2 claims in respect of osteopathic or chiropractic treatment in the case of a person (details supplied) in County Kildare will apply or if they will receive a refund; and if he will make a statement on the matter. [15062/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that a Med 1 claim for relief in respect of osteopathic or chiropractic treatment is only allowable if the osteopath or chiropractor is a practitioner as defined in section 469 of the Taxes Consolidation Act 1997 which provides for health expenses relief.

Under the legislation, “practitioner” means any person who is—

- (a) registered in the register established under section 26 of the Medical Practitioners Act 1978,
- (b) registered in the register established under section 26 of the Dentists Act 1985, or,
- (c) in relation to health care provided outside the State, entitled under the laws of the country in which the care is provided to practise medicine or dentistry there.

The taxpayer included a claim for an osteopath, under the heading of physiotherapy on his Med 1 as well as other health expenses. He omitted to confirm that the osteopath was a qualified practitioner registered in accordance with the requirements of section 469 as set out above. He has been asked to provide this confirmation. If such confirmation is received a refund will be made. The balance of the taxpayer’s claim was repaid on 2 April 2007.

Employment Rights.

264. **Mr. Deasy** asked the Minister for Finance when he will implement the European Union legislation contained in Article 39 EC and Article 7.1 of Regulation No. 1612/68; if his attention has been drawn to the fact that the implementation of these articles would allow a small number of Irish civil servants receive recognition of previous service in the civil services of other EU States in terms of salary scale, incremental credit and seniority; and if he will make a statement on the matter. [15074/07]

Minister for Finance (Mr. Cowen): These Articles concern the employment rights of workers moving from one Member State to another. Article 48 of Regulation No. 1612/68 states that it is binding in its entirety and directly applicable in all Member States. Consequently applications from any Irish Civil Servants seeking recognition for their previous service in the Civil Service of other Member States are dealt with in accordance with these Articles and in the context of the relevant Irish Civil Service-wide agreements. This applies to their conditions of employment including those to which the Deputy refers.

Tax Code.

265. **Mr. Penrose** asked the Minister for Finance the steps he will take to have any tax refund due to a person (details supplied) processed as quickly as possible; and if he will make a statement on the matter. [15113/07]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the claim to repayment for the named individual has been processed.

Health Levy.

266. **Mr. Penrose** asked the Minister for Finance if his attention has been drawn to the fact that there are pensioners who are currently on €472 per week, and as a result of the 3% national agreement increase will see their pensions rise to €486 per week and will have same significantly reduced as a result of having to pay €9.70 per week in respect of the 2% health levy contribution, thereby effectively reducing the increase to €4.30 per week; if, in this context, consideration will be given to just applying the levy to the portion of the person’s income, which is in excess of the weekly threshold, by way of application of marginal rate increases in such circumstances; and if he will make a statement on the matter. [15114/07]

Minister for Finance (Mr. Cowen): The legal basis for the Health Contributions levy is contained in the Health Contributions Act 1979, as amended, and associated regulations.

The levy is charged at a rate of 2% on a person’s total income from all sources with only a few exceptions e.g. social welfare payments such as the widow or widowers pension. Those aged 70 or over are exempt from the levy by virtue of entitlement to the medical card. However, the charge arises only where a person’s income exceeds an annual threshold. This threshold was increased to €480 per week or €24,960 annually in Budget 2007. In the last three years, the threshold has been raised by almost 35%.

The levy threshold was introduced in 1995 in order to provide assistance for those on low incomes. Where a person’s income exceeds the

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income threshold, he or she becomes liable for the levy on all his or her income. This is known as the “step” effect.

The introduction of a marginal relief system to minimise the step effect, as suggested by the Deputy, would introduce a level of additional complexity into the levy system and would be costly to implement.

There are no plans to change the health levy system along the lines suggested. However, as with all reliefs, the threshold for the health levy is reviewed regularly, in particular in the context of the annual Budget.

Departmental Expenditure.

267. **Mr. O'Dowd** asked the Minister for Fin-

ance the reason he has not supplied the detailed answer to a previous parliamentary question (details supplied) which is with his Department since 22 February 2007; and if he will make a statement on the matter. [15359/07]

Minister of State at the Department of Finance (Mr. Parlon): Details of expenditure on the property referred to by the Deputy for 2004, 2005 and 2006 have been compiled and are set out below. The balance of the data sought, for 2001, 2002 and 2003, is still being compiled. The compilation of this detailed data for a three year period as requested by the Deputy is a time consuming and expensive process in terms of staff time as it has to be collated from a number of different sources and is largely held in manual format.

Work Classification	Job Description	2004	2005	2006	Grand Total
Build: Works-Improvement Works		6,738	4,085		10,823
	Clean up outside of building		3,861		3,861
	Disconnecting Supply Cables	240			240
	Removal of portacabin from customs site		224		224
	Removal of Portacabin No. 2	6,498			6,498
Electrical Maintenance		205	162		367
	Disconnect electric from vacant building		162		162
	Problem with digital Alarm	205			205
Fire Alarms		49			49
	Alarm going off, won't reset	49			49
Heating Control			108	272	380
	Heating not coming on.		108		108
	Service boiler as discussed			272	272
				236	236
	Introduction Callout			236	236
Maintenance-General		11,291	3,000	117	14,408
	Board up vacant building after break in		260		260
	Clear out building, dispose of rubbish	6,487			6,487
	Lights faulty in ladies toilets.			117	117
	Maintenance Contract (Now Cancelled)	690			690
	Removal of confidential waste.		2,420		2,420
	To board up/secure building after fire damage		320		320
To clear out building, dispose of rubbish	4,114			4,114	
Grand Total		18,283	7,355	625	26,263

Health Services.

268. **Mr. G. Murphy** asked the Minister for Health and Children the reason the occupational therapist for the Cork region has not been replaced when they left; if an assessment will be carried out for a person (details supplied) in County Cork; and if she will make a statement on the matter. [14103/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This

Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

Services for Older People.

269. **Mr. Connolly** asked the Minister for Health and Children if it is intended to establish the office of an older persons' ombudsman to inform on advocacy, entitlement and rights; and if she will make a statement on the matter. [14133/07]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy will be aware the Citizens Information Board is the national support agency responsible for supporting the provision of information, advice and advocacy on social services including Services for Older People.

A fundamental principle of the Health Service Reform Programme is to put the users of health and personal social services at the centre of the services.

The recently enacted Health Act 2007 is a central element of the Reform Programme and provides for the establishment of the Health Information and Quality Authority with the object of promoting safety and quality in the provision of health and personal social services for the benefit of the health and welfare of the public. An important function of the Authority is the setting of standards on safety and quality in relation to services providing by the Health Service Executive and service providers. The new Act also provides for the establishment of the Office of the Chief Inspector of Social Services with specific statutory functions for inspecting and registering residential centres for older people, including private nursing homes.

I should also mention that the Health Act 2004 — also an integral part of the Health Reform Programme — provides for a statutory complaints system for the public health service. The new complaints system is designed to ensure high and uniform standards of complaints management throughout the public health system. Regulations were made last year to fully implement this system from 1 January 2007.

Services for Older People are a priority for the Government. There are no plans to establish an office Ombudsman for Older People at this stage. The Deputy may be aware that my colleague the Minister for Health and Children has proposed

the establishment of an Ombudsman for Older People in the course of the next Dáil.

Health Service Allowances.

270. **Mr. Bruton** asked the Minister for Health and Children if her Department will make an early decision in the case of a person (details supplied) in Dublin 24 regarding an application for a domiciliary care allowance, which went to the Department of Social and Family Affairs in January 2007, in view of the special circumstances of the case, and the special needs of the client involved; if this matter will be resolved at the earliest possible time; and if she will make a statement on the matter. [14174/07]

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.

Nursing Home Subventions.

271. **Mr. Connaughton** asked the Minister for Health and Children when a decision will be made on an application for the nursing home subvention for a person (details supplied) in County Galway; and if she will make a statement on the matter. [14378/07]

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 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.

Departmental Funding.

272. **Ms Shortall** asked the Minister for Health and Children the amount of funding provided to an organisation (details supplied) in each of the past three years; the way in which the amount of funding is determined; if her attention has been drawn to the fact that the current level of funding is inadequate to meet the demands placed on the service; her policy on providing this funding on a multi-annual basis; the Estimate sub-head from which funds are drawn for this service; and if she will make a statement on the matter. [14542/07]

273. **Ms Shortall** asked the Minister for Health and Children the amount of funding provided to

[Ms Shortall.]

an organisation (details supplied) in each of the past three years; the way in which the amount of funding is determined; if her attention has been drawn to the fact that the current level of funding is inadequate to meet the demands placed on the service; her policy on providing this funding on a multi-annual basis; the Estimate sub-head from which funds are drawn for this service; and if she will make a statement on the matter. [14543/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I propose to take Questions Nos. 272 and 273 together.

The organisation referred to by the Deputy is one of the seven National Voluntary Childcare Organisations (NVCOs) which receive funding under the Equal Opportunities Childcare Programme 2000-2006 (EOCP) which is administered by the Office of the Minister for Children. It was intended that the funding provided under the EOCP would enable the NVCOs, each of which has its own remit and strategies, to expand their activities and membership during this period. The seven NVCOs are Barnardos, Childminding Ireland, IPPA, NCNA, Forbairt Naíonraí Teo, Irish Steiner Waldorf Early Childhood Association, and St. Nicholas Montessori Society of Ireland.

Following the provision of funding over a three year period at the start of the EOCP, in 2003 the NVCOs were invited to draw up Strategic Plans for the period 2004 to 2006, based on which annual Action Plans to implement the Strategic Plans would be submitted to determine their annual funding approval. The annual Action Plans were also framed in the context of indicative budgets calculated for each NVCO in respect of 2004 and to the end of the EOCP. These took account of a number of factors including the size of the organisation and membership levels. Provision was included for a 2.5% annual increase which, in 2007, was raised to 4.5%.

Together, the NVCOs have received funding of almost €21 million since 2000. In the case of the organisation referred to by the Deputy, funding amounting to €350,000 was provided in 2004 increasing to €358,750 in 2005 and €367,719 in 2006. In 2007, funding for the organisation in question of €384,266 has been approved, representing an almost 10% increase over the 2004 level of funding. In total, over €2.9 million has been provided to the organisation since 2000. EOCP funding for the NVCOs is provided for under sub-head B.1 (Equal Opportunities Childcare Programme) of Vote 41 (Office of the Minister for Children).

Child Care Services.

274. **Mr. Costello** asked the Minister for Health and Children if her attention has been drawn to the increase in fees at a creche (details supplied) in Dublin 1; if she will provide extra funding for

the creche; and if she will make a statement on the matter. [14599/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

Under the EOCP, staffing grant assistance is available to assist community based / not for profit childcare Groups with a focus on disadvantage to meet the staffing costs of their childcare facility. With regard to the Group in question, I understand that they were approved for an additional staffing grant of €49,375 in December 2006, bringing their staffing grant funding for the period October 2006 to December 2007 up to the maximum level of staffing funding allowed under the EOCP, that is €172,500 per annum. To date, this Group has been approved a total of €920,219 in EOCP staffing grant assistance.

I understand that this Group recently made an application for capital grant assistance under the NCIP which is currently being assessed by Pobal, who manage the day to day operation of the programmes on behalf of my Office, and that they will be in contact with the Group shortly in this regard.

275. **Mr. Allen** asked the Minister for Health and Children when steps will be taken to guarantee funding for the EOCP (details supplied). [14836/07]

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 Investment 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.

Staffing funding under the EOCP runs to 31 December 2007, when that Programme comes to a close. A new programme of staffing grants under the NCIP is to be announced in 2007 with the criteria and procedures to be informed by the outcome of the Value for Money Review of the EOCP which has recently concluded. Details of the new scheme are expected to be announced in mid-2007 and will be made available both generally and to existing staffing grant recipients in good time to allow an orderly transition for Groups currently funded under the EOCP.

Services for People with Disabilities.

276. **Mr. O'Dowd** asked the Minister for Health and Children if speech therapy services will be provided for special needs children (details supplied) in a school in County Louth;

and if she will make a statement on the matter. [15081/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

Drug Treatment Programme.

277. **Mr. McGinley** asked the Minister for Health and Children the number and type of dedicated cocaine treatment programmes which are available nationwide; and if she will make a statement on the matter. [15154/07]

Minister for Health and Children (Ms Harney): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

278. **Dr. Cowley** asked the Minister for Health and Children when, in view of the current figure of only 5 paediatric neurologists currently working here to cater for the entire population and with no dedicated paediatric neurophysiologist and only one paediatric neurosurgeon, this unacceptable situation will change in view of the fact that two reports in 2003 and 2006 recommended that 10 paediatric neurologists and three paediatric neurosurgeons are urgently needed; and if she will make a statement on the matter. [15451/07]

279. **Dr. Cowley** asked the Minister for Health and Children when there will be an increase in the amount of adult neurologists as recommended in two reports; and if she will make a statement on the matter. [15452/07]

311. **Mr. J. Higgins** asked the Minister for Health and Children the immediate steps she is taking to meet the target of one neurologist per 100,000 population recommended in the National Hospital's Office report published in 2003. [14187/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 278, 279 and 311 together.

Revenue funding of €3m was provided to the Health Service Executive (HSE) in 2006 for the development of Neurology and Neurophysiology services. An additional €4m has been provided to the Executive in 2007 to support the ongoing development of neurosciences, including neurology services. The detailed application of these monies is a matter for the HSE and accordingly my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific issues investigated and to have a reply issued directly to the Deputies.

Mental Health Services.

280. **Mr. Bruton** asked the Minister for Health and Children the steps she has taken to establish a national mental health service directorate within the Health Service Executive, one of the key recommendations in *A Vision for Change*; when the national mental health service directorate will be established; and if she will make a statement on the matter. [15538/07]

422. **Ms F. O'Malley** asked the Minister for Health and Children the steps she has taken to establish a National Mental Health Service Directorate within the Health Service Executive; and if she will make a statement on the matter. [14686/07]

423. **Ms F. O'Malley** asked the Minister for Health and Children when will the National Mental Health Service Directorate be established. [14687/07]

506. **Mr. J. Higgins** asked the Minister for Health and Children when a National Mental Health Service Directorate will be established within the Health Service Executive as recommended in *A Vision for Change*. [15256/07]

507. **Mr. J. Higgins** asked the Minister for Health and Children the steps that have been taken to date to establish a National Mental Health Service Directorate within the Health Service Executive as recommended in *A Vision for Change*. [15257/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 280, 422, 423, 506 and 507 together.

[Mr. T. O'Malley.]

The Report of the Expert Group on Mental Health Policy, "A Vision for Change", which was launched in January 2006, provides a framework for action to develop a modern, high quality mental health services for a seven to ten year period. The Government has accepted the Report as the basis for the future development of our mental health services. Implementation of the individual recommendations of "A Vision for Change", is a matter primarily for the Health Service Executive.

The HSE has informed my Department that it is currently examining how best to give effect to the recommendation contained in "A Vision for Change" to establish a National Mental Health Service Directorate. Proposals are being developed which will take account of the HSE's existing management structures and the existence of the Expert Advisory Group on Mental Health.

Medicinal Products.

281. **Ms McManus** asked the Minister for Health and Children if a drug (details supplied) will be made available either under the long term illness scheme or the drugs repayment scheme for diabetics who need it; and if she will make a statement on the matter. [14090/07]

Minister for Health and Children (Ms Harney):

There is a common list of reimbursable medicines for the General Medical Services and Drug Payment schemes. This list is reviewed and amended monthly, as new products become available and deletions are notified. For an item to be reimbursed, it must comply with published criteria, including authorisation status as appropriate, price and, in certain cases, the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical prescription and should not be advertised or promoted to the public. Products are considered for reimbursement on application by a supplier.

Trasylol is not currently reimbursable through the state schemes. Any application by a supplier to have Trasylol included on the common list will be considered in the usual way. People who experience undue financial hardship in obtaining any particular product should contact the local area office of the Health Service Executive.

Hospitals Building Programme.

282. **Ms McManus** asked the Minister for Health and Children if she will provide this Deputy with a copy of the tender document for the new co-located hospitals; and if she will make a statement on the matter. [14092/07]

Minister for Health and Children (Ms Harney):

On foot of a Government decision, I issued a policy direction to the Health Service Executive (HSE) in July 2005 on the co-location of private

hospitals on the sites of public hospitals in order to free up 1,000 beds for public patients.

My Department has been informed by the HSE that Invitation to Tender (ITT) documents were issued to the short-listed bidders on Thursday 19th April 2007 in relation to the following public hospital sites:

- 1 Waterford Regional Hospital
- 2 Cork University Hospital
- 3 Limerick Regional Hospital
- 4 Sligo General Hospital
- 5 Beaumont Hospital
- 6 St. James's Hospital

It is expected that the Invitations To Tender for Connolly Hospital (Blanchardstown) and the Adelaide and Meath Hospital incorporating the National Children's Hospital (Tallaght) will issue at a later date.

Tenders are due to be submitted to the HSE by 17th May 2007. The HSE will evaluate the tenders and select the successful bidders during the following 2 weeks. Following that a "stand still" period of 2 weeks is required by procurement law before agreements can be signed with successful bidders.

As the Deputy is aware, the HSE is utilising a competitive dialogue process to award the contracts for this project. Throughout the process bidders have been (and continue to be) subject to tight confidentiality undertakings. The HSE has been advised that if the ITT (and the associated Project Agreements) were to be released before the competition is concluded, this would irrevocably undermine the confidential nature of the competition. Accordingly, I am not in a position to furnish the Deputy with a copy of the ITT (or the Project Agreements) at this time. The commercial sensitivity of these documents will be reviewed by the HSE upon completion of the competition.

Hospital Waiting Lists.

283. **Ms McManus** asked the Minister for Health and Children the waiting times for each cancer condition; the waiting lists for radiotherapy at St. Lukes Hospital in Dublin; and if she will make a statement on the matter. [14093/07]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Hospital Services.

284. **Ms McManus** asked the Minister for Health and Children the changes made in relation to provision for radiotherapy services by way of PPPs; her plans for provision in each of the four Health Service Executive locations; and if she will make a statement on the matter. [14094/07]

465. **Mr. Deasy** asked the Minister for Health and Children the status of her plan to provide an integrated oncology facility, including radiation treatment, at Waterford Regional Hospital by 2011; and if she will make a statement on the matter. [14931/07]

466. **Mr. Deasy** asked the Minister for Health and Children the funding she is providing to the Health Services Executive to provide a dedicated transport service to Dublin and Cork hospitals for cancer patients in Waterford and elsewhere in the south east; her views on whether patients in the south east have a justified expectation that the Government provide such a service pending the availability of radiotherapy services in the south east, which is still some years away; and if she will make a statement on the matter. [14932/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 284, 465 and 466 together.

It is my objective and that of the Health Service Executive (HSE) to see the earliest delivery of the National Plan for Radiation Oncology in the best interests of cancer patients throughout the country. The HSE and my Department are currently considering options to speed up delivery and I expect to receive their recommendation on the best option as a matter of priority. The development of radiation oncology at Waterford Regional Hospital (WRH) is an integral part of the Government's National Plan for Radiation Oncology. This will be part of a major oncology development at WRH, including the provision of a 20 bed oncology day ward. In the interim, a service level agreement was signed on 1 February between the HSE and the University of Pittsburgh Medical Centre Whitfield Clinic in County Waterford and public patients are being referred for radiation oncology treatment pending the commissioning of the radiation oncology centre at WRH.

The HSE has in place several options for the transportation of patients who require radiotherapy and other oncology services. These services relate to the management and delivery of health and personal social services, which are the responsibility of the Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to provide relevant details to the Deputy.

Cancer Screening Programme.

285. **Ms McManus** asked the Minister for Health and Children her plans to extend BreastCheck to women over the age of 64; and if she will make a statement on the matter. [14097/07]

430. **Ms Shortall** asked the Minister for Health and Children the reason women aged over 65 years are not entitled to free annual mammograms even in cases where they have medical cards; and if she will undertake to review this policy as a matter of urgency. [14695/07]

432. **Mr. Penrose** asked the Minister for Health and Children the position regarding the planned roll-out of BreastCheck screening services in the Health Service Executive western region; and if she will make a statement on the matter. [14718/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 285, 430 and 432 together.

The extension of BreastCheck is a major priority of mine and I am glad to advise the House of the commencement of BreastCheck services in the West. In advance of commissioning of the static unit in the West, BreastCheck has decided to locate a digital mobile unit at Roscommon County Hospital from Monday 30 April with a view to commencing a screening service on or about Thursday 3 May next. I would encourage all women who are invited by BreastCheck to avail of this important service.

I am committed to ensuring that the BreastCheck service is rolled out to the remaining regions in the country as quickly as possible. I have allocated additional revenue funding of €8 million for this year to meet the additional costs involved and I have approved an additional 69 posts for the roll-out. BreastCheck appointed the Clinical Directors for the South and West last November and has recently appointed three Consultant Radiologists, two Consultant Surgeons and two Consultant Histopathologists, all with a special interest in breast disease. The recruitment of Radiographers and other staff is underway.

I have also made available an additional €26.7m capital funding for the construction of two new clinical units and the provision of five additional mobile units and state of the art digital equipment. The static units at the South Infirmary/Victoria Hospital in Cork and University College Hospital Galway are on schedule for hand-over in September followed by a three week commissioning period. They will be operational in October.

BreastCheck provides free screening to all women in the 50-64 age group. The expert advice from BreastCheck and from the National Cancer Forum, as contained in its National Strategy for Cancer Control, is that following the national extension of the current programme, the upper

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age limit should be extended to women aged 69 years. The priority of BreastCheck is to screen women who have not yet been screened and accordingly it is fully focussed at present on the commencement of the first round of screening in the West and South. I will consider extending the age limit as recommended when the national roll-out of the programme is sufficiently developed and it is assured that a quality service is being delivered. Any woman irrespective of her age who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her area. Mammograms are available free of charge on an outpatient basis.

Services for People with Disabilities.

286. **Mr. P. McGrath** asked the Minister for Health and Children the criteria used in assessing children with disabilities for residential care and deciding whether they are entitled to five or seven day care; and the reason siblings with a similar prognosis can be assessed as having different residential needs. [14098/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Allowances.

287. **Mr. G. Murphy** asked the Minister for Health and Children when a person (details supplied) in County Cork will receive an assessment with a doctor from the Health Service Executive for their application for domiciliary allowance; and if she will make a statement on the matter. [14101/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to

have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

288. **Mr. G. Murphy** asked the Minister for Health and Children her views on the problems faced by so many physiotherapist graduates; the reason her Department is not ensuring that there are placements set up for the graduates when they finish in order that they can receive the practical experience they need; if she will provide a commitment that she will create more places for physiotherapy graduates; and if she will make a statement on the matter. [14102/07]

Minister for Health and Children (Ms Harney):

Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

I am aware that some physiotherapy graduates have had difficulties in finding employment in the public health service. I want to ensure that the combination of factors which have led to this situation are addressed urgently. My Department is addressing this situation in a proactive manner and is working closely with the HSE to tackle the various factors which are contributing to this situation.

I understand that the HSE ran a national recruitment campaign in January for physiotherapy posts, panels were formed and a number of graduates were offered jobs. A working group made up of the Department, the HSE and the profession itself, including nominees from the unions, is continuing to work to see what can be done to tackle this situation in preparation for the 2007 graduates.

As part of their undergraduate training, I understand that physiotherapists undertake 1000 hours clinical training in various health settings. This clinical training ensures that they receive the practical training they require to be competent practitioners on graduation. Once in the workplace, physiotherapists can undertake, on a voluntary basis, continuing professional development to ensure that this competence is maintained.

Care of the Elderly.

289. **Mr. Costello** asked the Minister for Health and Children if her attention has been drawn to a document (details supplied); her views on the issues raised in that document; and if she will make a statement on the matter. [14112/07]

Minister of State at the Department of Health and Children (Mr. S. Power): I understand that the document referred to by the Deputy was prepared by the Irish Nursing Homes Organisation. My Department has only received this document in the past few days and officials are currently examining its content. I propose to write separately to the Deputy when we have had the opportunity to consider the document.

Hospital Services.

290. **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 surgery; and if she will make a statement on the matter. [14113/07]

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 Services.

291. **Mr. Hogan** asked the Minister for Health and Children when orthodontic treatment will commence for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [14125/07]

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.

General Medical Services Scheme.

292. **Mr. Connolly** asked the Minister for Health and Children if she will ensure that older women will not be compelled to change their general practitioner when they become eligible for a medical card; and if she will make a statement on the matter. [14131/07]

Minister for Health and Children (Ms Harney): Under the Health Act, 2004, the Health Service Executive (HSE) has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for arrangements to ensure appropriate service delivery for General Medical

Services (GMS) Scheme (medical card and GP visit card) patients.

Services under the GMS Scheme are provided by general practitioners (GPs) holding contracts with the HSE. The terms of these contracts were agreed on foot of negotiations with the Irish Medical Organisation (IMO). Under the terms agreed, contracts are made available where the HSE decides, after consultation with the IMO, that there is a need for a service having regard to a range of factors, including whether the needs of the population in the area are met by the services already available. The agreement also provides that the number of persons on a GP's patient panel may not exceed 2,000, save in exceptional circumstances. Not all GPs hold GMS contracts, as they may not qualify or wish to provide services under the Scheme.

When a person qualifies for a medical card or GP visit card, he/she accesses services by choosing a GP from a list of local GPs who have been contracted to provide services under the GMS Scheme. The person will be assigned to the GP he/she has chosen from the list subject to the GP's acceptance and his/her total patient list being within the agreed limit.

The arrangements for the provision of publicly funded GP services, including those provided under the GMS Scheme, are under review. I regard the existing arrangements in relation to access by GPs to public contracts as unnecessarily restrictive and it is my wish that new contractual arrangements for the provision of publicly-funded GP services should ensure that HSE contracts are open to all suitably qualified and equipped doctors.

Care of the Elderly.

293. **Mr. Connolly** asked the Minister for Health and Children if she will provide older women with regular visits from public health nurses with regular health assessments and access to services such as chiropody in all localities; and if she will make a statement on the matter. [14132/07]

Minister for Health and Children (Ms Harney): The Primary Care Strategy aims to support and promote the health and well-being of the population by providing accessible local services and reducing reliance on institutional services. Funding totalling €32m has been provided in 2006 and 2007 for the establishment of 200 Primary Care Teams involving 600 new frontline professionals including Nurses(300 per year).

In accordance with the approach set out in the strategy "*Primary Care: A New Direction*", the composition of Teams will depend on the needs, demographics and geographic location of the population served but will typically consist of GPs, Nurses, Home Helps and Physiotherapy, Occupational Therapy and Social Work professionals. A wider range of professionals including Pharmacists, Dieticians, Psychologists and

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Chiropodists will be organised into Primary Care Networks, with each such Network supporting a number of Primary Care Teams.

The Government has committed under the Towards 2016 agreement to the establishment of 300 Primary Care Teams by 2008; 400 by 2009; and 500 by 2011. A review of these targets will be undertaken in 2008. The Government is already making considerable investment in the development of supports to enable older people to live in their own community.

In 2006, a total of 2,000 extra Home Care Packages were provided at a full year cost of €55 million (prior to this date only 1,100 packages had been in operation on a pilot basis). A similar increase in the number of packages will be provided in 2007, benefiting some 4,000 people.

In the first instance use of mainstream community services is maximized to support and maintain the older person at home. If further services are assessed as being required these services may be provided through the Home Care Package Scheme, which may include the services of nurses, home care attendants, home helps and various therapists, including physiotherapists and occupational therapists. A home care package will vary according to the care needs of the person so that, for example, there might be a greater emphasis in some packages on home help while other packages may require a greater level of therapy and nursing. Referral for a Home Care Package can be made by any health professional whether community or hospital based. The decision to allocate a Home Care Package is based on the assessment of needs of the individual and the identification of any assessed needs which are not being met by mainstream services together with consideration of the appropriateness of care in the community in the individual case. Home Care Packages are therefore an additional support over and above existing mainstream community services and are designed to enhance rather than replace existing home support services.

There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients or to any other group of people; however in practice arrangements are made, in certain cases, to provide these services. Before the establishment of the HSE the nature of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

Health Services.

294. **Mr. Wall** asked the Minister for Health and Children her plans in view of the significant

increase in the population of a town (details supplied) in County Kildare as of the last Census to upgrade the health centre; and if she will make a statement on the matter. [14138/07]

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.

295. **Mr. Wall** asked the Minister for Health and Children the position regarding an application for orthodontic care for persons (details supplied) in County Kildare; and if she will make a statement on the matter. [14139/07]

349. **Mr. Ó Fearghail** asked the Minister for Health and Children her views on correspondence (details supplied) regarding dental treatment for three members of the one family in County Kildare; if she has satisfied herself with the manner in which these three young peoples needs have been met; if financial assistance will be given to the family to assist with the considerable costs involved; and if she will make a statement on the matter. [14340/07]

Minister for Health and Children (Ms Harney):

I propose to take Questions Nos. 295 and 349 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

296. **Mr. F. McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 3 with a medical card as they are paying out a lot of money on medication; and if she will advise them on this matter. [14142/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

297. **Mr. O'Shea** asked the Minister for Health and Children the position regarding the review of the dental treatment services scheme (details supplied); and if she will make a statement on the matter. [14144/07]

313. **Dr. Cowley** asked the Minister for Health and Children if she will intervene with the Irish Dentists Association and ensure the provision of dental treatment for medical card holders; and if she will make a statement on the matter. [14213/07]

368. **Mr. Perry** asked the Minister for Health and Children the directive she has issued in relation to correspondence (details supplied); and if she will make a statement on the matter. [14470/07]

409. **Mr. McCormack** asked the Minister for Health and Children the situation regarding the threat by many dentists to abandon the free dental treatment for medical card holders due to the

failure of the Health Service Executive to complete a review of the medical card dental scheme with the Irish Dental Association; and if she will make a statement on the matter. [14628/07]

483. **Mr. Deasy** asked the Minister for Health and Children the status of the review of the dental treatment services scheme; if her attention has been drawn to the fact that the delay in completing the review will have a detrimental effect on access to dental treatment for medical cardholders; and if she will make a statement on the matter. [15075/07]

489. **Mr. Carey** asked the Minister for Health and Children the measures contemplated by her Department to ensure that essential dental treatment for medical card holders can continue; and if she will make a statement on the matter. [15143/07]

521. **Mr. O'Dowd** asked the Minister for Health and Children the position regarding the dental treatment services scheme in County Louth; and if she will make a statement on the matter. [15362/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 297, 313, 368, 409, 483, 489 and 521 together.

The Dental Treatment Service Scheme (DTSS) provides for a range of dental services for adult medical card holders from participating dentists holding contracts with the Health Service Executive (HSE).

The DTSS Review Group was established in May 2006 to undertake a comprehensive review of Primary Care Oral Health Services provided under the DTSS. Represented on the Review Group are the HSE, the Health Service Employers Agency, the Department of Health and Children, the Department of Social and Family Affairs, the Department of Finance and the Irish Dental Association (IDA). The Group is chaired by Mr Finbar Flood.

Since the Group was established, a legal issue has arisen with regard to the Competition Act 2002 as it relates to the negotiation of professional fees. The issues involved are complex and my officials are working with the Attorney General's office to clarify the way forward. In the meantime I have indicated to the I.D.A. that I am prepared to meet them to listen to their concerns.

I understand that the IDA has balloted its members on a proposal to withdraw the association's support from the DTSS and that this proposal has been carried. The existing contractual arrangements with private dental practitioners under the DTSS for the provision of dental services to eligible patients remain in place.

Inter-Country Adoptions.

298. **Mr. Cregan** asked the Minister for Health and Children if progress made in relation to

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resolving the difficulties being experienced by couples here wishing to adopt children from Belarus and in particular, those couples presently on a list waiting to finalise adoptions with named children; and if she will make a statement on the matter. [14147/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): It has not been possible to resolve the outstanding issues in the proposed intercountry adoption agreement with Belarus. I am informed that within the last 2 weeks, a small number of files were returned to the Adoption Board in respect of applicants intending to adopt from Belarus. These applicants have been advised that their applications cannot be progressed. The Adoption Board is now focussing its attention on working with the Belarusian authorities to agree to finalise the very small number of outstanding cases where the applicants involved are much further along in the adoption process.

Nursing Home Care.

299. **Mr. Crawford** asked the Minister for Health and Children the person who will provide the balance of nursing home costs for a person (details supplied) in County Monaghan; and if she will make a statement on the matter. [14148/07]

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 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.

Housing Aid for the Elderly.

300. **Mr. P. Breen** asked the Minister for Health and Children when an application for housing aid for the elderly will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [14156/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the

particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

301. **Mr. P. Breen** asked the Minister for Health and Children when an application for the housing aid for the elderly will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [14157/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

302. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly will be processed; and if she will make a statement on the matter. [14158/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

303. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly will be processed; and if she will make a statement on the matter. [14159/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational

responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

304. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly will be processed; and if she will make a statement on the matter. [14160/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

305. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly will be processed; and if she will make a statement on the matter. [14161/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

306. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly will be processed; and if she will make a statement on the matter. [14162/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

307. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly will be processed; and if she will make a statement on the matter. [14163/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

308. **Mr. English** asked the Minister for Health and Children her plans to make chiropody services free to medical card holders, people with long term illness and pensioners; and if she will make a statement on the matter. [14177/07]

Minister for Health and Children (Ms Harney): There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients or to any other group of people; however in practice arrangements are made, in certain cases, to provide these services. Before the establishment of the HSE the nature

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of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

My Department is currently preparing legislation to clarify and update existing legislation on eligibility for health and personal social services. The Bill will define specific health and personal services more clearly; define who should be eligible for what services; set out clear criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework.

Pension Provisions.

309. **Mr. McGuinness** asked the Minister for Health and Children if the years of employment given by a person (details supplied) in County Kilkenny will be credited to their record for pension purposes; if she will expedite a response; and if she will make a statement on the matter. [14178/07]

Minister for Health and Children (Ms Harney): The Health Service Executive have responsibility for the administration of the Local Government Superannuation Scheme (LGSS) of which the employee in question is a member. The Executive is the appropriate body to consider the 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 to the Deputy.

Position	Name	Date of appointment to Department of Health & Children	Current annual salary	Payments paid in lieu of pension
			€	
Special Adviser	Oliver O'Connor	29/09/2004	133,367	Additional 11% paid in respect of personal pension
Special Adviser	Patricia Ryan	29/09/2004	127,732	Additional 11% paid in respect of personal pension
Press Officer	Derek Cunningham	24/01/2005	114,203	1.5% of salary paid into Unestablished Pension Scheme
Personal Assistant	Catherine Dardis	29/09/2004	55,744	Additional 11% paid in respect of personal pension
Personal Assistant	Alan McGaughey	29/09/2004	56,352	Additional 11% paid in respect of personal pension
Personal Secretary	Nuala Talbot	29/09/2004	50,918	1.5% of salary paid into Unestablished Pension Scheme

My Special Advisers are required to perform the duties I assign to them as appropriate to their positions as set out in the Public Service Management Act, 1997. My Press Officer has responsi-

Hospital Services.

310. **Mr. McGuinness** asked the Minister for Health and Children the reason for the delay in arranging an appointment for a person (details supplied) in County Kilkenny with an orthopaedic consultant at Waterford Hospital; and if she will expedite the matter. [14179/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 311 answered with Question No. 278.

Ministerial Staff.

312. **Mr. Hogan** asked the Minister for Health and Children the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by her; the salary level of each appointee including payments in lieu of pension; and if she will make a statement on the matter. [14208/07]

Minister for Health and Children (Ms Harney): The table below details the title of each of advisers and assistants that are currently employed in both my private and constituency offices.

bility for media related activities. My Personal Assistants and Personal Secretary provide administrative and secretarial support.

In addition to the two Special Advisers listed above, a senior manager is on loan from the

Health Service Executive (HSE). He works as part of my advisory team as HSE Liaison Officer, but is not contracted by the Department and continues to be an employee of the HSE.

Question No. 313 answered with Question No. 297.

Hospital Services.

314. **Mr. McGuinness** asked the Minister for Health and Children the reason for the delay in arranging an angiogram for a person (details supplied) in County Kilkenny; and if she will expedite the matter. [14219/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

315. **Mr. McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 178 of 8 March 2007, the reason a formal reply has not been issued by the Health Service Executive; her views on the time lapse in this case; and the reason for the delay. [14220/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I understand from my Department that the HSE are in ongoing discussions with L'Arche in connection with the above matter. The HSE have further informed my Department that they held a meeting with L'Arche on Friday 13th April to discuss funding in the context of overall service delivery. As the Deputy may be aware L'Arche has received increased funding from the HSE under Sustaining Progress.

Foster Care.

316. **Mr. Carey** asked the Minister for Health and Children if her Department will give effect to the proposed inter-Governmental agreement known as the Accord with the Government of Belarus which relates to child protection and safety when children visit Ireland; and if she will make a statement on the matter. [14227/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Whilst the principle of a possible agreement was raised by the Belarusian ambassador no discussions on the con-

tent of any such agreement have taken place with Belarusian authorities and no documentation has been tabled covering any such agreement.

Part IVB of the Children Act 2001 defines Private Foster Care as any arrangement where a child is in the full-time care of a person other than his parent/guardian or their partner or a relative, for reward or otherwise for more than 14 days. It excludes routine arrangements such as boarding school, hospital or educational placements or holidays for a period not exceeding 42 days. The exclusion also covers children already in the care of the Health Service Executive or other health or state facility. This applies to foreign children entering the country as well as Irish children.

The Act states that anyone undertaking or arranging a private foster care arrangement must give notice to the relevant health board at least thirty days prior to placement. Where a child is placed in a private foster care arrangement in emergency circumstances, both the person undertaking and the person arranging the placement must notify the relevant health boards as soon as practicable and not more than 14 days after the arrangement is put in place.

In all private foster care arrangements the welfare of the child is of paramount importance and any person undertaking such a placement has a duty of care to the child concerned. Authorised officers of the Health Service Executive may inspect private foster care arrangements to ensure that all reasonable measures are being taken to safeguard the child's health, safety and welfare. These authorised officers must be given a warrant on his/her appointment. Where the Executive has concerns regarding the child's welfare it may apply to the District Court for a supervision order, care order or for the child to be returned to its parents.

The Act restricts people from arranging or undertaking private foster care arrangements for the purpose of adopting a child unless the child is eligible for adoption under the Adoption Acts 1952 to 1998 and the Executive has consented to the continuance of the placement pending completion of the assessment.

Medical Cards.

317. **Mr. Costello** asked the Minister for Health and Children the number of new medical cards that have been issued in each of the past six months; the number of new general practitioner only cards which have issued in each of the past six months; and if she will make a statement on the matter. [14233/07]

Minister for Health and Children (Ms Harney): Details of the numbers of medical card and GP visit card holders are provided to my Department each month by the Health Service Executive. The figures are provided on a net basis showing the balance after new cards have been issued and other cards, as appropriate, have been deleted

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from the Executive's database e.g. following a review of an applicant's circumstances.

The following table shows the number of medical cards/GP visit cards for each of the last six months.

Month	No. of Medical Cards	No. of GP Visit Cards
1st April, 2007	1,238,330	62,607
1st March, 2007	1,228,468	58,712
1st February, 2007	1,227,577	55,578
1st January, 2007	1,221,695	51,760
1st December, 2006	1,219,829	47,550
1st November, 2006	1,216,344	42,026

Housing Aid for the Elderly.

318. **Mr. McGuinness** asked the Minister for Health and Children if an application under the housing aid for the elderly scheme in the name of a person (details supplied) in County Kilkenny, will be approved immediately; and if the grant will be confirmed in order that the much needed work can commence. [14237/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

319. **Mr. McGuinness** asked the Minister for Health and Children the reasons for the delay in arranging a bone assessment at St. James Hospital, Dublin for a person (details supplied) in County Kilkenny where they attend; and if she will expedite the matter. [14238/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department

has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Ambulance Service.

320. **Dr. Cowley** asked the Minister for Health and Children if she will immediately ensure a safe ambulance service to the Belmullet area of County Mayo by ensuring funding for a full 24 hour ambulance base in Belmullet, County Mayo; if she will ask the Health Service Executive to immediately review their decision not to have a full time 24 hour ambulance service at Belmullet ambulance station, the lack of which presently means that people's lives are put in jeopardy due to having to wait for hours when the existing ambulance is on route to Mayo General Hospital on another call; and if she will make a statement on the matter. [14242/07]

321. **Dr. Cowley** asked the Minister for Health and Children if she will immediately ensure a safe ambulance service to the Belmullet area of County Mayo by ensuring funding for a full 24 hour ambulance base in Belmullet, County Mayo, the lack of which presently means that people's lives are put in jeopardy due to having to wait for hours when the existing ambulance is on route to Mayo General Hospital on another call; and if she will make a statement on the matter. [14243/07]

322. **Dr. Cowley** asked the Minister for Health and Children if she will immediately ensure a safe ambulance service to the Belmullet area of County Mayo by directing the Health Service Executive to immediately review their decision not to have a full time 24 hour ambulance service at Belmullet ambulance station, the lack of which presently means that people's lives are put in jeopardy due to having to wait for hours when the existing ambulance is on route to Mayo General hospital on another call; and if she will make a statement on the matter. [14244/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 320 to 322, inclusive, 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 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.

Housing Aid for the Elderly.

323. **Mr. P. Breen** asked the Minister for Health and Children when an application under the housing aid for the elderly will be processed for a person (details supplied) in County Clare. [14245/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

324. **Mr. F. McGrath** asked the Minister for Health and Children if she will support St. John of God Kildare Services, St. Raphael's, Celbridge, Kildare and end the unjust charge to disabled persons in residential care; and if she will reverse this decision. [14250/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

325. **Mr. McGinley** asked the Minister for Health and Children when the Health Service Executive will forward a reply to a person (details attached) who first contacted the executive in June 2006; and if she will make a statement on the matter. [14258/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy

may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

326. **Mr. Naughten** asked the Minister for Health and Children if she will ensure that front line Health Service Executive staff are provided with appropriate training to deal with domestic violence; and if she will make a statement on the matter. [14260/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Domestic Violence.

327. **Mr. Naughten** asked the Minister for Health and Children if she will ringfence annual funding to support agencies dealing with the issue of domestic violence; and if she will make a statement on the matter. [14261/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

328. **Dr. Twomey** asked the Minister for Health and Children the reason there is no epidural available for pregnant women outside the hours 9 a.m to 5 p.m in Letterkenny General Hospital;

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and if she will make a statement on the matter. [14262/07]

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 issue 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 Repayment Scheme.

329. **Dr. Twomey** asked the Minister for Health and Children the reason for the delay in the administration of the health repayment scheme; and if she will make a statement on the matter. [14263/07]

Minister for Health and Children (Ms Harney):

The Health Repayment Scheme was launched in August 2006 and is administered by the Health Service Executive (HSE) in conjunction with the appointed Scheme Administrator KPMG/McCann Fitzgerald. An extensive radio and newspaper advertising campaign was conducted throughout the country and a major public relations campaign was rolled out focusing in particular on local and regional media.

The HSE has informed the Department that over 26,000 forms have been submitted to the Scheme Administrator applying for repayments and these applications are being processed at present. The timeframe for repayment is predicated primarily on whether the applicant is alive as living people who were wrongly charged will be prioritised to receive repayments. It is estimated that there are now in the region of 14,000 people within this category, approximately 10,000 of whom have already applied.

The HSE has advised that offers of repayment commenced in November 2006 and that the first payments issued in December 2006 with further payments continuing on an ongoing basis. The HSE has indicated that over €29 million has been repaid to date and that the average repayment is approximately €21,000. Provision has been made for applications to be received up to 31st December 2007.

A dedicated website, an information phone line and an e-mail facility have been established by the Scheme Administrator to assist the public in accessing claim forms and general information on the scheme. The information line operates between the hours of 9.00 a.m. and 6.00 p.m. from Monday to Friday. To date over 41,000 call centre queries have been dealt with.

The HSE have informed me that the scheme has experienced delays due to legal and technical standards which have been set and have meant that the process is more complex than originally envisaged. The development of the IT system has proved more difficult than anticipated given the variety of files being received. To date records from 345 institutions have been scanned. There are a high proportion of application forms with deficient information and the Scheme Administrator advised that it has sent out 6,000 deficiency letters to applicants seeking further required information. The Scheme Administrator is however confident it will deliver all repayments and that people will get paid within the allocated timeframe for the Scheme.

Adoption Services.

330. **Dr. Twomey** asked the Minister for Health and Children the reason there is such a delay in the adoption process; her plans to employ more social workers to speed up the process; the other measures she will take to reduce waiting times; and if she will make a statement on the matter. [14264/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive (HSE) 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.

The Government has allocated additional funding to the HSE in recent years to assist in tackling intercountry adoption waiting times. The HSE has been assessing the provision of services in the context of moving from the health board system to a single executive. It has acknowledged that there is a divergence in the provision of services and is committed to addressing those differences.

The Deputy will be aware that demands for assessment for intercountry adoption are continuously increasing. It should be noted that consequent on the increased number of children coming from abroad, there is also a new and increasing demand for post-adoption reports for sending countries. There are also being undertaken by HSE social work staff. In a number of areas, the HSE have increased capacity through contract arrangements with non-statutory agencies with appropriate expertise. I understand that the Minister for Children has asked his officials to meet with the HSE to explore these and other strategies to increase capacity across the country.

Health Services.

331. **Dr. Twomey** asked the Minister for Health and Children the funding available for those who

have had prosthesis and amputations; the funding available for the repair of same; and if she will make a statement on the matter. [14265/07]

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 have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

332. **Dr. Twomey** asked the Minister for Health and Children the number of day hospital beds in 2001 in relation to the Government's commitment to older people, stated in the National Health Strategy, to deliver 600 day hospital beds; the number of day hospital beds that have been delivered in each of the years since 2001; the location of these beds; the status of remaining beds to be delivered; and if she will make a statement on the matter. [14266/07]

333. **Dr. Twomey** asked the Minister for Health and Children the number of assessment and rehabilitation beds in 2001 in relation to the Government's commitment to older people, stated in the National Health Strategy, to deliver 1,370 assessment and rehabilitation beds; the number of assessment and rehabilitation beds that have been delivered in each of the years since 2001; the location of these beds; the status of remaining beds to be delivered; and if she will make a statement on the matter. [14267/07]

334. **Dr. Twomey** asked the Minister for Health and Children the number of day places in 2001 in relation to the Government's commitment to older people, stated in the National Health Strategy, to deliver 7,000 day centre places; the number of day places that have been delivered in each of the years since 2001; the location of these places; the status of remaining beds to be delivered; and if she will make a statement on the matter. [14268/07]

335. **Dr. Twomey** asked the Minister for Health and Children the number of community nursing unit beds in 2001 in relation to the Government's commitment to older people, stated in the National Health Strategy 2001, to deliver 5,600 community nursing unit beds; the number of community nursing unit beds delivered in each of the years since 2001; the location of these beds; the status of remaining beds to be delivered; and if she will make a statement on the matter. [14269/07]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 332 to 335, inclusive, together.

The National Health Strategy 'Quality and Fairness: A Health System for You' was published in 2001. There have been many reforms to our health services since the publication of the Strategy, the most notable being the enactment of the Health Act 2004 which transferred responsibility for the management and delivery of health and personal social services to the Health Service Executive.

In 2001, there were 9,218 beds in public nursing homes, of which 8,671 were long-stay, and 12,731 voluntary and private nursing home beds, of which 12,483 were long-stay. In 2007, there are a total of 9,488 beds in public nursing homes including Welfare Homes of which about 8,250 are long-stay beds. In addition, there are an estimated 16,000 voluntary and private long stay beds. The overall increase has been close to 3,500 in the period 2001-2007. The reduction in public long stay beds is accountable by improvements made to some public homes to improve the environment so as to meet with increased standards and client centred care responses.

As part of the overall investment package for the development of services for older people, the DOHC and the HSE have prioritised the delivery of additional public continuing care beds through the development of community nursing units in large urban centres in both Dublin and Cork together with the expansion and the development of additional facilities across all regions. The HSE proposes to expand public capacity by 446 beds in 2007 and by 414 in 2008. The running costs in full year of this additional public capacity will be €42m.

In 2006, the HSE contracted a total of 1,050 extra beds in the private nursing home sector. A total of €28m is being allocated to cover the full year cost in 2007 of these beds. In addition, the HSE is planning to contract a further 350 beds in 2007 at a cost of €12m. 220 of these will be procured in the Greater Dublin area and 100 will be procured in HSE South.

Prior to 2006 there were no appropriate structures in place for the compilation of statistics in relation to day centre places. However these reporting structures are now in place and a 2006 baseline has been established. Over the past two years significant additional funding has been in the provision of such places and this policy will continue in to the future. Along with the creation of these new places it is also planned to extend opening hours to evenings and weekends in some day care centres.

In 2006, 1,325 additional places per week were provided which brought the total to 21,000. In 2007, 1,100 additional places per week are projected which will bring the total to 22,100

The Executive has advised my Department that they are currently collating information in

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respect of the number of funded day hospitals places and the number of funded assessment/rehab places specifically for older persons. The Executive will forward this information to the Deputy directly.

Health Services.

336. **Mr. Wall** asked the Minister for Health and Children if an early appointment will be granted to a person (details supplied) in County Kildare in view of the medical need for such an appointment. [14272/07]

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.

337. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with orthodontic treatment; and if she will make a statement on the matter. [14279/07]

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.

338. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with orthodontic treatment; and if she will make a statement on the matter. [14280/07]

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.

Services for People with Disabilities.

339. **Mr. Crowe** asked the Minister for Health and Children the reason young children with

autistic disorders attending mainstream schools are being denied health board services such as speech therapy (details supplied); her views on whether this scenario is discriminatory, and that children with disabilities are being penalised due to the fact that they attend their local mainstream school; and if she will make a statement on the matter. [14281/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

340. **Mr. Wall** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare has not received an appointment for surgery; when the person will receive this appointment; and if she will make a statement on the matter. [14284/07]

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.

Home Help Service.

341. **Mr. Blaney** asked the Minister for Health and Children if she will intervene to have home help hours increased from three hours per week to the original five hours per week for persons (details supplied) in County Donegal; and if she will make a statement on the matter. [14289/07]

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 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.

Health Services.

342. **Mr. F. McGrath** asked the Minister for Health and Children if support will be given to persons (details supplied) with extra support hours; and if she will work with the family on a care plan. [14291/07]

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.

Hospital Staff.

343. **Mr. F. McGrath** asked the Minister for Health and Children the position regarding training for health professionals dealing with cerebral palsy patients in hospitals; and if these families will be given the maximum professional support while in the health service here. [14292/07]

Minister for Health and Children (Ms Harney): The training requirements for health professionals dealing with cerebral palsy patients in hospitals is primarily a matter for the HSE and relevant service provider. In respect of nursing staff, An Bord Altranais, the Nursing Board sets the requirements and standards of training for all nurses which includes paediatric placement. This exposes undergraduate nurses to a broad spectrum of illness associated with children and satisfies the EU Directive on nursing education.

All service providers endeavour to give appropriate professional support to patients, and families and carers are actively encouraged to participate in the care of their children while in hospital and, where appropriate, to stay with them if circumstances allow.

Pension Provisions.

344. **Mr. McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 156 of 1 February 2007, the progress in reaching a decision in the person's case by her Department in consultation with the employing agency; and if she will expedite a positive outcome. [14311/07]

Minister for Health and Children (Ms Harney):

An option to join the Nominated Health Agencies Superannuation Scheme was offered to wholetime permanent employees of St Patrick's Centre, Kilkenny in 1981 and 1996. The 1996 option expired on 15th April 1996. Where a person who has not exercised an option to join a scheme subsequently makes an appeal about the validity of their option or claims that they did not receive an option to which they were entitled, such appeals or claims are examined. If the facts of the case are established in favour of the claimant, a fresh option may be given to the individual. The person whose details have been supplied has made such a claim and the claim is being examined in my Department in consultation with the employing agency. Additional information regarding this case was requested by my Department from the employing agency and all aspects of the case will be examined thoroughly in due course.

Drug Treatment Programme.

345. **Mr. O'Shea** asked the Minister for Health and Children if she will expedite the putting in place of the national protocols in regard to the availability of a drug (details supplied) for heroin addicts; and if she will make a statement on the matter. [14312/07]

Minister for Health and Children (Ms Harney):

I am aware that the drug Subutex (active ingredient buprenorphine) is an alternative choice to methadone in the treatment of opiate dependent addicts. The current position is that Subutex can only be prescribed to opiate users by addiction service consultants in specialist drug treatment clinics, where the prescription and dispensing of Subutex is tightly controlled. Another alternative drug Suboxone (buprenorphine and naloxone combined) was recently granted a European Medicines Agency licence. Its use is currently confined to certain drug treatment clinics. An expert group has been set up in the Department to consider the use of Subutex and the new drug Suboxone as alternative treatments for opiate dependency.

Community Pharmacy Services.

346. **Mr. Naughten** asked the Minister for Health and Children if she will provide an update to parliamentary questions of 31 January 2007; and if she will make a statement on the matter. [14317/07]

Minister for Health and Children (Ms Harney):

As the Deputy is aware, my Department and the HSE have been reviewing the pharmaceutical supply chain, with a view to seeking value for money in the State's drugs bill in order to better fund existing and innovative therapies without compromising continuity of supply or patient

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safety. The review of the Irish Pharmaceutical Healthcare Association (IPHA) and the Association of Pharmaceutical Manufacturers of Ireland (APMI) Agreements, with the proprietary and generic supplier representative bodies, was completed in mid-2006 and the new agreements are in place.

Following completion of the manufacturer agreements and in line with the process agreed by the Cabinet Committee on Health, the State entered talks with the wholesaler representative body, the Pharmaceutical Distributor's Federation (PDF). As wholesale margins are not addressed in the new IPHA and APMI Agreements, the State intended to negotiate direct formal arrangements with the wholesale sector, to address the cost of wholesale supply to hospital and community through fair, transparent and accountable cost structures. In particular, the State wished to examine the high margin, relative to the EU, for wholesale supply to community pharmacy and the wholesalers' claim that they supply hospitals at a loss.

Early in discussions, PDF refused to negotiate a new margin for community supply, based on its own legal advice. Subsequent advice to the HSE, confirmed by the Attorney General's office and Senior Counsel engaged by the Attorney General, indicated that, under section 4 of the 2002 Competition Act, PDF as an association of undertakings may not collectively negotiate fees, prices or margins on behalf of its members. Given this position, and the fact that the Irish Pharmaceutical Union is also an association of undertakings, it is not possible for the State to negotiate with PDF or the IPU on fees or margins and such negotiations place these bodies at risk of prosecution.

The State had intended to address the review of community pharmacy, and in particular how to improve value for money and transparency and fairness in relation to service provision, through negotiation with the IPU, as it had in the past. This is no longer possible for fees, although contractual matters other than fees may be negotiated. Accordingly, the negotiating team re-examined, in light of the legal position arising from the wholesaler legal advice, how best to address the review of pharmacy contractor services. Following consultation with the IPU, a procedure was agreed to examine available options for advancing contractual negotiations in compliance with Irish and EU competition law. This process, chaired by Mr Bill Shipsey, SC, has commenced.

The State continues to recognise the IPU as the representative body for its members, but negotiations with the Union must comply with the law. The legal issues that emerged during the wholesale sector review were raised by the wholesaler representatives. Once the State became aware of these issues, it was no longer possible to continue

as intended. There is, and will continue to be, ongoing dialogue with the IPU as the representative body for pharmacists, within the constraints of the competition legislation and the negotiating team will consider, in the context of competition law and in particular the relevant Competition Authority guidelines, all available options for advancing the process agreed by the Cabinet Committee on Health. I am satisfied that the Cabinet Committee process for review of the supply of drugs to the State is progressing effectively, within the constraints of relevant legislation.

Hospital Services.

347. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with hip surgery. [14338/07]

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.

Medical Cards.

348. **Mr. McGuinness** asked the Minister for Health and Children if she will expedite an appeal for a medical card in the name of a person (details supplied) in County Kilkenny, in view of the medical circumstances of the applicant. [14339/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for

GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Question No. 349 answered with Question No. 295.

350. **Mr. F. McGrath** asked the Minister for Health and Children if she will support persons (details supplied) in Dublin 3 in their application for a medical card; and if she will assist them on this matter. [14348/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

351. **Mr. Kehoe** asked the Minister for Health and Children the reason for the delay in relation to a matter (details supplied); and if she will make a statement on the matter. [14349/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided

as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

352. **Mr. Timmins** asked the Minister for Health and Children the position in relation to a playgroup (details supplied) in County Wicklow; if they will be informed that funding will be provided; if she will look at having each funding period run until the end of the academic year; and if she will make a statement on the matter. [14352/07]

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.

In June 2005 the Group in question was approved €108,800 in staffing grant assistance under the EOCP for the period to 31 December 2007, which is the date that the current scheme of staffing funding under the EOCP runs to. A new scheme of staffing grants under the NCIP is due to be announced later this year and funding under this scheme will be effective from 1 January 2008. The procedures and criteria governing the new grant scheme, including the reporting, approval and payment cycles, are currently under consideration, and will be made available both generally and to existing staffing grant recipients in the coming months, and the Group in question is among those who will be contacted directly in this regard.

Services for People with Disabilities.

353. **Dr. Cowley** asked the Minister for Health and Children further to Parliamentary Question No. 278 of 3 April 2007, the full details of the services available for severely disabled children who are being cared for in the home; her views on whether this is an area which requires increased support and more accessibility for parents; and if she will make a statement on the matter. [14359/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This

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Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

354. **Mr. Neville** asked the Minister for Health and Children the waiting times for issuing results of smear tests in County Limerick. [14372/07]

Minister for Health and Children (Ms Harney): I take it the question refers to the Irish Cervical Screening Programme, which is the responsibility of the National Cancer Screening Service. Accordingly, my Department has requested the Chief Executive Officer of the Service to respond directly to the Deputy in relation to the matter raised.

Health Services.

355. **Mr. McGuinness** asked the Minister for Health and Children her views on implementing a pilot domino scheme in County Kilkenny and appointing a lactation consultant to improve the maternity services; and if she will make a statement on the matter. [14389/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Accident and Emergency Services.

356. **Mr. McGuinness** asked the Minister for Health and Children if the provision of a new accident and emergency at St. Lukes Hospital, Kilkenny has been approved; if the funding will be provided; the timeframe involved for the approval and construction of such a unit; the capital projects approved for this hospital in 2007; the level of funding approved to be spent in 2007; and if she will make a statement on the matter. [14390/07]

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 Repayment Scheme.

357. **Mr. Wall** asked the Minister for Health and Children if her Department has processed the application of a person (details supplied) in County Kildare in regard to repayments under the health repayments scheme; and if she will make a statement on the matter. [14398/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Departmental Funding.

358. **Mr. Naughten** asked the Minister for Health and Children if she will increase the funding provided to Headway Ireland; and if she will make a statement on the matter. [14408/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

359. **Mr. Kehoe** asked the Minister for Health and Children the reason for the delay in calling a person (details supplied) in County Wexford for the outstanding treatment; and if she will make a statement on the matter. [14411/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter

investigated and to have a reply issued directly to the Deputy.

360. **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 physiotherapy; and if she will make a statement on the matter. [14416/07]

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.

Home Help Service.

361. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with home help; and if she will make a statement on the matter. [14420/07]

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 case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Ambulance Service.

362. **Mr. Kehoe** asked the Minister for Health and Children if any county has the first response unit working through any of the county ambulance switch boards; and if she will make a statement on the matter. [14424/07]

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 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.

Hospital Accommodation.

363. **Mr. Ring** asked the Minister for Health and Children when a long stay bed will be provided to a person (details supplied) in County Mayo. [14434/07]

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 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.

Health Services.

364. **Mr. Ring** asked the Minister for Health and Children when a facility will be provided to a person (details supplied) in County Mayo. [14445/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

365. **Mr. Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo will be called for physiotherapy. [14447/07]

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 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.

366. **Mr. Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [14460/07]

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

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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.

367. **Mr. McGuinness** asked the Minister for Health and Children if a medical card will be issued to a person (details supplied) in County Kilkenny; and if she will expedite a decision. [14461/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Question No. 368 answered with Question No. 297.

Nursing Education.

369. **Mr. J. Breen** asked the Minister for Health and Children if she will address the situation whereby State enrolled nurses, who have achieved their qualifications in the United Kingdom and further abroad, will have their qualifications recognised by the State and be appointed as registered nurses, be it on the appropriate salary point or a reduced increment, in order that they can use their nursing skills to full effect; and if she will make a statement on the matter. [14471/07]

Minister for Health and Children (Ms Harney): The Nurses Act 1985 governs nurse training and registration and the practice of all nurses working in Ireland. An Bord Altranais is the statutory state body established to fulfil the purposes of the Act which include, inter alia, the registration, education and training, fitness to practice of nurses and the use of the title "nurse".

The position is that in this country there is only one level of nurse i.e. Registered General Nurse (RGN) which is equivalent to the British qualification of Registered General Nurse (RGN). The level of general nursing is governed by EU Directives which set down the minimum amount of training required to achieve this qualification or its equivalent throughout the European Union.

Ireland does not have a comparable qualification to the British grade of State Enrolled Nurse (SEN). The SEN was a UK qualification comprising of a two year training programme which required lower entry qualifications than those for pre-registration nursing education programmes. It is not recognised as a nursing qualification under Irish legislation, as training for it is deemed insufficient to qualify as a nurse registered with An Bord Altranais. Following a revision of the UK nurse education structure, SEN second level training ceased in 1992 and SENs were given the opportunity to undertake a conversion course to become RGNs. In 2001, my predecessor announced a special initiative to provide financial support to assist SENs working in the Irish health services to undertake a nursing conversion programme in the UK. Payment of the grant is subject to the SEN giving a written commitment to work in the Irish health service following completion of the programme and registration with An Bord Altranais. Upon successful completion of a conversion course s/he would also be entitled to incremental credit on the staff nurse salary scale of one point for every three years as a SEN (1:3), with the seventh increment being given for twenty years service in the Irish health services.

All Eu citizens are entitled to receive equal treatment with Irish nationals in regard to employment in the Irish public health service. Registered nurses, regardless of nationality, receive incremental credit for genuine nursing experience gained anywhere in the world. This has been the position since 1998.

Ambulance Service.

370. **Dr. Cowley** asked the Minister for Health and Children if a person (details supplied) in County Mayo will be provided with an ambulance taxi service; and if she will make a statement on the matter. [14477/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and

funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

371. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the occupational therapists available for medical card holders in Dublin 15; and the waiting list for same. [14478/07]

Minister for Health and Children (Ms Harney):

Occupational therapy is among a number of Health Service Executive (HSE) community services which are, subject to availability, provided free of charge to medical card holders.

Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

The Primary Care Strategy aims to increase health service capacity through the development of services in the community to give people direct access to integrated multi-disciplinary teams of occupational therapists, general practitioners, nurses, home helps, physiotherapists 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 HSE received funding totalling €32m in 2006 and 2007 for the establishment of 200 Primary Care Teams, which altogether will involve the appointment of some 600 additional front-line professionals, including a significant number of Occupational Therapists. The Government has committed under the Towards 2016 agreement to the establishment of 300 Primary Care Teams by 2008; 400 by 2009; and 500 by 2011. A review of these targets will be undertaken in 2008. As the Health Service Executive has the operational and funding responsibility for the provision of these services, it 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.

372. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of patients at the child and family centre, Corduff, Dublin 15, who are in need of occupational therapy assessments. [14479/07]

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.

Hospital Staff.

373. **Mr. Ferris** asked the Minister for Health and Children if there are plans to replace the orthopaedic surgeon at CUH when the present incumbent retires; and the number of orthopaedic surgeons in the State at the present time. [14482/07]

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 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.

Vaccination Programme.

374. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a vaccine damage compensation scheme will be introduced; and if she will make a statement on the matter. [14483/07]

441. **Mr. Bruton** asked the Minister for Health and Children if the Government plans to introduce a compensation scheme for children who suffered serious handicap as a result of the State run vaccination scheme; and if she will make a statement on the matter. [14771/07]

Minister for Health and Children (Ms Harney):

I propose to take Questions Nos. 374 and 441. In its report on Childhood Immunisation, the Joint Oireachtas Committee on Health and Children recommended that legislation be drawn up to provide for a no-fault National Vaccine Injury Compensation Scheme. The Vaccine Damage Steering Group has been established to examine the issue of vaccine damage. The Group is committed to producing a preliminary report on its findings by July of this year.

Irish Blood Transfusion Service.

375. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children when she will implement the recommendations set out in the report of the working group set up by her in March 2006 to examine the nature and extent of haemochromatosis here and to advise her on the action necessary to address the problems caused by haemochromatosis; and if she will make a statement on the matter. [14484/07]

Minister for Health and Children (Ms Harney):

The working group that I established to examine the nature and extent of haemochromatosis and to advise on the actions necessary to address problems caused by haemochromatosis presented its report to me in June 2006.

A key issue highlighted in the report was that blood from persons with haemochromatosis was not being used by the Irish Blood Transfusion Service (IBTS). The IBTS has re-examined its policy on this issue and has decided to establish a pilot venesection programme for haemochromatosis patients in one of its clinics. Subject to the usual screening protocols, blood from haemochromatosis patients will be used by the IBTS. A clinician has been appointed to one of the IBTS clinics to oversee the pilot programme.

Arising from the publication of the report the Irish Insurance Federation has agreed to investigate any complaint about life or health insurance cover linked to diagnosis with haemochromatosis. My Department has asked the Parliamentary Affairs Division of the Health Service Executive to advise the Deputy of progress it has made in relation to the recommendations relevant to its area of responsibility.

The Irish Haemochromatosis Association, for its part, continues to increase awareness of the condition among both clinicians and patients. It is in discussion with the Irish College of General Practitioners. It has 900 people on its database and has just produced an updated information booklet which is being circulated to all members.

Health Repayment Scheme.

376. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if claims under the nursing home repayment scheme are being processed not in chronological order but on a nursing home basis; if so, the sequence in which each home's claims will be processed; the approximate timeframe for same; and if she will make a statement on the matter. [14489/07]

Minister for Health and Children (Ms Harney):

The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive

to arrange to have the matter investigated and to have a reply issued to the Deputy.

377. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the status of the application under the nursing home repayment scheme by a person (details supplied). [14490/07]

Minister for Health and Children (Ms Harney):

The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Services.

378. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an appointment; and if she will make a statement on the matter. [14524/07]

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.

Nursing Home Subventions.

379. **Mr. P. Breen** asked the Minister for Health and Children the reason a person (details supplied) in County Clare did not qualify for the enhanced subvention; and if she will make a statement on the matter. [14527/07]

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 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.

Health Services.

380. **Mr. P. Breen** asked the Minister for Health and Children when a person (details

supplied) in County Clare will be facilitated with a transfer; and if she will make a statement on the matter. [14532/07]

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 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.

Health Repayment Scheme.

381. **Mr. McGinley** asked the Minister for Health and Children when payment of a nursing home refund will issue to a person (details supplied) in County Donegal. [14533/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Medical Aids and Appliances.

382. **Mr. Kehoe** asked the Minister for Health and Children the status of the application for a hearing aid for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [14534/07]

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.

383. **Mr. Kehoe** asked the Minister for Health and Children the status of the application for a hearing aid for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [14535/07]

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 Execu-

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

384. **Ms Shortall** asked the Minister for Health and Children when and the person by whom the catchment area for physiotherapy services for Beaumont Hospital was set; the person who has responsibility for determining the boundary for this catchment area; when the electoral divisions covered were last reviewed; if she plans to review same; if so, the timescale for making changes; and if she will make a statement on the matter. [14540/07]

385. **Ms Shortall** asked the Minister for Health and Children the person who has responsibility for determining the catchment area or other qualifying criteria for physiotherapy services for each hospital; if her attention has been drawn to the fact that several anomalies exist resulting in no cover for patients in certain parts of Dublin; and the steps being taken, in advance of the roll-out of primary care centres, to ensure that every area of Dublin is covered by hospital physiotherapy services. [14541/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 384 and 385 together.

The Primary Care Strategy aims to develop services in the community to give people direct access to locally-based integrated multi-disciplinary teams of general practitioners, nurses, home helps, physiotherapists, occupational therapists and others. As part of the development of primary care there has been a very significant increase in resources and capacity for delivery of physiotherapy services in primary care settings, with a target of in excess of 70 new physiotherapy posts to be created with the funding made available in 2006. It is anticipated that physiotherapy capacity will be further expanded in 2007 as a result of the planned establishment of a further 100 Primary Care Teams.

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 address 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 a reply issued directly to the Deputy.

386. **Mr. P. Breen** asked the Minister for Health and Children further to Parliamentary Question No. 293 of 7 November 2006, if the Health Service Executive has completed its consideration of the revenue requirement for the

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new CT scanner at Ennis General Hospital; if the decision to provide a six slice scanner has been reconsidered; the time-table for the roll-out of the service; and if she will make a statement on the matter. [14548/07]

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 issue 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.

Civil Registration.

387. **Mr. Ring** asked the Minister for Health and Children if a late birth registration of a person (details supplied) in County Mayo has been dealt with. [14552/07]

Minister for Health and Children (Ms Harney):

An tArd-Chláraitheoir, the Registrar General, is the person with the statutory responsibility for the administration of the civil registration system in Ireland. I have made enquiries with an tArd Chláraitheoir and he has informed me that the birth referred to by the Deputy has now been registered and that the person (details supplied) may obtain a birth certificate in any Civil Registration office.

Care of the Elderly.

388. **Mr. J. Higgins** asked the Minister for Health and Children if she will commit the necessary resources to implement the Dementia Manifesto 2007 to 2009 launched by the Alzheimer's Society of Ireland to support individuals and families living with dementia. [14555/07]

Minister of State at the Department of Health and Children (Mr. S. Power):

The development of Services for Older People, including the development of services for people with dementia, is a priority for the Government. This is reflected in the funding committed to Services for Older People in Budgets 2006 and 2007. Last year, the Government funded the largest ever expansion in Services for Older People with a full year cost of €150 million. This year a full year package of €255 million has been allocated for Services for Older People. This gives a total of over €400 million added to services for older people over two years.

Government policy in relation to older people is to support people to live in dignity and independence in their own homes and communities for as long as possible and, where this is not pos-

sible, to support access to quality long-term residential care. This policy approach is renewed and developed in the latest partnership agreement, Towards 2016. The Action Plan for Dementia, published in 1999, describes a model of best practice for the provision and planning of dementia care in Ireland.

There is a complementary link between Government policy in the area of the care of older people and care for people with dementia. Both policies stress the need to provide support in dignity and independence, through the provision of appropriate services to the people concerned and their carers. The Government is fully committed to providing such support and service improvement, including the expansion of community and residential care services for people with dementia. This commitment is reflected in the additional funding of approximately €109 million in Budget 2006 and €82 million in Budget 2007 which was allocated to community supports for older people, including those with dementia. These supports include Home Care Packages, the Home Help Scheme and Respite Care.

The additional funding provided for Home Care Packages and the Home Help Scheme will further enhance the supports available to families caring for people with dementia at home. In 2006 a total of 2,000 extra Home Care Packages were provided at a full year cost of €55 million (prior to this date only 1,100 Packages had been in operation on a pilot basis). A similar increase in the number of Packages will be provided in 2007, benefiting some 4,000 people. An additional €21 million has been provided in 2007 to fund the cost of some 780,000 additional Home Help hours in 2007. This brings the total funding allocated to Home Helps to approximately €171 million per annum.

Among the areas where funding has been provided are day care and respite care which are an integral part of delivering a comprehensive community service for older people. Day care and respite care offer respite for family members and/or carers and provide social stimulation in a safe environment for older people with mild forms of dementia. The provision of an additional €9 million in 2006 funded a further 1,325 additional places per week in these centres, together with additional programmes for specific needs such as activity therapy. It also means that many day care centres can increase the number of days per week they open. Additional funding of €3.5 million provided in Budget 2007 will cater for a further 1,100 day places per week in day care centres.

The HSE has responsibility for the planning and management of capital projects in the health sector, including the development of services for people suffering from Dementia. The HSE's capital plan for 2007 has recently been approved and includes an allocation of €107 million for older people specific projects.

Health Services.

389. **Mr. Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Carlow; and if she will make a statement on the matter. [14556/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

390. **Mr. Perry** asked the Minister for Health and Children if she will again intervene with Cappagh Hospital on behalf of a person (details supplied) in County Sligo and have them called for their appointment; and if she will make a statement on the matter. [14560/07]

Minister for Health and Children (Ms Harney): My Department has been informed by the Health Service Executive that a reply has issued to the Deputy on 20 April 2007.

National Treatment Purchase Fund.

391. **Dr. Cowley** asked the Minister for Health and Children if, regarding the delay being experienced by cancer patients at UCHG, she will offer the National Treatment Purchase Fund as an alternative to these patients if it is not possible for them to have the treatment at UCHG; if she will ensure that necessary procedures are carried out; and if she will make a statement on the matter. [14561/07]

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 examine the matters raised, including the possible need to refer cases to the National Treatment Purchase Fund, and to respond directly to the Deputy.

Health Services.

392. **Mr. Wall** asked the Minister for Health and Children if an early appointment will be arranged for a person (details supplied) in County Carlow in view of their concerns in

relation to the matter; and if she will make a statement on the matter. [14565/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

393. **Mr. McGuinness** asked the Minister for Health and Children the length of time it will take to process a claim under the health payment scheme for a person (details supplied) in County Kilkenny; and if she will expedite the matter. [14568/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Medical Cards.

394. **Mr. McGuinness** asked the Minister for Health and Children if an application for a medical card in the name of a person (details supplied) in County Kilkenny will be approved on medical grounds on appeal; and if she will expedite a decision. [14569/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for

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GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

395. **Mr. P. Breen** asked the Minister for Health and Children further to Parliamentary Question No. 329 of 27 March 2007, if generic complaints regarding irreversible damage having been caused to children's teeth following the cessation of the orthodontic regional training programmes in 1999 have been made to her Department by consultant orthodontists; the action she has taken on foot of those complaints; and if she will make a statement on the matter. [14571/07]

Minister for Health and Children (Ms Harney): I am aware of allegations that some unidentified children were damaged as a result of having their orthodontic treatment interrupted. Any such allegations, in respect of individual children, are matters for consideration in the first instance by the HSE and by the Dental Council.

Medical Cards.

396. **Mr. Allen** asked the Minister for Health and Children the reason a person (details supplied) in County Cork, has not received a decision on their application for a medical card. [14573/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

397. **Mr. Naughten** asked the Minister for Health and Children the reason a service (details supplied) in County Limerick has not been available to date; the capital funding provided for the project; when the funding will be provided to open the facility; the timetable for the opening; and if she will make a statement on the matter. [14582/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75 million for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multidisciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

398. **Mr. Connaughton** asked the Minister for Health and Children the position of an application for the refund of nursing home charges in the name of a person (details supplied) in County Galway; and if she will make a statement on the matter. [14589/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Staff.

399. **Mr. J. O'Keefe** asked the Minister for Health and Children if she will provide the neces-

sary resources to allow for the establishment at the Mercy Hospital Cork, of a dietician post to specialise in the ketogenic diet for persons suffering from uncontrolled epilepsy; and if she will make a statement on the matter. [14598/07]

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 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.

Estates Management.

400. **Mr. Rabbitte** asked the Minister for Health and Children if she has received a request from a group (details supplied) in County Kerry for the use of around 30 acres of Health Service Executive lands at Ballydribeen, Killarney, for social housing along with facilities for a number of voluntary, social care and sporting organisations; if favourable consideration will be given to the request, especially in view of the support for the plan expressed by Killarney Town Council; and if she will make a statement on the matter. [14604/07]

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

Under the Health Act 2004, operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive. This includes the matter of estates management. Correspondence was received by the Minister in relation to this matter and was referred to the Chief Executive Officer of the HSE for direct reply.

Health Repayment Scheme.

401. **Mr. Kehoe** asked the Minister for Health and Children when payment will be made to a person (details supplied) in County Carlow regarding illegal charging. [14620/07]

Minister for Health and Children (Ms Harney):

The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Medical Cards.

402. **Mr. McGuinness** asked the Minister for

Health and Children if she will expedite an appeal against the decision of the Health Service Executive not to issue a medical card in the case of a person (details supplied) in County Kilkenny; and if she will insist on the card being issued on medical grounds. [14621/07]

Minister for Health and Children (Ms Harney):

Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

403. **Mr. Durkan** asked the Minister for Health and Children when provision can or will be made for a special needs dentist to cover children attending a school (details supplied) in County Kildare; and if she will make a statement on the matter. [14622/07]

Minister for Health and Children (Ms Harney):

The statutory position governing the eligibility of children to dental treatment under the Health Service Executive (HSE) service is Section 66 of the Health Act 1970, the Health (Amendment) Act 1994 and the Health (Dental Services for Children) Regulations 2000 (S.I. No. 248 of 2000). Responsibility for delivery of health services is a matter for the HSE.

Children in specific classes in national school, usually second, fourth and sixth class, are targeted for preventive measures under the school based approach; the children in these classes are screened and referred for treatment as necessary; the programme has been specifically designed to ensure that children are dentally fit before they

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leave national school. The screening provided in second, fourth and sixth classes ensures that follow up appointments for examination, treatment or orthodontic review are made, as necessary, with the Dental Surgeon in the clinic designated for the particular school(s). Children who have attended national school retain eligibility to dental treatment up to their 16th birthday.

The Irish Medicines Board (Miscellaneous Provisions) Act 2006, contains provision for the amendment of section 66 of the Health Act 1970 to provide for a health examination and treatment service for pupils attending any primary school. The Irish Medicines Board (Miscellaneous Provisions) Act 2006 also contains provision for the amendment of the Health (Amendment) Act 1994 to provide dental health services to children attending any primary school. My officials are currently in discussion with the Health Service Executive with a view to ensuring an early commencement to the relevant sections of the Act.

Pension Provisions.

404. **Mr. Durkan** asked the Minister for Health and Children when pension pay and lump sum will be granted in the case of a person (details supplied) in County Kildare who has not received payment except for one holiday pay cheque since October 2006; and if she will make a statement on the matter. [14623/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for the administration of the Local Government Superannuation Scheme (LGSS). The Executive is the appropriate body to consider the 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 to the Deputy.

Health Repayment Scheme.

405. **Mr. Durkan** asked the Minister for Health and Children when repayment of nursing home charges will be refunded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14624/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Mental Health Services.

406. **Dr. McDaid** asked the Minister for Health and Children the number of patients released by the Mental Health Tribunal who were, in the opinion of the tribunal, not suffering from a mental disorder as defined in Part 1 section 3 of the Mental Health Act 2001 and were therefore being detained illegally; the number of patients who were released as a result of a technicality discovered by the tribunal in relation to their admission procedure; and the number of the patients released due to a technicality who were subsequently readmitted involuntarily to an approved centre at a later date. [14625/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In the first four months of the operation of Part 2 of the Mental Health Act 2001 i.e. from 1 November 2006 to 28 February 2007, 556 Mental Health Tribunals were held. In this period 83 orders for involuntary detention were revoked.

In 50 of these cases the Mental Health Tribunal was not satisfied that the legal definition of mental disorder was met on the day of the tribunal. The remaining 33 cases were revoked on the day of the Mental Health Tribunal hearing for other reasons such as jurisdiction, procedural matters and interpretation of the new legislation. The number of patients who were subsequently readmitted involuntarily is not available. All involuntary re-admissions to an approved centre are reviewed by a Mental Health Tribunal.

Housing Aid for the Elderly.

407. **Mr. P. Breen** asked the Minister for Health and Children when an application for a person (details supplied) in County Clare under the housing aid for the elderly scheme will be processed; and if she will make a statement on the matter. [14626/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall Vote.

The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of the Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

408. **Mr. G. Mitchell** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 12 has not received adequate assistance towards taxi costs in all of the circumstances; if she will be liable for the payment of €160 per week as notified by Simpson's Hospital as a maintenance charge; and if she will make a statement on the matter. [14627/07]

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 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.

Question No. 409 answered with Question No. 297.

Health Repayment Scheme.

410. **Mr. McGuinness** asked the Minister for Health and Children if she will expedite payment of the refund of hospital charges in the case of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [14629/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

411. **Mr. McGuinness** asked the Minister for Health and Children the timeframe involved for the repayment of nursing home charges in the case of a person (details supplied) in County Kilkenny; if she will expedite payment; and if she will make a statement on the matter. [14630/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Industrial Disputes.

412. **Mr. Noonan** asked the Minister for Health

and Children if she will intervene in the nurses' dispute with a view to initiating meaningful negotiations with the INO and the PNA; and if she will make a statement on the matter. [14632/07]

Minister for Health and Children (Ms Harney): The issues of nurses' pay and working hours have been fully processed through the State's industrial relations structures and procedures — the Labour Relations Commission and the Labour Court. Health service management have accepted in full the Labour Court Recommendation. The Irish Nurses Organisation and Psychiatric Nurses Association state that they have neither accepted nor rejected this Recommendation and instead served notice of industrial action.

The INO and PNA had been originally due to commence industrial action from 12 March 2007. Following contacts between Government representatives and the Irish Congress of Trade Unions (ICTU) it was agreed to put in place an intensive time bound process of engagement under the aegis of the National Implementation Body (NIB), to address the issues underpinning the dispute, taking account of the relevant Labour Court recommendations. The INO and PNA postponed their industrial action for the duration of the NIB talks.

The Labour Court was clear and unambiguous in its Recommendation in relation to the two key issues in dispute. In relation to the claim for a reduction in working hours from 39 to 35 hours per week, the Court recommended that the parties should jointly explore the possibility of initiating an appropriate process aimed at achieving major reorganisation of working arrangements and practices within the health service generally. The Court also stated that such an initiative should take account of and support existing development involving other groups.

In relation to the pay anomaly in the Intellectual Disability sector, the Court noted that the unions had considerably broadened the claim to encompass the totality of nursing and midwifery grades. It was the view of the Court that such a claim could only be processed through Benchmarking.

The NIB talks adjourned on 1 April without agreement. The INO and PNA commenced a nationwide work to rule on 2 April and a series of short work stoppages started on 11 April. The HSE has reported that the work to rule is having a serious impact on patient care throughout the service and the work stoppages have resulted in the cancellation of a number of elective procedures. There are significant costs to the health service associated with the contingency arrangements that the health service has been forced to put in place as a result of the INO and PNA industrial action. I am concerned that funds provided for patient services are being diverted to pay for overtime and agency workers because of

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the refusal by INO and PNA members to work normally.

The NIB held informal exploratory talks with both sides on Monday 23 April. It was agreed that face to face talks will be held this afternoon. I welcome these discussions and the decision by the INO and PNA to call off the escalation of work stoppages planned for tomorrow and Friday.

Health Service Staff.

413. **Mr. Ring** asked the Minister for Health and Children the reason more positions are not created in a service (details supplied) in view of the fact that there are waiting lists of people wanting to avail of this service. [14633/07]

Minister for Health and Children (Ms Harney): Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

I am aware that some physiotherapy graduates have had difficulties in finding employment in the public health service. I want to ensure that the combination of factors which have led to this situation are addressed urgently. My Department is addressing this situation in a proactive manner and is working closely with the HSE to tackle the various factors which are contributing to this situation.

I understand that the HSE ran a national recruitment campaign in January for physiotherapy posts, panels were formed and a number of graduates were offered jobs. A working group made up of the Department, the HSE and the profession itself, including nominees from the unions, is continuing to work to see what can be done to tackle this situation in preparation for the 2007 graduates.

Home Help Service.

414. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) will be facilitated with home help; and if she will make a statement on the matter. [14678/07]

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 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.

Medical Cards.

415. **Mr. Ring** asked the Minister for Health and Children if she will increase the value given towards standard prescription spectacles for medical card holders who avail of optical and ophthalmic services from private practitioners; when this amount was last increased; and if she will make a statement on the matter. [14679/07]

Minister for Health and Children (Ms Harney): The ophthalmic scheme operated by the Health Service Executive, under Section 67 of the Health Act 1970, provides for a sight test and spectacles, free of charge, once every two years for adult medical card holders and dependants not covered by the relevant child health service. The scheme does not provide for the payment of a contribution towards the cost of spectacles. The schedule of fees payable, to practitioners, in respect of this scheme are reviewed annually and were last increased in July 2006.

Services for People with Disabilities.

416. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive an appointment with an occupational therapist. [14680/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75 million for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multidisciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

417. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will commence physiotherapy in view of the fact that they were promised this service several weeks ago on their discharge to a nursing home. [14681/07]

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 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.

Medical Cards.

418. **Mr. P. Breen** asked the Minister for Health and Children when an application for a medical card will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [14682/07]

Minister for Health and Children (Ms Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

419. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with orthodontic treatment; and if she will make a statement on the matter. [14683/07]

436. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with

orthodontic treatment; and if she will make a statement on the matter. [14739/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 419 and 436 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

420. **Mr. Gormley** asked the Minister for Health and Children if she will reconsider the Government's proposal to relocate the Central Mental Hospital to a new site adjacent to the new prison site at Thornton Hall; if she has received letters from various carers' groups who are very concerned about this proposed relocation; and if she will make a statement on the matter. [14684/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In May 2006, the Government approved the development of a new national forensic mental health facility at Thornton Hall, Co. Dublin and the disposal of the site at Dundrum. The Health Service Executive has established a project team to progress the redevelopment of the Central Mental Hospital.

Health Services.

421. **Mr. Gormley** asked the Minister for Health and Children the steps being taken to deal with the problem of cerebral palsy here; and if she will make a statement on the matter. [14685/07]

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.

Questions Nos. 422 and 423 answered with Question No. 280.

Hospital Waiting Lists.

424. **Mr. F. McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in Dublin 5 on a waiting list. [14688/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

425. **Mr. Broughan** asked the Minister for Health and Children the number of consultant physicians who were appointed in 2005, 2006 and to date in 2007; and if she will make a statement on the matter. [14689/07]

Minister for Health and Children (Ms Harney): More than 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

426. **Mr. Broughan** asked the Minister for Health and Children the number of patients awaiting in-patient treatment and out-patient treatment at Beaumont Hospital; the number of patients waiting for procedures listed by speciality; and if she will make a statement on the matter. [14690/07]

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 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 a reply issued directly to the Deputy.

Hospital Services.

427. **Mr. Broughan** asked the Minister for Health and Children her plans for a new child leukaemia unit at Temple Street Hospital; and if she will make a statement on the matter. [14691/07]

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.

428. **Mr. Broughan** asked the Minister for Health and Children when the people of north Dublin can expect a permanent urology Department at Beaumont Hospital; and if she will make a statement on the matter. [14692/07]

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.

Services for People with Disabilities.

429. **Mr. F. McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) with a disability; and if she will work with their family on this matter. [14694/07]

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.

Question No. 430 answered with Question No. 285.

Child Care Services.

431. **Mr. Penrose** asked the Minister for Health and Children if, in relation to the national child care investment programme 2006 to 2010 applications for a community based capital grant have been deferred; if her attention has been drawn to the fact that this will slow down such applications, which need to be progressed; the steps she will take to ensure that these are now addressed without further delay; and if she will make a statement on the matter. [14717/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

The NCIP is a key element of the National Childcare Strategy 2006-2010 and came into effect from 1 January 2006. The decision of the Government to create a major new 5 year investment programme immediately, rather than wait until the EOCP expired, is evidence of the Government's commitment to the provision of quality childcare. Capital grant applications under the NCIP are assessed under a number of criteria; chiefly the nature and extent of the need locally for the service proposed, the applicant's capacity to deliver the project proposed and value for money. All proposals are expected to demonstrate how they will increase the supply of quality childcare, and furthermore, community projects are expected to have a focus on disadvantage.

Following a review of the operation of the Programme to date, and in the context of the Value for Money Review of the EOCP, revised Guidelines for the assessment of capital grant applications were issued recently to the City and County Childcare Committees (CCCs) who carry out the initial stage of grant assessment. To enable the Guidelines to be properly considered and applied, it is necessary in the case of the large-scale community sector grant applications, to defer finalisation of the initial assessment process for a short period. However, this is not expected to cause any undue delay to these grant applicants, most of whom are seeking funding for longer-term projects, and priority will be given to any who would be in a position to open later this year.

I am pleased to advise the Deputy that the Guidelines include a number of enhancements to the capital grant scheme, including:

- an increase in the maximum grant aid per place for community projects, from a benchmark of €20,000 to €24,000;
- an increase in the maximum grant for community projects, from €1 million to €1.2 million; and
- a new scheme to support services, such as sessional playgroups, which are not continuously open for the minimum periods currently required under the main scheme of grants.

In addition, the Guidelines will further assist the City and County Childcare Committees (CCCs) in their role in the initial assessment of applications. Both Pobal, who manage the day to day operation of the programme on behalf of my Office, and the CCCs will continue to work with and advise applicants throughout the process.

Question No. 432 answered with Question No. 285.

Hospital Services.

433. **Mr. Penrose** asked the Minister for Health and Children the position in regard to the future of surgical services at Roscommon Hospital and in particular if all surgical services currently available at Roscommon General Hospital will remain so available for the foreseeable future; and if she will make a statement on the matter. [14719/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has informed my Department that it envisages that a broader range of surgical services will be developed at Roscommon County Hospital. A joint surgical department is being developed between Roscommon County Hospital and Portiuncula Hospital, Ballinasloe in order to secure the viability of their current surgical units and provide the optimum service to their catchment population.

Health Services.

434. **Cecilia Keaveney** asked the Minister for Health and Children the position in relation to a matter (details supplied); and if she will make a statement on the matter. [14721/07]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Health Service Staff.

435. **Dr. Cowley** asked the Minister for Health and Children the situation regarding the waiting list for the dental hygienist in Ballina, County Mayo; if her attention has been drawn to the fact that hundreds of children are already awaiting this service; if she will appoint a dental hygienist in Ballina as at present the hygienist only works one day a week in Ballina; if this is the reason for the long waiting list; her views on whether this is acceptable; and if she will make a statement on the matter. [14738/07]

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.

Question No. 436 answered with Question No. 419.

Pension Provisions.

437. **Mr. McGuinness** asked the Minister for Health and Children if she will clarify the employment record of a person (details supplied) in County Kilkenny for the period prior to 1967 when they worked at Kilcreene Hospital, Kilkenny, for pension purposes; if these years worked will add to their pension entitlements from the Health Service Executive; and if she will make a statement on the matter. [14740/07]

Minister for Health and Children (Ms Harney):

The Health Service Executive have responsibility for the administration of the Local Government Superannuation Scheme (LGSS). The Executive is the appropriate body to consider the 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 to the Deputy.

Hospital Waiting Lists.

438. **Mr. Aylward** asked the Minister for Health and Children the reason for the delay in having a person (details supplied) in County Kilkenny admitted for surgery to Beaumont Hospital; and if she will make a statement on the matter. [14754/07]

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 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.

Disabled Drivers.

439. **Mr. Allen** asked the Minister for Health and Children the reason an application for a disabled driver's grant submitted by a person (details supplied) in County Cork was refused. [14758/07]

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.

Departmental Funding.

440. **Mr. Kehoe** asked the Minister for Health and Children the State funding currently being provided to the Coeliac Society of Ireland; if she plans to increase the level of funding in view of the large number of coeliacs here; the actual number of coeliacs here; and if she will make a statement on the matter. [14761/07]

Minister of State at the Department of Health and Children (Mr. S. Power):

Responsibility for the payment of grants to those voluntary organisations involved in health promotion, raising awareness or providing support services for people suffering from particular conditions now rests with the Health Service Executive (HSE). It is a matter for the Executive to decide the level of support it provides to the various voluntary organisations based on the funding available and the relative merits of the applications received. It is my understanding that the actual number of coeliacs in Ireland is estimated at approximately one percent of the population.

Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 441 answered with Question No. 374.

Health Services.

442. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with a transfer; and if she will make a statement on the matter. [14773/07]

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 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.

443. **Mr. F. McGrath** asked the Minister for Health and Children if she will work with the Department of Social and Family Affairs on the delays in the case of a person (details supplied) in Dublin 5; and if she will work with the family on this matter. [14775/07]

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.

Departmental Funding.

444. **Mr. Naughten** asked the Minister for Health and Children if she will provide funding at the County Hospital, Roscommon for the development of a support unit and continuing care unit for palliative patients; and if she will make a statement on the matter. [14789/07]

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 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.

Health Services.

445. **Mr. Naughten** asked the Minister for Health and Children when the hospice beds in Boyle, County Roscommon will be opened; the steps she is taking to resolve the outstanding issues; the cost of staffing the facility to date; the running cost of the facility; the capital investment provided to date; and if she will make a statement on the matter. [14790/07]

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 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.

446. **Mr. Naughten** asked the Minister for Health and Children her plans to develop palliative care beds in County Roscommon; the provision for such beds in the capital programme; if previous commitments have been given to the hospice movement on the development of such facilities; the timetable for delivery on such commitments; when all existing palliative care beds in the county will be made available for use by patients; and if she will make a statement on the matter. [14791/07]

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 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.

Hospital Waiting Lists.

447. **Mr. McGuinness** asked the Minister for Health and Children the reason for the delay in making an appointment for a person (details supplied) in County Kilkenny; if an appointment and operation will be expedited; and if she will make a statement on the matter. [14812/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Industrial Disputes.

448. **Mr. Durkan** asked the Minister for Health and Children if she has received correspondence in relation to benchmarking from the INO (details supplied); her plans in this regard; and if she will make a statement on the matter. [14821/07]

Minister for Health and Children (Ms Harney):

I can confirm that I have received correspondence from the Deputy enclosing an Irish Nurses Organisation press release and briefing document. The INO documents outline its position on Benchmarking.

Social partnership agreements have created and sustained the conditions for economic growth over the last decade and significantly enhanced the position of employees in the public and private sector. The parties to the last agreement, Sustaining Progress, had agreed that the Benchmarking exercise was an important initiative in developing a better system of pay determination in the public service. The parties further agreed that this process is an appropriate way of determining public service pay rates in the future. The INO had signed up to Sustaining Progress and their members had received increases of 13.16% under this agreement, in addition to Benchmarking increases of between 8% and 16%.

A new Public Service Benchmarking Body (PSBB) was established on 13 January 2006 by the Minister for Finance. This new PSBB is the sole mechanism for the determination of the pay of public servants. Benchmarking provides an objective means of assessing the appropriate pay for particular groups or professions including nurses. The terms of reference of the PSBB were agreed with the Irish Congress of Trade Unions. The INO is a member of ICTU. The terms of reference of the PSBB specifically refer to Labour Court Recommendations 17805 and 17526. These Recommendations relate to claims by nurses' unions in relation to the pay 'anomaly' between some nurses and social care workers in the Intellectual Disability Sector and also claims for a 35 hour week, a Dublin Weighting Allowance and improvements in premium pay.

The work of the PSBB is well advanced and it is currently considering nurses pay claims. SIPTU has made written and oral submissions on behalf of its members who are nurses and midwives. The INO have declined to make a submission on behalf of its members. The Benchmarking Body is due to report in the second half of the year and is in a position to review the issues that the nursing unions feel strongly about. I would urge the INO to reconsider their position and make a submission to the PSBB on behalf of their members as other nursing unions have done.

Programmes for Government.

449. **Mr. Durkan** asked the Minister for Health and Children if she has received correspondence from the Disability Federation of Ireland in relation to the Programme for Government 2007 to 2012 document; her plans to address this issue in early course; and if she will make a statement on the matter. [14825/07]

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

correspondence from the Disability Federation of Ireland in relation to this matter. The issues concerned will be raised with the HSE through the ongoing discussions my Department has with the HSE in relation to providing health services for people with disabilities.

Medical Records.

450. **Mr. Kehoe** asked the Minister for Health and Children if she will allow an extension of the statute of limitations, that is three years, to access the medical records of a person (details supplied) in County Roscommon. [14856/07]

Minister for Health and Children (Ms Harney):

Individuals have a right of access to their medical records under freedom of information and data protection legislation. Provided the records sought are still in existence, there is no statutory period or limit within which a request for access is to be made.

Autism Services.

451. **Mr. McGuinness** asked the Minister for Health and Children the reasoning behind the decision not to provide a centre for the care of people with autism at Myshall, County Carlow; the person who made this decision; the consultation process which led to the decision; if autism services will be provided elsewhere and developed; the value of the property on the date of purchase and the value at present; the intentions of the Health Service Executive relative to this property; and if she will make a statement on the matter. [14859/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy is aware the property at Myshall, Co. Carlow was purchased by the OPW on behalf of the Department of Justice, Equality and Law Reform to accommodate asylum seekers. However, the Department of Justice, Equality and Law Reform decided against using the property for that purpose. Subsequently, the property was gifted by the OPW to the Department of Health and Children who in turn transferred ownership of the property in January, 2003 to the former South Eastern Health Board in whose area the property is located.

Therefore, the Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

452. **Mr. McGuinness** asked the Minister for Health and Children the number of appointments which have to be made with private professionals

for assessment of children with ADD and ADHD in Counties Carlow and Kilkenny; the number of children that have been assessed; the professional follow up available in both counties arising from each assessment; the names and contact details of the persons who are responsible for the initial assessments and the follow up thereafter; if a full team of professionals have been appointed by the Health Service Executive in this regard; and if she will make a statement on the matter. [14860/07]

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. Therefore, the Executive is the appropriate body to consider the particular matters 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 a reply issued directly to the Deputy.

Hospitals Building Programme.

453. **Ms Burton** asked the Minister for Health and Children the position in relation to the proposal for private hospitals on public hospital land; if decisions have been made as to which proposals have been accepted; the position in relation to Connolly Hospital, Blanchardstown; the proposals or tenders that have been received in relation to a private hospital on the grounds of Connolly Hospital; if a decision has been reached; the decision that has been made; the name of the developer or group putting forward such proposals; the size of the proposed hospital; and if she will make a statement on the matter. [14874/07]

Minister for Health and Children (Ms Harney): On foot of a Government decision, I issued a policy direction to the Health Service Executive (HSE) in July 2005 on the co-location of private hospitals on the sites of public hospitals in order to free up 1,000 beds for public patients.

My Department has been informed by the HSE that Invitation to Tender (ITT) documents were issued to the shortlisted bidders on Thursday 19th April 2007 in relation to the following public hospital sites:

- 1 Waterford Regional Hospital
- 2 Cork University Hospital
- 3 Limerick Regional Hospital
- 4 Sligo General Hospital
- 5 Beaumont Hospital
- 6 St. James's Hospital

It is expected that the Invitations To Tender for Connolly Hospital (Blanchardstown) and the Adelaide and Meath Hospital incorporating the

National Children's Hospital (Tallaght) will issue at a later date.

Tenders are due to be submitted to the HSE by 17th May 2007. The HSE will evaluate the tenders and select the successful bidders during the following 2 weeks. Following that a "stand still" period of 2 weeks is required by procurement law before agreements can be signed with successful bidders.

Hospital Services.

454. **Ms Burton** asked the Minister for Health and Children if her Department has made an additional provision for a CT scanner, MRI and other imaging equipment for Connolly Hospital Blanchardstown; the funds to be allocated for same; when the equipment will be provided; and if she will make a statement on the matter. [14875/07]

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.

Health Services.

455. **Mr. O'Dowd** asked the Minister for Health and Children the position regarding the proposal for a new health centre for Dunleer, County Louth; if a site has been acquired for the centre, the number of tenders received; if a tender has been approved; the expected cost of the centre; the services and the number of rooms that will be available at the centre; when work will commence on the centre; and if she will make a statement on the matter. [14893/07]

Minister for Health and Children (Ms Harney): The Government's sustained high level of investment in healthcare has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, overall capital funding of €546 million has been provided to the Health Service Executive.

The HSE has responsibility for the planning and management of capital projects in the health sector, including the development referred to in the Deputy's question. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

456. **Mr. McGuinness** asked the Minister for Health and Children if a pack of 52 paper bed sheets will be issued to a person (details supplied) in County Kilkenny; the reason so many officials had to examine this simple request; and if she will make a statement on the matter. [14894/07]

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.

Medical Inquiries.

457. **Mr. Neville** asked the Minister for Health and Children if she will establish an independent clinical review process to examine all aspects of the care and treatment provided to a person (details supplied) in County Cork in the course of their admission to the acute psychiatric in-patient unit of Cork University Hospital on 17 October 2004. [14897/07]

Minister for Health and Children (Ms Harney): In March 2005, I asked the Mental Health Commission to prepare a report on the circumstances surrounding the death of the person who died in the acute psychiatric unit of Cork University Hospital in October 2004. The Report was received in my Department in November 2006.

In preparing their Report the Commission sought information from the Health Service Executive, Southern area on the actions undertaken by the health service since the death of the named person. The Inspectorate also carried out a review of the circumstances surrounding the death.

Under the Health Act 2004, operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive. Accordingly, my Department wrote to the Health Service Executive, requesting that all shortcomings identified in the Report be addressed as a matter of urgency.

Health Service Staff.

458. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be registered. [14898/07]

Minister for Health and Children (Ms Harney): An Bord Altranais has statutory responsibility for the registration of nurses under the Nurses Act, 1985.

I am sure that the Deputy will appreciate that An Bord Altranais must process each application thoroughly to ensure that all those entered on the Register of Nurses are deemed professionally

qualified and competent for such registration. The protection of the public underpins this process. I am satisfied that the Board discharges its functions in a professional manner.

Given the statutory functions of the Board and its independence in this regard, it would not be appropriate for the Minister to intervene in individual applications for registration.

Nursing Home Subventions.

459. **Mr. Bruton** asked the Minister for Health and Children if she will make different arrangements for the contribution of persons with long-term acute disability to the cost of long-term residential care from the new rules applying to nursing home charges as such people only have access to disability allowance and have no chance to accumulate property and would have great difficulty if all they are left with is 20% of the disability allowance. [14917/07]

Minister of State at the Department of Health and Children (Mr. S. Power): We are currently examining a range of issues in the context of drafting legislation for the new Nursing Home Support Scheme — A Fair Deal. This particular issue has been brought to our attention and it, along with other issues that have been raised, is being considered.

Health Service Staff.

460. **Mr. Bruton** asked the Minister for Health and Children the situation regarding the recruitment of specialist staff in the treatment of cystic fibrosis; if her attention has been drawn to the fact that only 11 of the 56 positions have been filled to date; the number of recruitments scheduled by year end 2007; the proposed schedule on total recruitment; and if she will make a statement on the matter. [14918/07]

Minister for Health and Children (Ms Harney): I have identified the enhancement of services for people with cystic fibrosis as a key priority in 2006 and again in 2007. Development funding of €4.78 million was provided to the Health Service Executive in 2006 to facilitate the recruitment of additional medical, nursing and allied health professional staff to improve services for cystic fibrosis patients. Additional funding of €2 million has been allocated this year to build on the investment provided in 2006.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific issues investigated and to have a reply issued directly to the Deputy.

Departmental Funding.

461. **Mr. Wall** asked the Minister for Health and Children if there is a cap on payments to non governmental organisations in relation to funding from her Department or the Health Service

Executive in relation to support groups that provide services for those who suffer from domestic violence; the limit of such a cap; if her Department received submissions from such groups in relation to extra funding; the decision by the her Department in relation to such a request; if the HSE received such requests; the decisions made in relation to such requests for each of the past five years; and if she will make a statement on the matter. [14921/07]

462. **Mr. Wall** asked the Minister for Health and Children the funding provided to the non governmental organisations from her Department and the Health Service Executive over each of the past five years for the provision of services for those who suffer domestic violence; and if she will make a statement on the matter. [14922/07]

463. **Mr. Wall** asked the Minister for Health and Children the funding provided by her Department or the Health Service Executive to support groups or non governmental organisations in relation to care and support services for children and young people effected by domestic violence in each of the past five years; and if she will make a statement on the matter. [14924/07]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 461 to 463, inclusive, together.

The Department of Health and Children does not fund directly or co-ordinate health and personal social services to victims of abuse. Monies are made available each year, formerly through the health boards, and now through the Health Services Executive, for the provision of services to women victims of violence.

Funding was, up to the end of 2004, provided by the Department of Health and Children to the health boards for the provision of health-related services to women victims of violence. Additional funding was made available each year, from 1997 to 2003 from the health vote. During this period, the annual funding allocation rose from €3m to €12m. This annual level of funding (€12m) continued from 2003 to 2006 inclusive. During this time payments were made to the relevant organizations in respect of general round pay increases and benchmarking where this applied. It is important to remember that this funding does not include further personal and support services provided by the HSE to victims such as services provided by GPs, hospitals, social workers and counsellors.

Since January 2005, the distribution of this funding allocation has been a matter for the Health Services Executive.

In the current financial year a further €6m was allocated to the Violence Against Women sector. €4.5m was allocated for overall service provision in this area. A further €1.5m was allocated for the implementation of the Review of the Sexual

Assault Treatment Services, with a commitment to increase this allocation by €1m in 2008 to cover the full year cost of implementing those recommendations.

In addition over €240 million has been invested in family support and child protection services since 1997. Services for children at risk and their families include Springboard Projects, Teen Parent Support Programmes, Community Mothers Programme and Community Care Social Work services.

The management and delivery of health and personal social services, including the provision of care and support services to children and young people affected by domestic violence, are the responsibility of the Health Service Executive under the Health Act, 2004.

The manner in which this increased allocation is apportioned to service providers is a matter for the HSE, as is the overall allocation of funding amongst the range of services provided to women victims of violence and to children affected by domestic violence.

Health Service Accommodation.

464. **Mr. Wall** asked the Minister for Health and Children the number of placements available for women in crisis accommodation that are within the control of the Health Service Executive; the areas of such accommodation; and if she will make a statement on the matter. [14925/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 465 and 466 answered with Question No. 284.

Health Repayment Scheme.

467. **Mr. Deasy** asked the Minister for Health and Children the number of current nursing home resident who are entitled to repayments under the national repayments scheme; the number of applications for repayments received to date; the number of claims that have been processed; when she expects all claims to be processed; and if she will make a statement on the matter. [14933/07]

468. **Mr. Deasy** asked the Minister for Health and Children the procedure for repaying current nursing home residents who are entitled to repayments under the national repayments scheme; if the repayments will be repaid directly to the

[Mr. Deasy.]

claimants; if the families of claimants will be kept informed of progress; and if she will make a statement on the matter. [14934/07]

469. **Mr. Deasy** asked the Minister for Health and Children the number of deceased nursing home residents who are entitled to repayments under the national repayments scheme; the number of applications for repayments received to date; when processing of these claims will begin; when she expects all claims to be processed; and if she will make a statement on the matter. [14935/07]

476. **Mr. Ring** asked the Minister for Health and Children the number of claims for the repayment of nursing home charges received to date; the number of claims awaiting verification; the estimated numbers that have been verified and are awaiting payment; and if she will make a statement on the matter. [15027/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 467 to 469, inclusive, and 476 together.

The HSE have advised me that since the commencement of the health repayment scheme eight months ago and the launch of a nationwide information campaign, almost 2,200 repayments offers have been made, totalling almost €46 million, and further offers continue to be issued every week.

To date, nearly 130,000 claim forms have been distributed through Post Offices and other locations, there have been almost 28,000 visits to the website www.repay.ie and the information line has dealt with over 42,000 queries.

The scheme is the largest of its kind ever to occur in Ireland and is progressing as speedily as possible. The HSE have advised me that it is not possible to state at what point all applications will be fully processed and all due repayments awarded to applicants given that the scheme extends to an estimated 70,000 persons (living and deceased) and the last date for receipt of claim forms is currently 31st December 2007.

To date, over 26,000 applications for repayment have been received and priority has been given to repaying living applicants. There have been over 16,000 claims in respect of deceased persons and over 10,000 in respect of living persons. The bulk of repayments to the estates of the deceased persons are expected to commence shortly.

Over 12,000 estates who have lodged claims to date do not have a grant of representation, as required by law, and must establish entitlement to claim before the application can progress. This is to ensure that the person who is entitled to claim on behalf of an estate is the one who receives the repayment.

The HSE have indicated that of these 12,000 estates that have lodged claims, direct personal

contact has been made with over 9,000 of these claimants who have applied for certificate of entitlements.

The scheme includes necessary safeguards to ensure that people are paid the full amount they are owed and that the correct people are paid. In tandem with receiving and processing forms, it has been necessary for the scheme administrator to visit all relevant HSE facilities — over 340 in total — to review and retrieve their records of payment and, in some cases, this could be as far back as 1976. The records in which this information is held vary widely between institutions and usually includes a mixture of paper files, handwritten files and computer files. To date, the records of over 95% of institutions have been scanned.

Under Data Protection Legislation third parties cannot be given personal information pertaining to individual claims. The claimant themselves can only make enquiries concerning their own applications. This information can be obtained by ringing the helpline number 1890 886 886. Each applicant that submits an application form is sent an acknowledgement letter within days. Offer letters are sent out when the claim form is matched with the information from the correct institution.

The HSE have advised that once the claimant accepts the repayment offer and the statutory waiting period of 28 days has elapsed, they will make the repayment in the manner chosen by the claimant. Options include direct payment to a bank, building society, credit union or post office account, payment by cheque or lodgement to a patient's private property account.

Hospital Staff.

470. **Mr. Deasy** asked the Minister for Health and Children the additional funding she is providing to the Health Service Executive to employ additional phlebotomists at Waterford Regional Hospital; if her attention has been drawn to the fact that the level of resourcing results in lengthy queues for blood tests and that this can be distressing for patients; and if she will make a statement on the matter. [14942/07]

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 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 Services.

471. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with orthodontic treatment; and if she will make a statement on the matter. [14945/07]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Insurance.

472. **Mr. McEllistrim** asked the Minister for Health and Children the reason a person (details supplied) in County Kerry who has lived here for the past 10 years has been refused the approval of financial cover for their cancer treatment here due to the fact that they started the treatment in the UK and because of technical difficulties in managing their health care here the doctor has confirmed that their cancer is now progressing; and if she will make a statement on the matter. [14959/07]

Minister for Health and Children (Ms Harney): At present private health insurers are entitled to apply an initial waiting period of 26 weeks in respect of persons aged under 55, 52 weeks in respect of those aged between 55 and 64, and 104 weeks for persons aged 65 and over before private health insurance cover becomes effective. In addition, insurers are entitled to apply longer waiting periods in relation to pre-existing conditions. Allowing insurers discretion to apply these waiting periods is a necessary protection in a community rated open enrolment environment.

Without knowing the full circumstances of this case I would also advise the Deputy of the individual's statutory entitlement to public hospital and public consultant services in Ireland which are primarily based on residency and means. Therefore, any person, regardless of nationality, who is accepted by the Health Services Executive as being ordinarily resident in Ireland is entitled to health services as a public patient.

Health Service Staff.

473. **Mr. Stanton** asked the Minister for Health and Children if the number of social workers dealing with adoption and fostering has been reduced from six to three; the reason for same; and if she will make a statement on the matter. [14960/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Deputy's

question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive (HSE) 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.

Alcohol Policy.

474. **Mr. Gogarty** asked the Minister for Health and Children the background to her suggestion that the alcohol industry represent Ireland at a World Health Organisation review on alcohol policy, as revealed in the answer to the Freedom of Information request made by an organisation (details supplied); the rationale behind this decision; if discussions took place with the drinks industry in this regard; the outcome of same; and if she will make a statement on the matter. [14976/07]

Minister for Health and Children (Ms Harney): I met with the Drinks Industry representatives on 23 November 2006 to discuss a range of issues of concern in relation to alcohol. The Drinks Industry presented its views to me on the position adopted by the World Health Organisation (WHO) regarding its non-engagement with the drinks industry. I did not suggest and the Drinks Industry representatives did not suggest that the Industry would represent Ireland at the WHO. The Irish Government's position in relation to health matters is represented at the WHO by Government Officials or Ministers as appropriate.

My Department will provide a copy of the report of my meeting with the Drinks Industry on 23 November separately to the Deputy. The report of that meeting clearly shows what was discussed and how the report of the discussion at the meeting was wrongly interpreted by the organisation referred to by the Deputy in its Press Release.

Tuberculosis Incidence.

475. **Ms Lynch** asked the Minister for Health and Children her views on the comments by a leading respiratory consultant at the Mercy University Hospital Cork that the north-side of Cork City has one of the highest levels of tuberculosis here and that the incidence of TB in this area is as high as 22 per 100,000 when the national average is seven per 100,000; and if she will make a statement on the matter. [14977/07]

Minister for Health and Children (Ms Harney): The most recent figures available for the incidence of TB in Ireland can be found in the Health Protection Surveillance Centre report Epidemiology of TB in Ireland 2004. The national rate of TB is 11 per 100,000 population. The Health

[Ms Harney.]

Service Executive South has a rate of 16 per 100,000 population and rates fluctuate in each area on an annual basis due to small numbers.

Specifically looking at TB rates in HSE South since 1992, there has been a remarkable decline.

Year	
1992	21.4 per 100,000 population
1993	23.9 per 100,000 population
1996	22.5 per 100,000 population
2000	13.8 per 100,000 population
2001	12.4 per 100,000 population
2002	13.3 per 100,000 population
2003	16.0 per 100,000 population
2004	12.6 per 100,000 population

These figures show that rates are falling and that the enhanced surveillance and follow up of cases and contacts is having a positive effect on reducing rates of TB in this country.

I have asked the HSE to reply directly to the Deputy on rates of TB in the north-side of Cork city.

Question No. 476 answered with Question No. 467.

Health Repayment Scheme.

477. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive their refund payment under the health repayments scheme; when the claim was received; if it has been verified; and when payment will issue. [15028/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Disabled Drivers.

478. **Mr. Durkan** asked the Minister for Health and Children the way it has been decided that a person (details supplied) in County Kildare does not qualify for a primary medical certificate under Disabled Drivers Disabled Passengers Tax Concessions Regulations 1994; and if she will make a statement on the matter. [15049/07]

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.

Departmental Funding.

479. **Mr. Durkan** asked the Minister for Health and Children if she has received correspondence from groups, bodies or individuals supporting an organisation (details supplied) in County Kildare; if extra funding can or will be offered to them; and if she will make a statement on the matter. [15060/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Home Help Service.

480. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an extra hour home help; and if she will make a statement on the matter. [15064/07]

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 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.

481. **Mr. Perry** asked the Minister for Health and Children if she will intervene with the Health Service Executive western area on behalf of a person (details supplied) in County Sligo and have the home help sanctioned; and if she will make a statement on the matter. [15065/07]

Minister for Health and Children (Ms Harney): As the Health Service Executive has the operational and funding responsibility for Primary Care services, including home help, 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.

Medical Cards.

482. **Mr. Perry** asked the Minister for Health and Children if she will intervene with the Health Service Executive on behalf of a person (details supplied) in County Sligo and have their medical card granted; and if she will make a statement on the matter. [15066/07]

Minister for Health and Children (Ms Harney):

Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Question No. 483 answered with Question No. 297.

Nursing Education.

484. **Mr. Perry** asked the Minister for Health and Children the situation with regard to commencing undergraduate psychiatric nurse training at a college (details supplied) in County Sligo; if she has approved this course; if she will be providing sufficient funds for this course; and if she will make a statement on the matter. [15078/07]

502. **Mr. Perry** asked the Minister for Health and Children the directive she has issued in relation to the proposal to commence undergraduate psychiatric nurse training in a college (details supplied) in County Sligo as this would have available the required trained nursing resource in Sligo/Leitrim Mental Health Service to meet the future work planning need and the mental health needs of the population; her views on whether the process of integrating the Sligo/Leitrim Mental Health Service in to a third

level learning environment will develop and empower the mental health service providers and lead to a more autonomous and collaborative work place; and if she will make a statement on the matter. [15252/07]

Minister for Health and Children (Ms Harney):

I propose to take Questions Nos. 484 and 502 together.

The undergraduate nursing degree programmes in general, intellectual disability and psychiatric nursing commenced in September, 2002. This was one of the central recommendations of the Commission on Nursing. To coincide with the introduction of degree level education, the number of student nursing places at this time increased to 1,640 places per annum across 13 higher education institutions.

There are currently 25 undergraduate nursing places available per annum in psychiatric nursing at Letterkenny Institute of Technology. This degree programme is in partnership with Donegal and Sligo/Leitrim mental health services and is designed to meet the mental health needs of the population and future workforce planning in the region.

There are no plans to increase the number of undergraduate psychiatric nursing places nationally to provide such a programme in the college referred to by the Deputy. I have issued no directive to the HSE in the matter, nor do I intend to.

I might mention that the college concerned is already involved in the delivery of the undergraduate nursing degree programme in both general and intellectual disability nursing.

Hospital Staff.

485. **Mr. Allen** asked the Minister for Health and Children the guidelines that exist governing hospital health workers who contract MRSA or VRE whilst carrying out their duties; and if, in the case of students, either medical or nursing, during their training her Department will pay for the time out or change of course if they cannot continue with their training. [15089/07]

Minister for Health and Children (Ms Harney):

MRSA and VRE do not generally cause illness in healthy people so health care staff do not fall into a risk category for contracting MRSA and VRE. However, they may be carriers. With regard to carriage of MRSA it is often transient and is not believed to contribute significantly to the spread of MRSA. Therefore, the screening of staff on a routine basis is generally not indicated. Staff screening may be considered for institutions without endemic MRSA or for specific high-risk units as determined by the local infection control team.

The issue of medical or nursing students being unable to continue with their training as a result of contracting MRSA or VRE should not arise for the reasons outlined above.

[Ms Harney.]

There is no record to date of any employee or student contracting MRSA or an associated illness while employed by the Health Service Executive. In the event of this happening, the staff member would be referred to the Occupational Health Department for appropriate treatment.

Health Repayment Scheme.

486. **Cecilia Keaveney** asked the Minister for Health and Children when payment will issue to a person (details supplied) in County Donegal; and if she will make a statement on the matter. [15092/07]

Minister for Health and Children (Ms Harney):

The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Service Staff.

487. **Mr. Perry** asked the Minister for Health and Children the progress which has been made regarding the 32 staff working at Ballymote Community Nursing Home, County Sligo, who had been employed by Breffini Regional Council, which no longer exists; when will they be employed by the Health Service Executive; the reason they have not received pay parity, including retrospective pay; and if she will make a statement on the matter. [15095/07]

Minister for Health and Children (Ms Harney):

Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the number of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the Actual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the 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 to the Deputy as a matter of urgency.

Medical Cards.

488. **Mr. McGuinness** asked the Minister for Health and Children if an application for a medical card will be approved in the name of a person (details supplied) in County Kilkenny; and if she will expedite a decision in the case. [15119/07]

Minister for Health and Children (Ms Harney):

Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Question No. 489 answered with Question No. 297.

Health Services.

490. **Mr. Perry** asked the Minister for Health and Children if she will intervene on this person behalf (details supplied) in County Sligo and have them called for an MRI scan; and if she will make a statement on the matter. [15148/07]

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.

491. **Mr. P. McGrath** asked the Minister for Health and Children the reason there is such a long delay in processing an application by a person (details supplied) in County Westmeath for domiciliary care allowance; and when the person can expect to have this payment made. [15171/07]

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.

492. **Mr. P. McGrath** asked the Minister for Health and Children the reason there is such a long delay in processing an application by a person (details supplied) in County Westmeath for domiciliary care allowance; and when the person can expect to have this payment made. [15172/07]

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.

Services for People with Disabilities.

493. **Mr. Connaughton** asked the Minister for Health and Children the reason a person (details supplied) in County Galway is not receiving occupational or speech therapy; if her attention has been drawn to the fact that the person suffers from autism and is in need of these services; and if she will make a statement on the matter. [15177/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and

range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

HSE Report.

494. **Mr. Gregory** asked the Minister for Health and Children if she will request a report from the Health Service Executive on the issue raised in correspondence (details supplied). [15209/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

495. **Mr. Stagg** asked the Minister for Health and Children when a response will issue in relation to Parliamentary Question No. 256 of 5 April 2007. [15216/07]

Minister for Health and Children (Ms Harney): The HSE has responsibility for the day to day funding in the health sector, including the management of the tendering process for phase 3C of Naas General Hospital, referred to in the Deputy's question. My Department has been in contact with the HSE in relation to its response. I am informed that the HSE wrote to the Deputy on Monday 23 April 2007 giving details of the number of contractors who expressed interest and indicating when tenders will be invited.

Health Services.

496. **Mr. Stagg** asked the Minister for Health and Children when a response will issue in relation to Parliamentary Question No. 257 of 5 April 2007. [15226/07]

Minister for Health and Children (Ms Harney): My Department has been informed by the Parliamentary Affairs Division of the Health Service Executive that a reply will be issued to the Deputy shortly.

497. **Mr. Stagg** asked the Minister for Health and Children when a response will issue in relation to Parliamentary Question No. 258 of 5 April 2007. [15232/07]

Minister for Health and Children (Ms Harney): I am advised by the Health Service Executive that a reply to Question No. 258 of 5 April 2007 has issued to the Deputy.

498. **Mr. Stagg** asked the Minister for Health and Children further to Parliamentary Question No. 259 of 5 April 2007, if she will have the answer reissued to this Deputy by the Health Service Executive. [15235/07]

Minister for Health and Children (Ms Harney): My Department has been informed by the Parliamentary Affairs Division of the Health Service Executive that a reply has issued to the Deputy.

499. **Mr. McGuinness** asked the Minister for Health and Children if orthodontic treatment will be provided in the case of a person (details supplied) in County Kilkenny; and if she will expedite a response. [15238/07]

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.

500. **Mr. McGuinness** asked the Minister for Health and Children if the full orthodontic service will be provided in the case of a person (details supplied) in County Kilkenny; and if she will expedite the matter. [15239/07]

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.

501. **Mr. McGuinness** asked the Minister for Health and Children if capital funding has or will be made available to establish a health centre in Callan, County Kilkenny; the status of the application within her Department or the Health Service Executive; when it is expected to be finalised; the plans to staff the centre; and if she will make a statement on the matter. [15240/07]

Minister for Health and Children (Ms Harney): The Government's sustained high level of investment in healthcare has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, overall capital funding of €546 million has been provided to the Health Service Executive.

The HSE has responsibility for the planning and management of capital projects in the health sector, including the development referred to in the Deputy's question. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 502 answered with Question No. 484.

Medical Cards.

503. **Ms Shortall** asked the Minister for Health and Children the way the introduction of the new half-rate carer's allowance will affect the entitlement to a medical card holder under 70 years; if this payment can be ring-fenced in the means assessment to ensure that it does not negatively impact on existing medical card entitlement; and if she will make a statement on the matter. [15253/07]

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, with the exception of persons aged over 70 who have an automatic entitlement to a medical card, is determined following an examination of the means of the applicant and his/her dependants. Under Section 45 of the Health Act, 1970 medical cards are provided 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.

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. There are also a number of income sources, including the Carer's Allowance, which are disregarded in assessing an applicant's income. Furthermore, people whose sole source of income is from social welfare or HSE allowances and benefits are allowed a medical card.

The existing assessment arrangements will not be affected by provisions announced in Budget 2007 whereby people in receipt of a social welfare payment, who are also providing full time care and attention, will be able to retain their main welfare payment and receive another payment, the maximum of which, depending on their

means, will be equivalent to a half rate Carer's Allowance.

Health Repayment Scheme.

504. **Mr. P. Breen** asked the Minister for Health and Children when a refund will issue to persons (details supplied) in County Clare in respect of nursing home charges; and if she will make a statement on the matter. [15254/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Services.

505. **Mr. Perry** asked the Minister for Health and Children the reason the psychiatric unit in Sligo General Hospital is being delayed; if co-location will be an obstacle in the development of this unit; and if she will make a statement on the matter. [15255/07]

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.

Questions Nos. 506 and 507 answered with Question No. 280.

508. **Mr. Naughten** asked the Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a cataract operation; if her attention has been drawn to the fact that it is an urgent case; and if she will make a statement on the matter. [15258/07]

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 part-

icular 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.

509. **Mr. Deasy** asked the Minister for Health and Children the reason for the delay in providing urgent corrective spinal surgery in Crumlin Children's Hospital to a person (details supplied) in County Waterford; and if she will make a statement on the matter. [15259/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

510. **Mr. O'Dowd** asked the Minister for Health and Children the action she will take to increase as a matter of extreme urgency the number of midwives employed at Our Lady of Lourdes Hospital to give a ratio of births to midwives of significantly less than 58:1; and if she will make a statement on the matter. [15260/07]

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 (HSE) and funding for all health services has been provided as part of its overall vote. The Executive has advised my Department that it has approved 22 new midwife posts and 2 specialist nurse posts at Our Lady of Lourdes Hospital. The HSE will continue to monitor staffing levels within the maternity services unit at the Hospital relative to demand.

My Department has requested the Parliamentary Affairs Division of the Executive to furnish the Deputy with any additional information relevant to the matter.

Hospitals Building Programme.

511. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the final list of public hospital sites on which land will be allocated to developers of private for-profit hospitals under the co-location scheme; the time-scale for the completion of each of these private hospitals; and if she will make a statement on the matter. [15261/07]

512. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of private beds which will be transferred from public hospitals to the new private hospitals at each site under the co-location scheme; the manner in which this number was determined in each case; and if she will make a statement on the matter. [15262/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 511 and 512 together.

On foot of a Government decision, I issued a policy direction to the Health Service Executive (HSE) in July 2005 on the co-location of private hospitals on the sites of public hospitals in order to free up 1,000 beds for public patients.

My Department has been informed by the HSE that Invitation to Tender (ITT) documents were issued to the short-listed bidders on Thursday 19th April 2007 in relation to the following public hospital sites:

- 1 Waterford Regional Hospital
- 2 Cork University Hospital
- 3 Limerick Regional Hospital
- 4 Sligo General Hospital
- 5 Beaumont Hospital
- 6 St. James's Hospital

It is expected that the Invitations To Tender for Connolly Hospital (Blanchardstown) and the Adelaide and Meath Hospital incorporating the National Children's Hospital (Tallaght) will issue at a later date.

Tenders are due to be submitted to the HSE by 17th May 2007. The HSE will evaluate the tenders and select the successful bidders during the following 2 weeks. Following that a "stand still" period of 2 weeks is required by procurement law before agreements can be signed with successful bidders. Pending completion of the tendering process, it is not possible to provide definitive time-scales for the completion of the new hospitals or of the number of private beds to be provided in each hospital.

Hospital Services.

513. **Mr. O'Dowd** asked the Minister for Health and Children the details of her recent meetings including dates of same with Health Service Executive executives regarding acute hospital services in County Louth; if she will immediately and significantly increase funding for the Lourdes Hospital Drogheda and Louth County Hospital Dundalk; and if she will make a statement on the matter. [15285/07]

Minister for Health and Children (Ms Harney): I met with officials from the Health Service

Executive (HSE) on 27 March 2007 to discuss inter alia, issues relating to the provision of acute hospital services in County Louth. I was also pleased to visit the Louth County Hospital recently and to open the new CT Scanner.

Over the past five years the level of revenue funding allocated to both Our Lady of Lourdes Hospital and Louth County Hospital has increased significantly. The current revenue funding for Our Lady of Lourdes Hospital has increased from €53.7m to €90.3m (an increase of 68%), and in the case of Louth County Hospital from €18m to €28m (an increase of 55%). Over the same period of time staffing numbers across the two hospitals have increased by 225.

In the case of Our Lady of Lourdes Hospital a new three storey development, approved by the HSE, is scheduled to be fully completed by April 2009. This development will allow for a 25 bed A&E assessment area and a further two floors will be utilised to provide some additional facilities and space for critical care, general medicine and general surgical departments. The 25-bay A&E facility is scheduled by the HSE to be fully operational by April next year.

Extensive electrical work has been carried out at Louth County Hospital to facilitate the installation of the new CT scanner. Two new modular theatres are also due to open shortly.

Finally, it should be emphasised that the HSE has given me an assurance that, in progressing the re-organisation of services in the North East, there will be no discontinuation of existing services until suitable alternative arrangements have been put in place.

Tuberculosis Incidence.

514. **Mr. Boyle** asked the Minister for Health and Children if her Department will be making additional resources available to deal with public concern that has arisen from the incidence of tuberculosis recently found at crèches in the Cork City area. [15289/07]

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 (HSE) and funding for all health services has been provided as part of its overall Vote.

It is a matter for the HSE to allocate funding in accordance with its priorities in respect of immunisation and prevention of infectious diseases.

Diabetes Services.

515. **Mr. Boyle** asked the Minister for Health and Children the timeframe the expert advisory group on diabetes is to deliver recommendations for a national strategy. [15290/07]

516. **Mr. Boyle** asked the Minister for Health and Children if the expert advisory group on diabetes is examining treatment options and services around the country in order to deliver the national strategy which it will recommend. [15291/07]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 515 and 516 together.

The EAG (Expert Advisory Group) on Diabetes which was established by the HSE is currently drawing up standards of care for diabetes. This process will take account of the Department of Health and Children's document 'Diabetes: Prevention and Model for Patient Care'. The EAG have identified the areas of diabetes care that need priority attention such as retinopathy screening, paediatric diabetes, patient education and empowerment, and podiatry. The EAG have subgroups working in each area and it is expected to have recommendations for the May meeting. The priority areas will inform the development of a national strategy.

The EAG is hoping to set up regional Diabetes Service Advisory Groups to assist with the local implementation of the expert advisory group recommendations. These local groups would have representatives from all those involved, including patients and parents of children with diabetes.

Child Care Services.

517. **Mr. Boyle** asked the Minister for Health and Children the number of community childcare places that have been created under the National Childcare Investment Programme 2006 to 2010 to date. [15292/07]

518. **Mr. Boyle** asked the Minister for Health and Children the number of private childcare places that have been created under the National Childcare Investment Programme 2006 to 2010 to date. [15293/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I propose to take Questions Nos. 517 and 518 together.

As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

The NCIP came into effect from 1 January 2006, with an allocation of €575 million for the 5 year period of 2006 to 2010. The NCIP is a key element of the National Childcare Strategy 2006-2010, the aim of which is to deliver a more comprehensive approach to early years care and education. Unlike the EOCP, the NCIP is completely Exchequer funded. The NCIP is designed to

deliver 50,000 additional childcare places, with a greater focus on pre-school places for 3 to 4 year olds and school age childcare. Childcare places are provided either through community based/not for profit childcare groups or by private providers.

The number of childcare places supported under the NCIP amounts to 1,567, of which 1,206 are new places in private childcare facilities. A longer lead-in period is generally required in the creation of new childcare places in community-based facilities, partly due to large level of capital grant funding available to this sector. However, to date expenditure amounting to over €36 million has been approved under the programme in respect of 81 community-based facilities which is expected to result in the creation of 690 new full-time places and 1,577 new part-time places.

During 2007, funding also continues to be drawn down under the EOCP. To date, 34,359 new places have been created and an additional 25,443 places are being supported. Out of the 34,359 new places, 18,200 are in community-based facilities and 16,159 are in private sector facilities.

Hospital Services.

519. **Mr. O'Dowd** asked the Minister for Health and Children if better access to neurological, neurosurgery and rehabilitation services can be provided in respect of people with acquired brain injury nationally (details supplied); and if she will make a statement on the matter. [15360/07]

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.

520. **Mr. O'Dowd** asked the Minister for Health and Children if better access to neurological, neurosurgery and rehabilitation services can be provided in respect of people with acquired brain injury in County Louth; and if she will make a statement on the matter. [15361/07]

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

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have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 521 answered with Question No. 297.

Commissions of Investigation.

522. **Mr. O'Dowd** asked the Minister for Health and Children if she will set up an independent enquiry into the care of patients (details supplied); and if she will make a statement on the matter. [15363/07]

523. **Mr. O'Dowd** asked the Minister for Health and Children if she will set up an independent enquiry into the care of patients at a nursing home (details supplied) in County Dublin. [15364/07]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 522 and 523 together.

The Government has today decided to establish a Commission of Investigation into the management, operation and supervision of Leas Cross Nursing Home with the following terms of reference:

“1. To examine the role and responses of such relevant parties as the Commission may determine, including the Health Service Executive (and previously the relevant health boards) in relation to

(a) the establishment, ownership, operation, management, staffing and/or supervision of Leas Cross Nursing Home (hereinafter “the nursing home”);

(b) complaints made by or in respect of residents or former residents of the nursing home; and

(c) the transfer of residents from medical and residential care facilities to the nursing home.

2. To provide to the Minister for Health and Children an interim report on the matters examined by the Commission within 6 months and a final report within 12 months of commencement of the work of the Commission.”

The Inquiry will be carried out by Mr. Derry O'Donovan, Senior Counsel.

Nursing Home Inspections.

524. **Mr. O'Dowd** asked the Minister for Health and Children if she will carry out an inquiry into a nursing home (details supplied) in County Cavan where the incidence of dependent persons falling is very high, where 45 falls were

recorded in 2006; and if she will make a statement on the matter. [15365/07]

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. The Executive has advised that the HSE Inspectorate had identified this concern and made recommendations in terms of corrective action within a specific timeframe. The Inspectorate have carried out a further inspection and have stated that the breach has been satisfactorily addressed.

Hospital Services.

525. **Mr. Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath admitted for a hip operation, which is urgently required; and if she will make a statement on the matter. [15374/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Decentralisation Programme.

526. **Ms Enright** asked the Minister for Health and Children the position in relation to decentralisation within the Health Service Executive; if a national transfer list has been established; the number waiting to decentralise to the midlands; and if she will make a statement on the matter. [15379/07]

Minister for Health and Children (Ms Harney): Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the number of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of

its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the Actual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the 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 to the Deputy.

Housing Grants.

527. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if there are grants or other assistance available to householders who wish to install installation and heat conversation mechanisms in their dwelling houses; if he will outline same; and if he will make a statement on the matter. [14335/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Greener Homes Scheme is providing support to homeowners to invest in a range of renewable energy heating technologies including solar technology, wood biomass boilers and stoves, and heat pumps. Funding of €47m has been provided for the scheme. There have been almost 14,000 applications received since the scheme was launched in March last year. Grant aid of €1,100 to €6,500 is being provided under the scheme, depending on the individual technology used. The grant for solar panels is €300 per m². The scheme is being administered on behalf of my Department by Sustainable Energy Ireland (SEI) and all applications are being processed through SEI. Details and application forms are available on the SEI website (www.sei.ie/greenerhomes), and a dedicated low-call phone line is also open.

Funding is also provided, through SEI, under the Warmer Homes Scheme which provides insulation and other energy efficiency measures to low income homes across Ireland. Eligible householders are typically in receipt of the Fuel Allowance, Invalidity or Disability Benefit. The service is delivered principally through community based organisations that typically secure the labour through a FÁS or Rural Social Scheme. SEI provides funding towards materials and overheads for the operation of the service, which is provided at little or no cost to the homeowner.

The Warmer Homes Scheme (WHS) provides the following services to eligible households

- Draught proofing
- Attic insulation
- Lagging jacket
- Low energy light bulbs
- Cavity wall insulation, where appropriate.

Since the start of the scheme in 2000 almost 13,000 low income households have benefited.

Currently there are 18 such service providers approved for funding in the in the scheme with two each in counties Dublin, Donegal, Roscommon, Cork and Mayo, and one each in counties Cavan, Kerry, Leitrim, Galway, Westmeath, Limerick, Clare and Wexford.

The Warmer Homes Scheme is adding further capacity through two different initiatives. The first is a pilot which took place in Dundalk and has addressed 161 homes to date with private contractors with substantial insulation measures. The final phase is currently under way at the moment. Dundalk was an area that was not covered by a community based organisation and the insulation services were provided by two contractors appointed following a tender process.

The second initiative resulted from a Budget allocation of €2m, by my colleague the Minister for Social and Family Affairs, which allowed the expansion of the service through delivery by the private sector of a whole house approach, to addressing fuel poverty. The range of services included under this new initiative includes the installation of high efficiency central heating as well as substantial insulation measures. This initiative is currently underway in Waterford City and County in approximately 400 eligible homes.

SEI's House of Tomorrow Programme provides funding to developers of groups of housing, where the housing units have energy efficient features that significantly exceed current building regulations. 1,187 new social housing dwellings, 3,198 new private dwellings and 365 social housing refurbishments have been completed to date under this programme. The range of renewable technologies installed include:

- Condensing oil and gas boilers (2922)
- Solar water heating (1634 homes)
- Heat recovery ventilation (2,065 homes)
- Ground source heat pumps (731 homes)
- Wood pellet boilers (724 homes).

Coastal Erosion.

528. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources when he will announce funding for coastal erosion projects in County Louth; the amount of such funding; and when it will be available to local authorities. [14403/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): In 2006, the Department contributed a total of €126,769.50 to Louth County Council for two separate coast protection projects. One involved the undertaking of a study at Port Beach to determine coast erosion and the

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second involved phase 3 of rock revetment works at Annagassan.

All local authorities were asked to submit funding proposals under the Department's 2007 National Coast Protection Programme by 31 st January 2007. The Department did not receive any funding proposals from Louth County Council for 2007.

I hope to be in a position to announce the 2007 National Coast Protection Programme shortly.

Harbours and Piers.

529. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if works are to be carried out to a slipway (details supplied) in County Wexford or other development works to the area; and if he will make a statement on the matter. [14572/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Department has received an application for funding from Wexford County Council in respect of St. Kieran's Pier, Bannow Bay, Co. Wexford, which I understand is one and the same location as the address referred to above as Saltmills, New Ross, Co. Wexford.

The application for funding is in respect of a consultant's report, which would look at the removal of the existing pier and the construction of a new pier at a suitable location.

The application for funding is being considered under the 2007 Harbours & Coastal Development Programme. I hope to be in a position to announce this Programme shortly.

The Department is also actively examining, in conjunction with the Chief State's Solicitor's Office, possible breaches of the legislation governing the protection of the Foreshore in respect of previous development at this location. Accordingly it would not be appropriate to comment further on this matter.

Salmon Hardship Scheme.

530. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the amount of funding he will provide to increase the hardship fund proposed for salmon fishermen; and if he will make a statement on the matter. [14938/07]

554. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if he has requested other Government Departments to provide additional funding for the proposed hardship fund for salmon fishermen; the amount of such funding that will be provided by other Departments; and if he will make a statement on the matter. [14928/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I propose to take Questions Nos. 530 and 554 together.

The Salmon Hardship Scheme of some €25 million, details of which I published recently, is intended to provide a measure of relief to individuals in line with the level of hardship likely to be experienced based on their recent catch history. The overall sum takes account of the levels of payment recommended by the Independent Group and the recorded catch history of the eligible licences.

An additional €5 million is being provided under a Community Support Scheme. Officials in the Department and the Department of Community, Rural and Gaeltacht Affairs are examining how to maximise the impact of this scheme prior to finalisation and publication in the coming weeks.

I believe the overall fund of some €30 million to be a fair and reasonable allocation, which does not need to be modified.

Telecommunications Services.

531. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the plans his Department has to roll out the provision of broadband to the Kilgarvan area of County Kerry; and if he will make a statement on the matter. [14107/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband by private sector companies, is a matter, in the first instance, for the companies themselves operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, (ComReg).

The role of the Government is to implement regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers. The Government has recognised, however, that in some areas of the country the market has failed to invest in broadband roll out. To that end the Government has intervened with various initiatives to facilitate broadband in these areas including investment in metropolitan area networks (MANs) and the recently concluded group broadband schemes. In addition to these interventions, I recently announced a National Broadband Scheme. This scheme will target the last 10% or so of the population who are without a broadband service and who would remain without a service without intervention. The Scheme will, when it is rolled out, ensure that all reasonable requests for broadband are met. The Department will commence the tender process in the coming weeks.

Fisheries Protection.

532. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if, with regard to the American Slipper Limpet, which is a damaging species that is well established in Swansea Bay, he has investigated the extent to which this Welsh seed will be able to find its way over to Irish waters in view of the fact that an Irish company has secured an order to fish for mussel seed in Swansea Bay; the measures in place to keep out such invasive species; the measures in place when an Irish vessel secures an order to fish in an area already infected with such a disease; and if he will make a statement on the matter. [14186/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The slipper limpet, *Crepidula fornicata*, is naturally distributed from the eastern seaboard of North America, from Canada to the south-eastern US. It is thought that the current population found in Great Britain was introduced in the nineteenth century with oysters from North America and is now distributed along the south, south-west and south-east coasts of England and Wales. While some introductions were thought to occur in Ireland in the past, it would appear that no populations have persisted. The slipper limpet is not native to Ireland and given that, all reasonable efforts have and are being made to prevent its introduction.

The first requests from Irish mussel operators to move mussel seed from UK waters for on-growing on aquaculture sites in Irish waters were received by the Department in the Autumn of 2006. As you will be aware all such movements of shellfish have to be, in the first instance, approved from a fish health perspective by the Marine Institute and must also be accompanied by a movement permit issued by the Department.

On receiving these first requests the Department was fully appraised by the Marine Institute of the presence of the slipper limpet in UK waters and of the threat these movements potentially posed. Following consultations with the Marine Institute and in conjunction with the National

Parks and Wildlife Service, Department of the Environment, a specific set of procedures was drafted and issued to operators. The guiding legislation being the European Communities (Natural Habitats) Regulations, S.I. 94 of 1997.

Notwithstanding the introduction of these procedures, I remain concerned that there are potential shortfalls in the legislative framework at EU and National level and in the implementation of the framework. I have asked my officials to undertake an assessment of arrangements with the Department of Environment, Heritage and Local Government and relevant State Bodies. The legal framework for effective measures will be strengthened following the adoption of the EU Council Regulation on the use of alien and locally absent sp Notwithstanding the introduction of these procedures, I remain concerned that there are potential shortfalls in the legislative framework at EU and National level and in the implementation of the framework. I have asked my officials to undertake an assessment of arrangements with the Department of Environment, Heritage and Local Government and relevant State Bodies. The legal framework for effective measures will be strengthened following the adoption of the EU Council Regulation on the use of alien and locally absent species in aquaculture, which is due to be adopted shortly.

Ministerial Staff.

533. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14200/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Details of Ministerial staff, not being civil servants, but contracted as special advisers, political advisers, personal assistants and press officers appointed by me, including salary levels and payments in lieu of pension are as follows:

Name	Title	Duties	Date of appointment	Salary Level	Payments in lieu of pension
Mr. James Fegan	Special Adviser to the Minister	Any duties which may be assigned to him from time to time as appropriate to this position.	30 September 2004	Principal Officer salary scale (Modified PRSI) €86,530 (min.) to €106,722 (2nd Long Service Increment)	Nil
Ms Olive Stephens	Press Adviser.	Providing advice to me and the Department relating to the provision of information to the public on the activities of the Department, and any other duties which may be assigned to her from time to time as appropriate to this position.	09 October 2006	Principal Officer salary scale (Modified PRSI) €86,530 (min.) to €106,722 (2nd Long Service Increment)	Nil
Ms Tanya Harrington	Policy Co-ordinator (Energy, Communications and Broadcasting)	Providing advice to me on ongoing formulation of appropriate policy responses in the areas of Energy, Communications and Broadcasting. Monitoring facilitating and securing the achievement of Government objectives in the aforementioned areas, and any other duties, which may be assigned to her from time to time as appropriate to this position.	04 April 2005	Principal Officer salary scale (Modified PRSI) €86,530 (min.) to €106,722 (2nd Long Service Increment)	An additional figure equivalent to 11% of salary
Ms Margaret Conway	Personal Assistant to the Minister	Any duties which may be assigned to her from time to time as appropriate to this position	30 September 2004	Higher Executive Officer salary scale (Modified PRSI) €43,445 (min) to €55,147 (2nd Long Service Increment)	Nil
Ms Una Grehan	Personal Secretary to the Minister	Any duties which may be assigned to her from time to time as appropriate to this position	30 September 2004	Secretarial Assistant in the Houses of the Oireachtas (Modified PRSI) salary scale. €21,632 (min.) to €37,621 (2nd Long Service Increment)	Nil

Coastal Protection.

534. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the position regarding the application of Dungarvan Town Council for funding to carry out urgently needed coastal protection works at Landsend; and if he will make a statement on the matter. [14241/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Responsibility for coastal protection at Landsend, Dungarvan, Co. Waterford rests with the Local Authority, which in this instance, is Dungarvan Town Council.

The Department is currently considering the 2007 National Coastal Protection Programme. I have recently received an application for funding from Dungarvan Town Council for earthworks, construction of a gabion wall, concrete wall construction and finishing works at Landsend, Co. Waterford. The total project is estimated to cost €769,561.

Funding for projects under the 2007 National Coastal Protection Programme will be allocated taking into account the amount of Exchequer funding available and overall national priorities going forward. I hope to be in a position to announce the 2007 National Coastal Protection Programme shortly.

Salmon Hardship Scheme.

535. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources his proposals to withdraw the present scheme in regard to the banning of drift net salmon fishing and substituting a voluntary buy out scheme (details supplied); and if he will make a statement on the matter. [14270/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I have no proposals to withdraw the Salmon Hardship Scheme as published some time ago.

As the Deputy is aware, the primary motivation in aligning the future management of the wild salmon fishery with the scientific advice and the introduction of regulations to cease mixed stock fishing is the conservation of the wild salmon species. It is vital to afford every protection to the remaining salmon stocks and to clearly prioritise conservation over catch. We must fulfil our obligations under the Habitats Directive, as implemented in Ireland, as to the objectives to be achieved by the conservation and management regime, namely to maintain or restore fish stocks to favourable conservation status.

Scientists in the International Council for the Exploration of the Sea, the European Commission and the Standing Scientific Committee of the National Salmon Commission call for the complete cessation of all indiscriminate mixed

stock fishing for salmon and the cessation of harvesting of stocks that are below their conservation level.

As part of their remit, the Independent Group set up to examine the implications for the commercial sector made recommendations to address any financial hardship that may be experienced by the sector. The approach to determining the hardship payments, which they recommended and was adopted by Government, is robust and convincing and does not need to be modified.

Payments under the hardship scheme are available to all those who held a commercial salmon fishing licence in 2006.

We must end the mixed stock fishery immediately. While I note the observations of those seeking a voluntary cessation of the fishery, we simply could not rely on sufficient fishermen volunteering to do this where it is necessary.

Broadcasting Legislation.

536. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the concerns expressed by persons in RTÉ relating to the proposal to dissolve the RTÉ Authority and the transfer of its broadcasting and corporate functions to a new RTÉ company limited by guarantee under the Companies Acts, and the impact of the draft proposals in relation to superannuation; the way this will impact upon the pensions of these persons; if his attention has further been drawn to the fact that the RTÉ Pensioners Association, believe that he should retain responsibility for the administration of the RTÉ superannuation scheme; and if he will make a statement on the matter. [14325/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): As the Deputy will be aware, the draft general scheme of the Broadcasting Bill was submitted to the Joint Oireachtas Committee for Communications, Marine and Natural Resources for the purposes of public consultation under the eConsultation initiative in September 2006.

The draft general scheme proposes that the functions and operations of the RTÉ Authority and Teilifís na Gaeilge would be transferred to two new public service broadcasting entities, Radio Teilifís Éireann and Teilifís na Gaeilge, both of which would take the form of companies limited by guarantee under the Companies Acts.

The draft general scheme also proposes that the superannuation benefits and other pension arrangements of current and former employees of the RTÉ Authority and Teilifís na Gaeilge would continue on no less favourable conditions in the context of the transfer to the two new entities.

The Joint Committee reported its findings on the outcome of the consultation process to the Houses of the Oireachtas on 18 April 2007.

[Mr. N. Dempsey.]

I propose to introduce the consequent Broadcasting Bill into the Houses of the Oireachtas during the course of 2007 having considered the Joint Committee's findings.

Fishing Vessel Licences.

537. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the progress made to process an appeal under Section 7 of the Fisheries (Amendment) Act 2003 by a person (details supplied) in County Dublin; and if he will make a statement on the matter. [14326/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The function of the Licensing Authority for sea-fishing boats was transferred under the Fisheries (Amendment) Act 2003 to the Registrar General of Fishing Boats. The Act provides that the Licensing Authority is independent in the exercise of its functions under the Act, subject to the law for the time being in force and policy directives in relation to sea-fishing boat licensing.

The Registrar General of Fishing Boats has informed me that the Appeals Officer is a totally independent body and as such their decision, or the timing thereof, cannot be influenced by the Authority.

Television Licence Fee.

538. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources his views on making the television licence available for fixed terms such as three or six months for people who are only using property like holiday homes for summer months but have to pay the licence for a full year; and if he will make a statement on the matter. [14405/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In September, 2006 I published a draft general scheme of the Broadcasting Bill, which includes provision for the television licence fee system. The scheme was submitted to The Joint Oireachtas Committee on Communications, Marine and Natural Resources who undertook public consultation into the text as part of the eConsultation initiative.

The Committee reported on the outcome of the consultation process on 18 April 2007. I am currently considering that report, which includes recommendations on a range of issues including the Television Licence Fee system.

It is proposed to introduce the Broadcasting Bill into the Houses of the Oireachtas during the course of 2007.

Salmon Hardship Scheme.

539. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if a person (details supplied) in County Mayo will be compensated. [14441/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Salmon Hardship Scheme, which was published earlier this year, is intended to provide a measure of relief to each individual fisherman in line with the level of hardship likely to be experienced based on the recent catch history of commercial fishing licence holders. Payments under the hardship scheme are available to all those who held a commercial salmon fishing licence in 2006.

The Government is also putting in place a fund of €5 million towards a community support scheme, the focus of which should primarily be those communities where commercial salmon fishing has been a well-established activity and where its withdrawal demonstrably impacts on the economic and social fabric of the area.

Details are being finalised at present with a view to the publication of details of that scheme in the coming weeks. There is no scheme for direct payments in cases of the type covered in the question.

Telecommunications Services.

540. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to circumstances (details supplied); the directive he has issued to provide the broadband facilities in this region; if he will address the concerns raised; and if he will make a statement on the matter. [14454/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband by private sector companies, is a matter, in the first instance, for the companies themselves operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, (ComReg). I have no function in relation to pricing for broadband services or with regard to the enabling of exchanges. These are matters for the service providers concerned.

The role of the Government is to implement regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers. The Government has recognised, however, that in some areas of the country the market has failed to invest in broadband roll out. To that end the Government has intervened with various initiatives to facilitate broadband in these areas including investment in metropolitan area networks (MANs) and group broadband schemes. In addition to these interventions, I

recently announced a National Broadband Scheme. This scheme will target the last 10% or so of the population who are without a broadband service and who would remain without a service without intervention. The Scheme will, when it is rolled out, ensure that all reasonable requests for broadband are met. The Department will commence the tender process in the coming weeks.

Coastal Zone Management.

541. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if he will replace the Foreshore Act 1933 with appropriate legislation and introduce a system of integrated coastal zone management; and his future plans on this matter. [14495/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Department's Statement of Strategy 2005-2007 indicates that procedures will be developed for enhanced coordination and cooperation between public bodies on management of the coastal zone. This is in response to the increasing demands and pressures on coastal areas and their resources, and the fact that a wide range of public bodies and agencies have roles to play in managing and regulating various aspects and dimensions of the coastal zone.

The need for action in this area has been recognised at EU level also, with the adoption in 2002 of a Recommendation on Integrated Coastal Zone Management. This asks Member States to undertake a stocktaking of the laws, institutions, agencies/bodies etc that impact on coastal areas, and, based on the results of the stocktaking to develop a strategy or strategies for Integrated Coastal Zone Management. The stocktake for Ireland has been largely completed and will be published in due course. This stocktake will allow work to commence on the regulatory framework to support an integrated approach to coastal zone management.

A consolidation and streamlining of the Foreshore Acts is also proposed. This will modernise these regulatory processes and procedures and provide a modern and effective legal framework for the management of the State's foreshore estate in the future. It will also allow for the provision of any necessary legislative underpinning of more integrated approaches to management of coastal areas. Preparation of these proposals will take account, among other things, of the principles in the EU Recommendation, the outcome of the EU Maritime Green paper and the EU Marine Strategy Directive.

In addition, the Department will shortly commission a consultancy on the future development of coastal zone management in Ireland which will assist in a major strategic review of the legislative framework, structures, and procedures in place to manage the State-owned foreshore.

Coastal Protection.

542. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he has been notified of an application for works in relation to Sligo North West Airport, which would infringe on the foreshore at Dorrins and Cummeen Strand; and if he has been informed that such an application will be lodged shortly. [14500/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): No application under the Foreshore Acts has been received by the Department for the proposed works in relation to Sligo North West Airport Co. Ltd. Both the company and the Planning Department of Sligo County Council have been advised of the Department's requirements in relation to such an application.

The Department has been consulted by the Planning Section of Sligo County Council in relation to the company's planning application and has requested the Council to place a condition on any permission granted requiring the applicant to obtain a foreshore lease/licence prior to commencement of works.

In any event, any activity in respect of this project affecting the public foreshore will require consent under the Foreshore Acts.

Fishing Industry Development.

543. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources his plans to ensure the full implementation of the Crawley report and sea change document; and if he will make a statement on the matter. [14519/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Following the publication of the report of the Seafood Strategy Review Group, *Steering a New Course*, a strategy for a restructured, sustainable and profitable Irish Seafood Industry 2007-13, I established the Seafood Strategy Implementation Group (SSIG) to oversee that the strategy recommendations are implemented in a coordinated and cohesive manner. Chaired by Dr. Noel Cawley, and consisting of representatives from the various sectors of the industry, the Department and relevant State Agencies, the SSIG has been tasked with developing a detailed implementation plan, overseeing the delivery of the plan and monitoring and reporting to me on the progress of the implementation of the plan. A timescale of two years has been set for this work. The first meeting of the SSIG took place on 28 March, where the Group noted that many of the recommendations from *Steering a New Course* are being taken forward as part of the Seafood Development Programme of the NDP 2007-13, which foresees public investment of €334m across the industry.

[Mr. Browne.]

While it is hoped that funding under the new Seafood Development Programme will be available in quarter 3 of this year, this is dependent on the necessary EU approvals. In the interim, considerable work is required by all stakeholders to ensure full spend is achieved under the EU funding allocation for 2000-2006.

“Sea Change” a Marine Knowledge, Research and Innovation Strategy for Ireland 2007-2013 was launched in February this year. The new strategy is part of the wider National Strategy for Science, Technology and Innovation which was approved by the Taoiseach last year.

The Sea Change strategy aims to drive the development of the marine sector as a dynamic element of Ireland’s knowledge economy. The Marine Institute will take the lead role in implementing the strategy. The success of the strategy depends on the collaboration of a wide range of agencies and industry partners.

A High Level Steering Group has been set up in the Department to oversee the implementation of Sea Change, which comprises of senior management from relevant Government Departments and State agencies along with representatives of industry and third level interests and is due to hold its first meeting in the near future. In addition to the High Level Steering Group, 13 Implementation Teams across the various research programmes have been established to guide, develop and deliver on the Research Measures of the Strategy.

Reflecting the investment requirement of €365 million to achieve its objectives, funding for Sea Change will be secured through a number of mechanisms, including funds from the Marine Research Sub-Programme of the National Development Plan 2007-2013 and leveraged funds from the NDP budgets of other Departments and agencies, via the Programme for Research in 3rd Level Institutions (PRTLII) and the Strategic Innovation Fund. In addition, the Marine Institute will work to ensure Irish participation in international competitive marine research funding programmes such as the EU 7th Framework Programme.

Energy Resources.

544. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources when the grants announced in Budget 2007 for solar energy panels to be erected on community facilities, such as swimming pools, will be available; and if he will make a statement on the matter. [14595/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On 26 March I launched the expanded Renewable Heat (ReHeat) Deployment Programme to provide grants for the installation of renewable heat

technologies in clubhouses, community centres and commercial premises throughout the country.

The scheme is open for applications through Sustainable Energy Ireland (SEI) and information is available on their website at www.sei.ie.

Telecommunications Services.

545. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if his Department’s attention has been drawn to the fact that Palatine village, three miles outside Carlow town does not have broadband available in the area; when he expects broadband to be available there; if tax relief is available to those who have to spend €1000 on the installation of an alternative broadband system and up to €1200 per year running same; and if he will make a statement on the matter. [14606/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband by private sector companies, is a matter, in the first instance, for the companies themselves operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, (ComReg).

The role of the Government is to implement regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers. The Government has recognised, however, that in some areas of the country the market has failed to invest in broadband roll out. To that end the Government has intervened with various initiatives to facilitate broadband in these areas including investment in metropolitan area networks (MANs) and group broadband schemes. In addition to these interventions, I recently announced a National Broadband Scheme. This scheme will target the last 10% or so of the population who are without a broadband service and who would remain without a service without intervention. The Scheme will, when it is rolled out, ensure that all reasonable requests for broadband are met. The Department will commence the tender process in the coming weeks. The tender will be technology neutral, meaning all Service Providers regardless of the platform over which a service is provided, can compete under the tender process.

546. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that Ballow in County Carlow does not have broadband currently available to many of the residents; when he expects broadband to be available to all the residents in the area; and the reason for the delay in same. [14760/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The pro-

vision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg.

My Department approved a project under the Group Broadband Scheme for several towns in Co. Carlow including Ballon. The provision of the broadband service is an operational matter for the approved service provider, PermaNET.

My Department's website www.broadband.gov.ie gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

547. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources his plans to provide broadband to a village (details supplied) in County Limerick; and if he will make a statement on the matter. [14762/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband by private sector companies, is a matter, in the first instance, for the companies themselves operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, (ComReg).

The role of the Government is to implement regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers. The Government has recognised, however, that in some areas of the country the market has failed to invest in broadband roll out. To that end the Government has intervened with various initiatives to facilitate broadband in these areas including investment in metropolitan area networks (MANs) and group broadband schemes. In addition to these interventions, I recently announced a National Broadband Scheme. This scheme will target the last 10% or so of the population who are without a broadband service and who would remain without a service without intervention. The Scheme will, when it is rolled out, ensure that all reasonable requests for broadband are met. The Department will commence the tender process in the coming weeks.

Fishing Vessel Licences.

548. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on a licensing scheme for full-time fishermen who are engaged in an activity (details supplied) on small boats fishing; and if he will make a statement on the matter. [14793/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I assume the Deputy is referring to fishing vessels licensed under the scheme for the licensing and registration of unlicensed and unregistered pot-fishing boats in the Irish inshore fleet, which was announced in 2003. Among the conditions of the scheme which was drawn with the approval of the EU Commission, were that licences granted under this scheme will allow the licensees to fish only for non-quota species and solely by means of pots. The provision of replacement capacity was not a requirement, unlike the normal requirement for sea-fishing boat licensing, and the capacity of boats licensed and registered under the scheme will not be eligible as replacement capacity.

I do not consider that there is a case for reviewing the conditions of such licenses taking into account especially that there are already too many boats targeting the quota stocks available to Ireland and the strategic plan for the seafood sector for 2007-2013 — *Steering A New Course* recommends a major decommissioning programme for the whitefish fleet.

It is important also to note that it is open to any person to apply to the Sea Fishing Boat Licensing Authority at any time for a standard fishing-boat licence in accordance with standard fishing boat licensing policy, which includes the requirement for the provision for replacement capacity. Vessels granted such a licence are registered in the "polyvalent" or multi-purpose segment which entitles the licensed and registered owner, subject to certain conditions and restrictions, to fish for a wide range of species and with a range of fishing gear, including both quota and non quota stocks.

Fisheries Protection.

549. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the measures with regard to the issue of poaching for species such as carp, bream and pike, he has put in place to ensure those fishing for these species are fully aware of the consequences of illegal fishing; the figures for prosecutions in relation to illegal fishing of these species year by year for the past ten years; if officers have been appointed to specifically tackle this issue; the laws in place to prevent this practice; and if he will make a statement on the matter. [14794/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Under the Fisheries Acts, primary responsibility for the management, conservation, protection and development of inland fisheries stocks rests with the Central and Regional Fisheries Boards. A considerable proportion of fisheries boards' resources and the time of personnel is devoted to protection of fish stocks.

Recently I introduced, on the advice of the fisheries boards, the Conservation of and Prohib-

[Mr. Browne.]

ition on Sale of Coarse Fish Bye Law No. 806, 2006 and the Conservation of Pike Bye Law No. 809, 2006, which control fishing for coarse fish referred to by the Deputy. These Bye-Laws provide for a number of conservation measures including that of limiting the number of fish that may be taken by anglers. Details of these instruments were advertised as stipulated in the statute and the fisheries boards have undertaken a number of initiatives to publicise their content within the regions.

It has not been possible in the time available to collate from the Boards the statistics sought in relation to prosecutions taken under these statutes. I have however asked the Chief Executive Officer of the Central Fisheries Board to gather any information available and to forward it directly to the Deputy as soon as possible.

Fishing Industry Development.

550. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the position regarding the €5 million community support scheme fund to aid the development of those communities where the impact of the cessation of drift netting will be hardest felt and to provide alternative employment and economic opportunities for those affected; and if he will make a statement on the matter. [14798/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Officials of the Department are in discussion with the relevant officials in the Department of Community, Rural and Gaeltacht Affairs about arrangements for the management of the community support scheme. Details are being finalised at present with a view to the publication of details of that scheme in the coming weeks.

Departmental Properties.

551. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if recent media reports that EirGrid has agreed to take office space in Ballsbridge at record breaking rents of €650 per square metre are accurate; the reason such an expensive location was selected; the considerations that were given to alternative and less costly locations; the way this fits with the Government's national spatial strategy and decentralisation programme; his views on such costs being added to consumers' electricity bills at a time of widespread concern regarding electricity prices; and if he will make a statement on the matter. [14819/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On July 1 2006, EirGrid plc took over the operation of Ireland's electricity transmission system from

ESB National Grid (ESBNG). EirGrid currently occupies office space within ESB premises. In order to comply with EU requirements to liberalise the electricity market, it is necessary to effect the full separation of EirGrid from ESB. The move, by EirGrid, into its own office space is an important step in this process.

The issue of premises is a matter for the board and management of EirGrid and not one in which I have a function. The negotiation of rents is a matter for the company, although I note reports that city office rents are reportedly at their strongest for eight years. The position in law is that sole responsibility for the regulation of electricity tariffs, including standing charges, lies with the Commission for Energy Regulation (CER), which is an independent statutory body. As Minister, I have no function in setting or regulating these tariffs.

The CER regulates tariffs and charges for the connection to and use of the transmission system by market participants. This ensures that only efficient costs are passed on to end customers. Transmission tariffs are designed to recover the total costs associated with the transmission business. With regard to increased overheads such as office accommodation costs, the CER works with the transmission system operator to ensure that these costs are reasonable.

EirGrid's remit supports the National Spatial Strategy through investment in the development of the electricity transmission network throughout the regions as a key element of physical infrastructure.

Departmental Correspondence.

552. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received correspondence (details supplied); his plans to address this issue in early course; and if he will make a statement on the matter. [14827/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have not received correspondence from the source to which the Deputy refers.

Fisheries Protection.

553. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the unfairness of the proposed hardship scheme for salmon fishermen in respect of those fisherman who were unable to catch many fish in the qualifying years due to restrictions under the quota system; his views on whether the hardship fund should have equal payments for each licence surrendered with account taken of the number of years each claimant has held a licence and with an additional premium based on the level of catches; and if he will make a statement on the matter. [14927/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The status of salmon stocks in Ireland and elsewhere is well documented and it is evident that these have declined in the years since an historic high in the mid-seventies. Reflecting these trends, conservation measures have been introduced progressively over the past decade. However, the 2006 report of the Standing Scientific Committee confirms that despite recent reduced exploitation, many stocks are still falling well below their conservation limit. It is vital to afford every protection to the remaining salmon stocks and to clearly prioritise conservation over catch.

The Independent Group was set up to examine the implications for the commercial sector of aligning the management of the wild salmon fishery with scientific advice for 2007 and beyond. The scientific advice called for the complete cessation of all indiscriminate mixed stock fishing for salmon and the cessation of harvesting of stocks that are below their conservation limit.

As part of their remit, the group made recommendations to address any financial hardship that may be experienced by the sector. They recommended that this should be based on the recent catch history of the individual licence holder.

The level of payment is being based on the average net income per salmon in the commercial fishery for five years 2001 to 2005. This income calculation was based, by the group, on the average price obtained per fish each year less the costs incurred by fishermen. Each individual licence holder who applies to the fund is set to receive six times their average catch multiplied by the average net income per salmon. An additional payment equal to 6 times the current licence fee will be made in all cases.

The approach to determining the hardship payments that the Independent Group recommended and which was adopted by Government is, I believe, robust convincing and fair.

Question No. 554 answered with Question No. 530.

555. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the action he will take regarding the proposals (details supplied) received from Commissioner Borg in connection with the hardship fund for salmon fishermen; and if he will make a statement on the matter. [14929/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The proposals contained in the letter from Commissioner Borg to the Deputy have been explored by the Department in devising the Salmon Hardship Scheme and where appropriate will be incorporated into the community support scheme, the focus of which will primarily be those communi-

ties where commercial salmon fishing has been a well-established activity and where its withdrawal demonstrably impacts on the economic and social fabric of the area.

Harbours and Piers.

556. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the status of the project for the redevelopment of Dunmore East harbour in County Waterford which is expected to cost in the region of €50 million; the amount of funding he is providing for this project under the 2007 harbours programme; the planned commencement and completion dates for the project; and if he will make a statement on the matter. [14939/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Following a lengthy public consultation process in 2004 on development options for Dunmore East Harbour, a planning application for a harbour development, together with an environmental impact statement, were prepared and submitted to Waterford County Council. Planning permission for the development of the Fishery Harbour Centre was received in late 2005. The cost of providing the new harbour facility is estimated at between €50 and €60 million depending on final scheme selection and tendering. In 2006 funding was provided for further design and site investigation to progress the development. Tender documents are currently being prepared for a Cost Benefit Analysis.

This year the Department is planning to address the siltation problem in the harbour, particularly around the syncrolift area. This is being done in consultation with the consulting engineers for the main harbour development. It is envisaged that maintenance dredging will be required. Dunmore East has been identified in the National Development Plan 2007-2013 as a harbour for development. The Department is currently drawing up the 2007 Harbours programme and the extent of the funding for 2007 will be addressed at that stage.

Coastal Protection.

557. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources if he and his Department will take full responsibility for loss of life or injury caused by the serious delay in having a lease provided for works to begin in Bunrana to specifically facilitate the movement of the RNLI boats on the Swilly; the reason for this delay in furthering a project initially sanctioned funding over 14 months ago; and if he will make a statement on the matter. [14957/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): There are two aspects to this matter which need to be considered separately. The first is the urgent need to enable the RNLI to launch their boat on a 24 hour basis. As a matter of public safety this has always and continues to be given the highest priority by the Department. For this reason the Department issued a permit to Donegal County Council last December for the specific purpose of dredging an area of the harbour to provide conditions for the safe launch of the RNLI boat in all tidal conditions. This Permit (Permit no. 379) was issued by the Department on 22nd December and received the same day by the Council. It is a matter for the County Council to take action on foot of this permit.

It is with great concern that the Department learned from the County Council on 19 th April that action had yet to be taken by the Council on foot of this Permit, which was sought and granted as an emergency measure. In view of the public safety concerns, it is fully incumbent on the Council to take appropriate measures to remedy the situation without further delay on foot of the Permit granted by the Department last December.

The second aspect is one of property management associated with the drafting and acceptance by the relevant parties of a lease in respect of a proposed breakwater at Buncrana. The Council requested a reduction or total waiver of foreshore charges on the basis that the facility was to be used by the RNLI.

Following extensive discussions and as an exceptional matter, the Department, with the agreement of the Department of Finance, informed the Council that it would consider waiving the rental charges if the Council could confirm that the proposed facility would be for the exclusive use of the RNLI. In addition, the Council was also informed that if it was unable to confirm that the facility would be used exclusively by the RNLI, the Department was prepared to apply a reduced rental charge based on the ratio of usage of the facility by the RNLI.

On 20th December last the Council confirmed that the works being proposed at Buncrana Harbour are being constructed solely for the use of the RNLI and are not being constructed for the benefit of any other party. On foot of this confirmation the Department entered into detailed discussions and correspondence with the Chief State's Solicitor's Office with a view to preparing an appropriate draft lease, which will best facilitate the Council's proposal and also safeguard the State's ongoing interest in the management and protection of the foreshore in the public interest.

The draft lease will involve the insertion of specific conditions which will reflect the fact that the arrangements involved are unusual and are based on the need to provide a permanent

location for the RNLI which will enable the launch of their boat on a 24 hour basis. The Department's discussions with the Chief State Solicitor's Office have focussed on the public interest provisions of the Foreshore Acts, the proposed arrangements which the Council will need to make with the RNLI and other legal issues designed to protect the interests of all parties. The lease, when drafted, will require the agreement of all relevant parties. Every effort is being made to expedite the completion of the draft lease.

Fisheries Protection.

558. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will reconsider the enormous increase, which is being proposed for rent of rooms (details supplied); if he has examined the implications of the lost revenue when the fishing fleet leaves Rossaveal; if he will provide the levels of rent or lease rates, which are being paid in every other harbour around the country; and if he will make a statement on the matter. [15096/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The premises referred to has been occupied since 1995 by the current occupant under a caretaker's agreement. It was envisaged that ultimately a lease would be put in place for this premises but this has been delayed by problems reaching agreement on rent.

The Department sought an updated valuation in 2000 in view of the length of time that had elapsed since the premises were first occupied and to take account of any change in market conditions that had occurred in the meantime. This valuation was done by the Valuation Office, the State property valuation agency whose core business is to provide accurate, up-to-date valuations. The Valuation Office advised a revised rent but the occupant indicated it was not agreeable to paying this advised rent. Further protracted negotiations then took place between the Department and occupant. All possibilities were explored including the offer of a pro rata reduction in rent in exchange for the return of some office space to the Department. This appeared to offer a practical solution given that the occupant has considerable office space available to it in its own building nearby. However, this offer wasn't taken up.

Further meetings were held with a view to resolving the matter. The Department explained to the other party that under Procurement Guidelines from the Department of Finance, it was charged with obtaining a fair price for any properties leased by it. It was agreed that an independent valuation be undertaken along with one from the Valuation Office and this valuation took place in 2005. The independent valuer advised a reviewed rent, which the Department was pre-

pared to accept but the other party has, to date, not accepted it.

The Department has made every effort to accommodate the other party's requirements and has been flexible at all times in trying to bring this matter to conclusion. In recent months the Department has had further negotiations with the occupant and has offered to further subdivide the premises with a corresponding reduction in rent but again the offer has not been accepted. If agreement cannot be reached the Department will have no option but to recover the premises and put it out to tender. The levels of rent for the leasing of commercial property in the Fishery Harbour Centres are those which are agreed on the basis of valuations provided by the Valuation Office or other independent valuer.

Coastal Zone Management.

559. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he has examined the implications of the Foreshore Act 1933 with regard to today's planning environment; if he has examined the implications of the Act in view of the fact that it does not provide for the statutory involvement of local authorities or for any right of public appeal; and if he will make a statement on the matter. [15097/07]

560. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the progress that has been made with regard to the Government's promise in the Action Programme for the Millennium, 1999, and the commitment contained therein to legislate comprehensively for the integrated management of the coastal zone; and if he will make a statement on the matter. [15098/07]

561. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the progress that has been made with regard to a piece on his Department's website which states the new legislation targeted for introduction in the Houses of the Oireachtas in the latter half of 2001, was intended to replace the Foreshore Acts and make provision for appeals in relation to foreshore leases and for an extended role for local authorities in relation to the coastal zone; the reason this targeted legislation was not introduced; and if he will make a statement on the matter. [15099/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I propose to take Questions Nos. 559, 560 and 561 together.

The Department's Statement of Strategy 2005-2007 indicates that procedures will be developed for enhanced coordination and cooperation between public bodies on management of the coastal zone. This is in response to the increasing

demands and pressures on coastal areas and their resources, and the fact that a wide range of public bodies and agencies have roles to play in managing and regulating various aspects and dimensions of the coastal zone.

The need for action in this area has been recognised at EU level also, with the adoption in 2002 of a Recommendation on Integrated Coastal Zone Management. This asks Member States to undertake a stocktaking of the laws, institutions, agencies/bodies etc that impact on coastal areas, and, based on the results of the stocktaking to develop a strategy or strategies for Integrated Coastal Zone Management. The stocktake for Ireland has been largely completed and will be published in due course. This stocktake will allow work to commence on the regulatory framework to support an integrated approach to coastal zone management.

A consolidation and streamlining of the Foreshore Acts is also proposed. This will modernise these regulatory processes and procedures and provide a modern and effective legal framework for the management of the State's foreshore estate in the future. It will also allow for the provision of any necessary legislative underpinning of more integrated approaches to management of coastal areas. Preparation of these proposals will take account, among other things, of the principles in the EU Recommendation, the outcome of the EU Maritime Green Paper and the EU Marine Strategy Directive.

In addition, the Department will shortly commission a consultancy on the future development of coastal zone management in Ireland, which will assist in a major strategic review of the legislative framework, structures, and procedures in place to manage the State-owned foreshore.

Energy Resources.

562. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will be granting permission for the proposed development of the Oriel windfarm project for Dundalk Bay, in view of the fact that nowhere else in Europe has permission for wind turbines of this size been granted so close to the shore; when he will be making a final decision on this issue; if he has met with any concerned groups regarding this issue; and if he will make a statement on the matter. [15100/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): A lease application under the Foreshore Act, 1933, has been received for a windfarm in Dundalk Bay. The Department's specialist advisors have recently satisfied themselves that the application and Environmental Impact Statement are sufficiently detailed to allow the application to proceed to the public consultation phase of the process.

[Mr. Browne.]

The details of the public consultation, to commence in early May, will shortly be advertised in local and national newspapers. The public consultation will last for two months and there will be full access to the environmental impact assessment including highly detailed photomontages, which will be available in the Council Offices, local libraries and specialist facilities in the area. The photomontages will give an accurate rendition of the effect on the visual amenity of the proposed windfarm from various local land based viewing points.

Objections made during the public consultation phase will be considered from any quarter, such as the general public or concerned groups. In addition, the Department consults widely in relation to the application with various statutory and other bodies, including the local council. The decision to grant or reject the lease application is not time bound and I will make a decision when I am satisfied that I have sought and received observations and objections from all interested and affected parties.

I am not aware of any requests for a meeting on the issue from any concerned groups; however, I am aware that Department officials have been in contact with interested members of the local community in advance of the application being made.

Fisheries Protection.

563. **Mr. Deasy** asked the Minister for

Personal appointees employed on contract by the Minister for Foreign Affairs

Name	Role/Title	Date of Appointment	Pay-Scale	Pension Contribution
Mr. Ciarán Ó Cuinn	Special Adviser (non-established)	30 September 2004	Principal Officer Standard Scale €80,408-€99,457	Yes Based on 11% of salary
Mr. Richard Moore	Press Adviser (non-established)	30 September 2004	Principal Officer Standard Scale €80,408-€99,457	Yes Based on 11% of salary
Ms Christine Maguire	Personal Assistant (non-established)	30 September 2004	Higher Executive Officer Standard scale €43,445-€55,147	Non-contributory pension scheme for non-established State employees applies
Ms Myra Wall	Personal Secretary (non-established)	30 September 2004	Executive Officer Higher Scale €28,523-€47,039	Non-contributory pension scheme for non-established State employees applies

The employment contracts of the non-established officers referred to in the table are coterminous with my appointment as Minister for Foreign Affairs. Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations. All officers pay the A1 rate of PRSI.

Diplomatic Representation.

565. **Mr. Aylward** asked the Minister for Foreign Affairs if progress has been made in relation to the return of confiscated artwork to a person (details supplied). [14619/07]

Communications, Marine and Natural Resources if he will examine the cases of two fishermen (details supplied) who have fished for over 30 years each and who lost their licences before drift netting was legalised; and if he will make a statement on the matter. [15101/07]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): The Salmon Hardship Scheme is designed to provide some measure of relief to salmon fishermen arising from the loss of the income that they enjoyed in the recent past. I understand that neither of the individuals concerned is in that category and they are, therefore, not eligible for inclusion. There is an independent appeals mechanism under the scheme and it is a matter for the individuals to decide whether this is relevant to their particular cases.

Ministerial Staff.

564. **Mr. Hogan** asked the Minister for Foreign Affairs the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14207/07]

Minister for Foreign Affairs (Mr. D. Ahern):

The table provides the information requested in respect of personal appointees employed on contract by the Minister for Foreign Affairs:

Minister for Foreign Affairs (Mr. D. Ahern):

The person in question, in common with a number of other Irish artists submitted works for an exhibition in Bled (Slovenia) in late 2001. After the exhibition the artwork was not returned. The organiser of the exhibition failed to return works by many exhibitors from several countries, allegedly as many as 1,000 pieces, and the organiser is in consequence the subject of criminal proceedings.

The Embassy in Ljubljana made representations on several occasions to secure the return of the works of Irish exhibitors and in 2004 the Slovenian authorities informed the Embassy that

the works of several Irish exhibitors, including that of the person in question, had been recovered and were available for collection. The Embassy informed the person in question and other Irish exhibitors of the situation and asked for addresses, etc. to enable the works to be returned to them by the Slovenian authorities.

Where forwarding names and addresses were received, including that of the person in question, the Embassy gave the Slovenian authorities the necessary information for them to return the works to their respective owners. Having heard nothing more at the time, the Embassy concluded that the issue was disposed of.

Following representations to me from the Deputy in late March 2007, the Embassy in Ljubljana again raised the matter with the Slovenian authorities. The Embassy was informed that although the work had been forwarded on two separate occasions by the local Court to the address provided by the person in question, on both occasions it had been returned to the Court by the post. It is now being forwarded by the Court to the Irish Embassy in Ljubljana, and on receipt will be forwarded by the Embassy to its owner.

Passport Applications.

566. **Mr. Connaughton** asked the Minister for Foreign Affairs if a person (details supplied) in County Galway, who was born in the United States of America and holds a US passport is entitled to an Irish passport in view of the fact that they have been living here for 68 years; and if he will make a statement on the matter. [14677/07]

Minister for Foreign Affairs (Mr. D. Ahern): Irish passports are only issued to Irish citizens. There are four separate means by which a person, who is born outside Ireland, can obtain an Irish passport through citizenship. These are as follows:

(a) if the person in question has one Irish born parent, irrespective of where she was born, she is automatically an Irish citizen. She would, therefore, be entitled to an Irish Passport;

(b) she can claim Irish citizenship if, irrespective of where abroad she or her parents were born, one of her four grandparents was born in Ireland,

(c) likewise this would also apply if the person in question has one parent who, although not born in Ireland, was otherwise an Irish citizen at the time of her birth;

In order to claim citizenship as described at (b) or (c) above, she would be required to apply for registration in the Foreign Births Register. For this, she should apply to the Consular Section of the Department of Foreign

Affairs, Iveagh House, St Stephens Green, Dublin 2.

(d) citizenship, through naturalisation, can be obtained by virtue of residency in Ireland over a period (usually five years) of residency. This process is managed by the Department of Justice, Equality and Law Reform, 14/16 Burgh Quay, Dublin 2.

The Department of Foreign Affairs will be very pleased to facilitate a passport application from the person when her right to Irish citizenship has been resolved.

Sports Capital Programme.

567. **Mr. G. Murphy** asked the Minister for Arts, Sport and Tourism the position regarding the application for a sports capital grant by a club (details supplied) in County Cork; and if he will make a statement on the matter. [14100/07]

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. A total of 1,533 applications were received including one for the project in question which was in the name of the Cork County Athletics Board.

All applications received before the deadline were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. On 5th April last, I announced €85 million in provisional allocations to 935 organisations, which included a provisional grant of €700,000 to the project in question.

Arts Funding.

568. **Ms McManus** asked the Minister for Arts, Sport and Tourism if he will ensure that funding is granted to the organisers of a festival (details supplied) in County Wicklow; and if he will make a statement on the matter. [14155/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Government support for the Arts is channelled primarily through the Arts Council, which is a statutorily independent body, under the Arts Act, 2003. The Council is independent in its day-to-day operations, including its funding decisions and I have no role in relation to such decisions. During my own term as the Minister responsible for the arts, funding for the Arts Council has increased by almost 68% from €47.67 million in 2002 to €80 million in 2007. These are significant amounts of money in any context and

[Mr. O'Donoghue.]

have transformed and increased access to the arts and allowed the Arts Council to support artists and arts organisations nationwide.

National Theatre.

569. **Mr. Bruton** asked the Minister for Arts, Sport and Tourism if he will explain the decision to install new seating in the Abbey Theatre at some expense when the Abbey itself will be moving premises in four years time; and if he will make a statement on the matter. [14191/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As the Deputy is aware the Government decided to proceed with the redevelopment of the Abbey Theatre at George's Dock on a Build, Finance, and Maintain (BFM) basis. At the same time, the Government agreed to hold an international design competition for the new Abbey Theatre.

I am sure the Deputy would agree, given the significance of this project, that time and care is vital in planning it. The Government is committed to providing a National Theatre of world class and scale. Once the winning design has been selected the building will be procured on a BFM Public Private Partnership basis. It is expected that the planning and procurement arrangements will take a further 12 months to finalise and the building will take 18 months to complete.

Given the timescale involved in procuring a new National Theatre, the existing National Theatre is expected to remain in situ for some time yet. Much of the equipment at the Abbey has become obsolete and age-worn. The works carried out are essential from a customer service and a health and safety perspective and I am satisfied that the works are necessary. The Abbey Theatre Board is independent of me in decisions of this nature. I understand, in any event, that the seating installation is modular; it can be reassembled elsewhere, if necessary. Just because the Abbey is due to be relocated is not sufficient reason to allow our National Theatre to fall into disrepair. I note that the newly installed seating, which vastly improves the theatre experience for customers and practitioners alike has been roundly welcomed.

Ministerial Staff.

570. **Mr. Hogan** asked the Minister for Arts, Sport and Tourism the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14199/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The information requested by the Deputy is set out in the table.

Name	Title	Date of appointment	Salary
Tony Cotter	Special Adviser	7 June 2002	Principal Officer Standard Scale
Dan Collins	Special Adviser	16 May 2006	Principal Officer Standard Scale
Colin Miller	Personal Assistant	7 June 2002	Higher Executive Officer Standard Scale
Mary O'Connell	Personal Secretary	7 June 2002	Secretarial Assistant Scale + 10% attraction allowance.

My Special Adviser performs duties in accordance with Section 11 of the Public Service Management Act, 1997. My Personal Assistant and my Personal Secretary perform duties in line with those grades. Mr. Dan Collins replaced Mr. Tony Cotter as my Special Adviser with effect from 16th May 2006. Both my Personal Assistant and Personal Secretary are in the Civil Service Unestablished Superannuation scheme and my current Special Adviser is entitled to payment of 11% of salary in to a Revenue Commissioners approved private pension plan. My previous Special Advisor who was a Civil Servant was in the superannuation scheme for established Civil Servants. The staffing of my private office and my constituency Office is in line with Department of Finance guidelines on such matters.

Arts Funding.

571. **Mr. Wall** asked the Minister for Arts, Sport and Tourism if his Department has

received a recommendation from the all-party committee established to consider plans to commemorate the 100th anniversary of the Easter Rising that a planned film on the life of James Connolly, being produced by a company (details supplied) with the support of a number of trade unions, should receive financial support from his Department; if he will give favourable consideration to the recommendation; when a decision will be made on the recommendation; and if he will make a statement on the matter. [14234/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Correspondence was received from the All Party Oireachtas Committee on the Centenary of the 1916 Rising, regarding this film project. The Irish Film Board is the agency charged with developing and supporting the Irish film sector, and it is understood that the Board has been in contact with the promoters of this project. My Department's direct role is confined to administering elements of the Section 481 tax-

based incentive scheme for investment in film productions, primarily in establishing the cultural element of projects seeking certification under the scheme.

The All-Party Committee is being informed of the options available under the Section 481 tax relief scheme to bring such a project to fruition, and of the role of the Irish Film Board in relation to film proposals generally.

Sports Capital Programme.

572. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the number of applications received from County Roscommon under the sports capital programme 2007; the amount of funding sought; the funds sought by each applicant and the purpose of such funding; and if he will make a statement on the matter. [14318/07]

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. A total of 1,533 applications were received seeking funding totalling €383.44 million, of which 29 applications seeking €5.8 million were from County Roscommon. I have arranged for the specific information relating to each individual application from the county to be forwarded to the Deputy.

All applications received before the deadline were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. On 5th April last, I announced €85 million in provisional allocations to 935 organisations, including €1.395 million to 15 projects from County Roscommon.

573. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the reason a club (details supplied) in County Kildare did not receive a capital sports grant under the recently announced scheme; the breakdown of the application where

it did not comply with the criteria; and if he will make a statement on the matter. [14498/07]

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. All applications under the 2007 sports capital programme were evaluated by my Department in accordance with the assessment criteria for the programme published in the guidelines, terms and conditions document which accompanied the application form for the programme. Following completion of the evaluation of the applications received by my Department under the programme, I announced the provisional grant allocations on the 5th April last.

The application in question was unsuccessful and a letter advising the organisation together with a copy of the assessment carried out on the application, including any specific reasons for the application being unsuccessful, will be issued to the organisation in the very near future. It is open to the organisation, should it wish to do so and should it have a project which satisfies the terms and conditions of the programme, to submit an application for the next round of the programme when that scheme is publicly advertised.

Sports Funding.

574. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the amount of moneys allocated to the GAA, IRFU and the FAI respectively each year since 2002 to date in 2007; the amount of grant drawn down by each of these organisations each year; and if he will make a statement on the matter. [14832/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The only means of direct funding to national governing bodies (NGBs) of sport available to my Department is through sports capital allocations. The total amount of sports capital funding allocated each year since 2002 to the three NGBs in question — as distinct from their affiliated club, county boards or provincial councils or branches, and the amounts of those grants drawn down by them in each of those years, is contained in the table.

The Irish Sports Council, which as the Deputy is aware is the statutory body responsible for the development of sport, has also provided the following funding to the three NGBs since 2002:

	2002	2003	2004	2005	2006	Total
	€m	€m	€m	€m	€m	€m
GAA	1.27	1.34	1.34	3.59	3.59	11.13
FAI	1.50	1.50	1.85	2.23	3.25	10.33
IRFU	3.75	3.50	3.50	3.56	3.75	18.06
Total	6.52	6.34	6.69	9.38	10.59	39.52

[Mr. O'Donoghue.]

Sports Capital Allocations and drawdown of those allocations
GAA, IRFU and FAI 2002-2007 (to date)

2002		
	Allocated	drawn down
	€	€
FAI	0	0
IRFU	0	0
GAA	19,050,000	18,093,767

2003		
	Allocated	drawn down
	€	€
FAI	225,000	225,000
IRFU	0	0
GAA	0	952,500

2004		
	Allocated	drawn down
	€	€
FAI	100,000	0
IRFU	0	0
GAA	40,000,000	40,000,000

2005		
	Allocated	drawn down
	€	€
FAI	485,000	85,000
IRFU	0	0
GAA	0	0

2006		
	Allocated	drawn down
	€	€
FAI	250,000	750,000
IRFU	65,000	65,000
GAA	3,650,000	2,732,454

2007 (to date)		
	Allocated	drawn down
	€	€
FAI	200,000	0
IRFU	0	0
GAA	0	0

Total 2002-2007

	Allocated	drawn down
	€	€
FAI	1,260,000	1,060,000
IRFU	65,000	65,000
GAA	62,700,000	61,778,721

Departmental Inquiries.

575. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism if the inquiry in relation to the purchase of Joyce papers is completed within his Department; and when same will be published. [15068/07]

576. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism if the inquiry in relation to the leaking of information in relation to parliamentary questions within his Department has been completed; and when same will be published. [15069/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 575 and 576 together.

I understand a report relating to the matters mentioned by the Deputy is nearing completion and will be presented to me shortly. When I receive the report I will consider its publication.

Sports Funding.

577. **Mr. McGinley** asked the Minister for Arts, Sport and Tourism the assistance being given to the Irish Hockey Association in its promotion of the sport here; and if he will make a statement on the matter. [15127/07]

578. **Mr. McGinley** asked the Minister for Arts, Sport and Tourism if there are funds available in his Department towards hockey coaching; and if he will make a statement on the matter. [15128/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to reply to Questions Nos. 577 and 578 together.

The Irish Sports Council (ISC) was set up as a statutory body in July 1999 with responsibility for the development of sport, increasing participation at all levels and raising standards. The Sports Council provides funding to recognised National Governing Bodies (NGBs), including the Irish Hockey Association. NGBs are dealt with as autonomous organisations and grants are allocated under agreed funding conditions and with specific priorities in mind. The grant allocation process is run on an annual basis by the Sports Council, with NGBs submitting an application form covering their programmes for the coming year.

Since 1999, the Irish Hockey Association has received €3,954,229 in funding from the ISC, with grants of €1,115,059 to date in 2007. This includes funding for core activities which covers administration, employment of professional staff, coach development and assorted development activities. For certain sports it may also include hosting events and programmes aimed at increasing participation. The grants to the Irish Hockey Association also include funding for programmes under the Women in Sport initiative, high performance and the International Carding Scheme, which provides direct support in terms of grant-aid and indirect support in terms of sport science and medical backup to elite and top aspiring athletes.

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. A total of €4.42 million has been allocated to hockey projects in sports capital funding since 1998, including €825,000 allocated under the 2007 sports capital programme, which I announced on April 5 last. The majority of the sports capital funding was to individual clubs towards the development of their playing and training facilities. However, a total of €1.29 million was also allocated to the Irish Hockey Association towards the development of its national stadium at Belfield and €223,800 to that national governing body of sport towards the provision of hockey equipment to be distributed to its clubs, high performance players and to schools in assisting the promotion and playing of the sport.

Swimming Pool Projects.

579. **Mr. Stagg** asked the Minister for Arts, Sport and Tourism when the expenditure review of the local authority swimming pool programme will be completed; and when it is expected that a new round of the local authority swimming pool programme will be launched. [15217/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I indicated in my reply to similar Parliamentary Question on 5 April, my Department is completing an Expenditure Review of the Local Authority Swimming Pool Programme at present. The Review is examining, among other things, how the programme has worked to date and what changes, if any, are required to ensure its effective and efficient delivery. The Review is currently being finalised and it is my intention to present it to the Oireachtas and publish it as soon as possible. Following consideration of the recommendations in the review it is my intention to launch a new round of the Local Authority Swimming Pool Programme as soon as possible.

Sports Capital Programme.

580. **Mr. Stagg** asked the Minister for Arts, Sport and Tourism the value of capital grants sought under the sports capital programme in 2007 in each county; the number of applications; the value of grants awarded in each county; and the number of successful applicants. [15233/07]

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. A total of 1,533 applications were received seeking funding totalling €383.44 million.

All applications received before the deadline were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. On 5th April last, I announced €85 million in provisional allocations to 935 organisations. The detailed information sought by the Deputy on a county basis is contained in the table.

Sports Capital Programme 2007 — Summary Information

	Number of Projects	Amount Sought	Successful Apps	Allocations
		€		€
Carlow	22	2,744,149	13	763,750
Cavan	33	6,252,586	24	1,628,500
Clare	60	10,349,320	32	2,160,000
Cork	181	30,305,230	110	9,972,300
Donegal	52	13,536,269	37	3,216,100
Dublin	229	89,297,968	133	19,500,750
Galway	96	23,137,242	56	4,470,000
Kerry	81	28,804,753	62	3,541,400
Kildare	38	7,583,498	17	1,948,500
Kilkenny	40	7,537,411	24	2,185,500

[Mr. Stagg.]

	Number of Projects	Amount Sought	Successful Apps	Allocations
		€		€
Laois	35	4,228,424	19	1,561,200
Leitrim	23	3,356,887	13	691,000
Limerick	82	26,214,614	48	6,501,000
Longford	24	3,453,297	18	1,061,000
Louth	47	15,894,708	27	2,043,500
Mayo	61	14,069,146	43	2,525,500
Meath	38	6,512,216	23	2,218,500
Monaghan	35	5,886,308	19	1,010,500
Offaly	41	5,246,790	32	2,048,000
Roscommon	29	5,803,109	15	1,395,000
Sligo	29	5,885,143	19	1,479,000
Tipperary	81	18,913,168	50	4,119,000
Waterford	42	20,269,243	26	2,830,500
Westmeath	37	6,115,736	19	1,894,000
Wexford	66	14,729,887	37	2,607,500
Wicklow	31	7,313,372	19	1,628,000
Total	1,533	383,440,474	935	85,000,000

Arts Funding.

581. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the position regarding the application for funding in respect of an organisation (details supplied) in County Louth; and if he will make a statement on the matter. [15354/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): An application for funding was received from this project under the Arts and Culture Capital Enhancement Support Scheme II (ACCESS II). This is the successor to the highly successful ACCESS I scheme, introduced in August 2001, which allocated funding of almost €43 million to 40 projects nationwide. ACCESS has been widely acknowledged as a significant intervention in the provision of high quality arts and culture infrastructure around the country. Under the new Access Scheme, 70% of the funds will be directed towards the enhancement and/or refurbishment of existing facilities, with 30% available for new facilities.

An independent Selection Committee has recently completed their assessment of the applications and has completed its report for my consideration. I have been examining this report and hope to make an announcement regarding the successful applicants shortly.

Health and Safety Regulations.

582. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that over 200 inspections carried out by the Health and Safety Authority highlighted serious problems and inad-

equacies in risk assessment for manual handling and for ergonomics in hospitals; and if he will make a statement on the matter. [12051/07]

583. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that over 200 inspections carried out by the Health and Safety Authority highlighted serious problems and inadequacies in the procedures for dealing with violence and aggression in overcrowded departments in hospitals; and if he will make a statement on the matter. [12050/07]

584. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that over 200 inspections carried out by the Health and Safety Authority highlighted serious problems and inadequacies in infection control in hospitals; and if he will make a statement on the matter. [12049/07]

605. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that over 200 inspections carried out by the Health and Safety Authority highlighted serious problems and inadequacies in the handling of chemical and biological agents in hospitals; and if he will make a statement on the matter. [12047/07]

606. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that over 200 inspections carried out by the Health and Safety Authority highlighted serious problems in over-

crowding and congestion in hospitals; and if he will make a statement on the matter. [12048/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I propose to take Questions Nos. 582 to 584, inclusive, and 605 and 606 together.

I understand that the Health and Safety Authority carried out a programme of inspections in the accident and emergency departments of 17 hospitals in 2005. Advice letters were issued in all cases with recurring themes, notably, violence, training, risk assessments, manual handling, fire, stress, chemical agents and biological agents. In 2006, the Authority inspected 16 hospitals, 10 of which were follow-up to the accident emergency inspections of 2005, but which also embraced the entirety of those hospitals. The 2006 inspections included a specific biological agents element, concentrating on the safe management of infection control policies from the point of view of the safety and health of healthcare staff. In this regard, 12 Improvement Notices under the Safety, Health and Welfare Act 2005 were issued by the Authority.

The Authority focused on the existence and implementation of comprehensive infection control policies in hospitals as part of the overall safety management system of workplaces where there may be a risk of workers' exposure to biological agents. Such infection control policies take account of all biological agents that may be present and, in particular, focus on those organ-

isms that are of primary concern including, Legionella, Hepatitis B, HIV, Mycobacterium tuberculosis (TB), Streptococcus pyrogenes and Methicillin-resistant Staphylococcus aureus (MRSA).

I also understand that the Authority is continuing to follow up on hospital inspections which is part of its 2007 Programme of Work. The main objective is to improve health and safety management systems and practices in the healthcare sector. Inspections will focus on worker protection in general hospitals, nursing homes and psychiatric institutions and will include risk assessments for work activities, maintenance/cleaning procedures, security/ violence procedures, manual handling and control of biological agents. In addition the Authority is following up on the inspections carried out in 2006 to ensure compliance in relation to issues which arose then.

Ministerial Staff.

585. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14204/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The table sets out details in respect of current staff appointed by me:

Name	Title	Function	Date of Appointment	Salary (Per annum)
Christopher Mannion	Special Advisor Full-time	To provide advice and assistance to the Minister.	29/09/04	PO Level
Deirdre Gillane	Policy Adviser Full-time	To provide advice and assistance to the Minister on policy issues.	29/09/04	PO Level
Jerry O'Connor	Press Adviser Full-time	To provide advice and assistance to the Minister on media issues.	11/12/06	PO Level
Margaret Kenneally	Personal Assistant 0.5% worksharer	To perform general secretarial duties including the handling of enquiries made to the Ministers Constituency Office.	10/10/05	€22,766-€33,913 (50% of full pay)
Melanie Hewitt	Personal Assistant 0.6% worksharer	As above	29/09/04	€22,766-€36,913 (60% of full pay), plus weekly allowance of €70.68
Anne Donnelly	Personal Assistant 0.5% worksharer	As above	26/02/07	€21,625-€35,071 (50% of full pay)
Elizabeth O'Donoghue	Personal Secretary Full-time	As above	29/09/04	€28,523-€45,262 (plus weekly allowance of €70.68)

No additional payments in lieu of pension have been made to staff members listed. Appointment to these positions is strictly temporary and will terminate not later than the date on which the Minister ceases to hold office.

Departmental Correspondence.

586. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment his views in relation to correspondence (details supplied); and if he will make a statement on the matter. [14271/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am aware of the concerns raised in the correspondence referred to in the Deputy's question regarding particular provisions of the recently enacted Consumer Protection Act 2007. Essentially the correspondent is concerned that the provisions in the Act prohibiting traders from imposing additional charges on customers by reason of the customer choosing to make payment for goods or services by one specified method over another will have a severe impact on the operation of his business.

[Mr. Martin.]

I would advise the Deputy that the said provisions merely prohibit differential pricing by traders based on method of payment. In this regard, it is important to point out that the provisions do not prevent traders from seeking to recover costs incurred from accepting payment by particular methods.

Whilst I am aware and mindful of the concerns expressed in the aforementioned correspondence, I am satisfied that the provisions in the Act merely reflect common practice as the vast majority of traders do not impose surcharges for accepting payment by particular methods and do not differentiate in price as between payment methods. I would emphasise that the protection of consumers was the sole aim in introducing these provisions and I am confident that their impact will be in line with that aim.

Decentralisation Programme.

587. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the reason the temporary office block to house the Company Registration Office in Carlow was chosen in view of the fact that it is still under construction and that there are many other suitable sites already built in the town, and available to rent; the costs associated with renting the temporary office; when he expects the permanent office block to be operational; the original time-scale for same; and when all 300 staff will be moved to Carlow town under the decentralisation programme.

[14283/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department is required to move 250 posts to Carlow under the Government's Decentralisation Programme. The following business units/Offices of my Department have been selected as part of the Decentralisation Programme and will be relocated in the new decentralised office:

- Companies Registration Office/Registry of Friendly Societies
- National Employment Rights Authority (NERA)
- Work Permits
- Redundancy Payments Section
- Insolvency Payments Section

In total, the indicative number of posts in Business Units decentralising to Carlow, as at 20th April 2007 is 288. The Office of Public Works (OPW) has primary responsibility for the procurement of suitable accommodation for both the advance and permanent re-location of decentralising Departments, including my Department's staff to Carlow.

With regard to the Permanent Office, the OPW completed the purchase of a site in Carlow town

centre late in 2005. An advertisement was placed by the OPW in the national newspapers and in the Official Journal of the European Union, on 1st June 2006, seeking Expressions of Interest from experienced developers/contractors who wished to be considered in connection with the provision of office accommodation for my Department in Carlow. This is part of a major PPP project which also involves the provision of office accommodation for the Department of Agriculture and Food in Portlaoise and the Department of Education and Science in Mullingar. 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.

The OPW has advised my Department that an evaluation of the Expressions of Interest was completed in February 2007, and a short-list of developers/contractors was identified from whom tenders have been invited, at end of March 2007, with the tenders due to be returned to the OPW by the end of July. When selected, it will be a matter for the preferred tenderer to secure a satisfactory planning permission in respect of each of the locations. On receipt of satisfactory planning permissions, 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.

The OPW has also advised that, all going well, construction of the permanent office is expected to be complete in 2009. In order to accommodate staff who wish to move earlier than the projected permanent building completion date, officials of my Department, in consultation with the Department of Finance and the OPW, as well as decentralising staff and Business Units, are progressing an earlier move to Carlow. It has been agreed that approximately 100 staff, 63 from NERA, 33 staff from a division within the CRO, along with a small number of support staff, will participate in an advance move to Carlow in Q2 2007, on a voluntary basis.

Following my Department's request for interim accommodation in Carlow, the OPW assessed a number of proposals in the town. Taking account of my Department's specific requirements and the timescale involved, it was decided that the premises selected represented the best overall solution to meet the Department's requirements. I am informed by the OPW that the rent will be in the region of €370,000 per annum, depending on final measurement.

Legal Metrology Service.

588. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question Nos. 264 and 265 of 14 December 2006, the situation regarding the

industrial relations issue; the date when the Legal Metrology Service last performed a full inspection programme of weighing equipment in each meat processing plant; when a full programme will recommence; and if he will make a statement on the matter. [14316/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Deputy will be aware of the background to this matter from replies on 28 September 2005, 25 January, 16 February, 20 June and 14 December 2006. Following identification of a number of serious health and safety risks, the testing of weighing equipment used for trade in meat processing plants was reviewed during the period 2002 to 2004. Full checks have not been undertaken since the review commenced and while a limited programme of inspections of weighing equipment in meat processing plants is in place it will not be possible to operate a full inspection regime until an industrial relations issue relating to the hiring of private hauliers for the conveyance and lifting of test equipment is resolved.

A Labour Relations Commission hearing on 27 March 2006 was unsuccessful in resolving the matter and further negotiations are ongoing between management and staff representatives. An external facilitator was engaged and negotiations commenced in July 2006. The negotiations are now at a particularly sensitive stage and every effort is being made to resolve the matter with a view to resuming the full inspection programme.

Community Employment Schemes.

589. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment if he will review the guidelines regarding the length of time a category of people (details supplied) can stay on a scheme. [14355/07]

590. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment if he will review the guidelines regarding the length of time people (details supplied) can stay on a scheme. [14356/07]

603. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment if he will review the situation in relation to the eligibility of people at 59 years of age having completed the community employment scheme to continue on this scheme. [14896/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 589, 590 and 603 together.

Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities

on a fixed term basis. CE helps unemployed people to re-enter the open labour market by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

In April 2000 the Department of Enterprise, Trade and Employment (DETE) introduced limits on the amount of time that a person could participate on CE (3-years total time on CE from 3rd April 2000 — participation on CE before this date is disregarded). This measure was introduced to facilitate the movement of participants through CE, allowing new participants who may not otherwise have such an opportunity, avail of the programme.

To cater for older workers in particular, in November 2004 I revised the 3 year CE cap to allow those of 55 years of age and over to avail of a 6-year period on CE (based on participation since 3rd April 2000). Subsequently, the participation limit for persons eligible for CE based on a Social Welfare disability linked payment was increased by one year. These measures were introduced in recognition of the fact that older participants and participants with a disability may find it more difficult to progress into the open labour market.

The aim of CE still remains as an active labour market programme with the emphasis on progression into employment. The programme is managed within this context, with consideration to the availability of resources and the needs of participants and the community. I am informed by FÁS that participation limits will continue to be operated flexibly at local level. While there is no formal review taking place the operation of the scheme is kept under constant review. I would like to highlight that FÁS and Local Employment Service offices are available to provide information on other employment and training opportunities which may be available to those exiting CE.

Job Creation.

591. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of new IDA supported jobs that have been created here in the past six months. [14425/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): As employment data in respect of companies supported by the Enterprise Agencies is collated by Forfás on an annual basis, the figure for jobs created in the last six months is not available. In 2006, 11,846 full-time jobs were created in IDA supported firms; the total number of permanent jobs in such firms at the end of 2006 was 135,487.

Community Employment Schemes.

592. **Mr. Naughten** asked the Minister for

[Mr. Naughten.]

Enterprise, Trade and Employment the progress to date between his Department and the Health Service Executive on the mainstreaming of community employment schemes; the schemes mainstreamed to date; the schemes which will be mainstreamed in 2007; and if he will make a statement on the matter. [14437/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

To this end and in order to support the delivery of essential services, the ring fencing and prioritisation of places for health related services, including assistance for persons with disabilities, childcare and Drugs Task Force clients was introduced over the period 2002/2003. As a result, service provision levels by CE participants within these sectors was, and continues to be, maintained at a constant level. The total number of places spread across the 3 ring-fenced sectors, namely Drugs (800), Childcare (2,000) and Health (3,200), is approximately 6,000, which represents 27% of current places.

In November 2004, following a review of FÁS Employment Schemes (Community Employment, Job Initiative and Social Economy Programmes), it was announced that Community Employment places supporting the delivery of health services will continue to be ring-fenced. There are no plans at present to mainstream these Community Employment places.

Redundancy Payments.

593. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 212 of 28 March 2007, his views in regard to the redundancy entitlement of a person (details supplied) in Count Carlow in view of the reply given; and if he will make a statement on the matter. [14499/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The position in relation to the person concerned has not changed since the date of the last reply on 28th March 2007. This person, who was made redundant on 11 March 2005 was paid statutory redundancy of €49,800 and acknowledged receipt of same. Had he been dissatisfied with the amount he received, it was open to him to lodge an appeal with the Employment Appeals Tribunal (EAT) within 12 months from the date

of the termination of his employment. The EAT has the discretion to extend that period by a further 12 months. This period expired on 11 March 2007. I am informed that an appeal was not lodged within the specified time limit. The provisions of the Redundancy Payments Acts 1967 to 2003 set down the time limits for bringing claims and I have no discretion in the matter.

Work Permits.

594. **Ms Harkin** asked the Minister for Enterprise, Trade and Employment if he will clarify the situation with regard to the status of au pairs from Bulgaria and Romania wishing to work here; and if he will make a statement on the matter. [14522/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Nationals of Bulgaria and Romania who wish to access the Irish labour market for the first time require an employment permit. Regarding the position of au pairs, the Employment Permits Section of my Department operates a List of Ineligible Job Categories covering occupations which are expected to be sourced from within the EU/EEA and for which therefore Work Permits are not available. This list, which is on the Department's Employment Permits Website at www.entemp.ie, includes the following occupations in the category of Childcare Workers — Nursery/Crèche Workers, Child Minder/Nanny.

Job Losses.

595. **Cecilia Keaveney** asked the Minister for Enterprise, Trade and Employment the situation in relation to a company (details supplied) in County Donegal paying back moneys that may be owed to State agencies further to its relocation out of Ireland; and if he will make a statement on the matter. [14554/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Grant agreements between Enterprise Ireland and companies are a matter for those parties and the Minister for Enterprise, Trade and Employment does not have a direct function in this area. All funding provided by Enterprise Ireland is subject to a legal grant agreement between the company and Enterprise Ireland. Enterprise Ireland grant-aided companies must meet their obligations to creditors and employees in the event of closure or liquidation.

The company in question ceased manufacturing in December 2005, following which, in line with its normal policy, Enterprise Ireland revoked and sought repayment of certain Employment Grants and of the Preference Shares that Enterprise Ireland had invested in the development of the company. An offer of repayment of the preference shares was made by the company to Enterprise Ireland but this offer

cannot be fully considered by Enterprise Ireland until the agency has received up-to-date audited accounts and other relevant financial information from the company. These have been repeatedly sought by Enterprise Ireland but have not yet been furnished by the company.

The situation regarding grant liabilities is disputed by the company. Enterprise Ireland is considering its response, including possible legal action to recover those liabilities. However the agency will need to have sight of the company's accounts before making its final decision. As regards the factory premises, Enterprise Ireland has no charge over the building and the agency's consent is not required for the sale of the building by the company. Enterprise Ireland continues to pursue the company to provide it with up-to-date accounts to enable the situation regarding the repayment of preference shares and outstanding grant liabilities to be resolved.

Health and Safety Issues.

596. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the plight of a number of former miners in the Slieveardagh coalfields in north Tipperary who have suffered significant damage to their health arising from their employment; his views on the establishment of a compensation scheme for such miners similar to that operating in the UK; and if he will make a statement on the matter. [14605/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Occupational safety and health legislation under the aegis of this Department relating to the protection of workers in mines, and other places of work, and which is administered and enforced by the Health and Safety Authority, is focussed solely on the prevention of occupational accidents and ill-health. There is no provision in health and safety legislation relating to compensation for persons affected by occupational injuries or diseases.

Under the Occupational Injuries Benefits Scheme operated by the Department of Social

and Family Affairs benefits may be payable in respect of insured workers affected by occupational accidents and certain prescribed occupational diseases, including pneumoconiosis.

Community Employment schemes.

597. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment his views on whether preventing those over the age of 55 from participating on community employment schemes constitutes discrimination in the context of equality legislation; and if he will make a statement on the matter. [14615/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Currently there are over 6,000 people over 55 years of age on CE. This represents circa 29% of those on CE, a figure which has increased from 25% at year end 2005. To cater for older workers in particular, in November 2004 I revised the standard 3 year CE capping to allow those of 55 years of age and over to avail of a 6-year period on CE (based on participation since 3rd April 2000). This was in recognition of the fact that older participants may find it more difficult to progress into employment.

The aim of CE still remains as an active labour market programme with the emphasis on progression into employment. FÁS operates the Community Employment Programme at local level in a flexible way in order to meet the needs of the participants and support their progression into employment.

Work Permits.

598. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment if he will provide a list of the countries of origin of all persons who applied for a work permit here between 2005 and 2007; and if he will make a statement on the matter. [14642/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Provided is a list of the countries of origin of all persons who applied for a work permit between 2005 and 2007.

Nationality	New Permits Issued	Renewals Issued	Total Issued	Applications Refused
Afghanistan	0	0	0	1
Albania	6	102	108	4
Albanian	0	2	2	0
Algeria	36	140	176	17
Angolo	1	0	1	0
Antigua & Barbuda	1	0	1	0
Argentina	67	84	151	14
Armenia	6	0	6	0
Austria	1	1	2	0
Australia	1,050	926	1,822	69

[Mr. Killeen.]

Nationality	New Permits Issued	Renewals Issued	Total Issued	Applications Refused
Azerbaijan	0	2	2	1
Bahamas	3	2	5	1
Bahrain	10	6	16	0
Bangladesh	333	1,413	1,746	1,67
Barbados	3	3	6	0
Belarus	65	1,016	1,151	20
Bhutan (Kingdom of)	0	2	2	0
Bolivia	2	5	7	0
Bosnia Herzegovina	24	110	134	5
Bosnian	0	2	2	0
Botswana	57	44	101	0
Brazil	480	2,266	2,746	137
Bulgaria	106	909	1,015	16
Burkina Faso	1	0	1	0
Burma	2	2	4	0
Burundi	2	2	4	0
Brunei	3	0	3	0
Cameroon	6	19	25	0
Canada	403	328	731	28
Cape Verde	1	0	1	0
Chile	24	29	53	3
China	629	2,122	2,751	401
Chinese	0	4	4	0
Colombia	8	31	49	1
Congo Republic of	1	1	2	1
Congo (Democratic Republic of)	2	4	6	0
Costa Rica	2	5	7	0
Croatia	116	215	331	9
Cuba	6	7	13	1
Dominica	2	0	2	0
Dominican Republic	2	0	2	0
Ecuador	2	6	8	0
Egypt	112	361	473	60
Egyptian	0	1	1	0
El Salvador	2	5	7	0
Eritrea	0	3	3	0
Estonia Alien	1	21	22	0
Ethiopia	7	22	29	1
Fiji	3	0	3	0
Gambia	0	6	6	0
Georgia	3	17	20	12
Ghana	7	24	31	2
Grenada	2	1	3	0
Guadeloupe	1	1	2	0
Guatemala	1	3	6	2
Guyana	2	1	3	0
Haiti	1	0	1	0
Honduras	0	6	6	0
Hong Kong	31	242	273	18
Hong Kong S.A.R.	0	2	2	0
India	2,551	1,161	4,612	254

Nationality	New Permits Issued	Renewals Issued	Total Issued	Applications Refused
Indonesia	38	110	148	3
Iran	11	53	64	2
Iraq	2	5	7	1
Israel	152	35	187	3
Ivory Coast	1	5	6	0
Jamaica	6	21	27	0
Japan	209	295	504	16
Jordan	25	26	51	1
Kazakhstan	8	47	55	2
Kenya	20	17	37	0
Korea (Democratic Peoples Republic of (North))	1	4	5	1
Korea (Democratic Peoples Republic of (South))	1	3	4	0
Korea (Republic of South)	1	2	3	0
Korea (Republic of (South))	33	47	80	1
Kosovo	4	50	54	3
Kuwait	31	0	31	0
Kyrgyz Republic	2	8	10	0
Latvia (Alien)	11	254	265	0
Lebanon	19	33	85	6
Liberia	0	0	0	1
Libya	2	13	15	0
Macedonia (FYR)	12	13	25	0
Malawi	6	13	19	2
Malaysia	638	1,219	1,857	154
Malaysian	0	1	1	0
Maldives	2	0	2	1
Mali	1	0	1	0
Mauritania	6	5	11	3
Mauritius	39	51	90	24
Mexico	106	59	165	6
Moldova	149	1,283	1,432	45
Mongolia	5	22	27	6
Morocco	87	175	262	14
Mozambique	5	1	6	0
Myanmar	0	2	2	0
Myanmar (Formerly Burma)	12	80	92	1
Namibia	6	2	8	1
Nepal	40	117	157	30
New Zealand	574	593	1,167	39
Nicaragua	1	0	1	0
Niger	5	3	8	1
Nigera	0	1	1	0
Nigeria	105	89	124	22
Oman	4	0	4	2
Pakistan	533	1,226	1,759	190
Palestine	1	0	1	0
Panama	1	0	1	1
Paraguay	0	10	10	0
Peru	15	35	50	0
Philippines	2,001	6,708	8,709	197
Republic of Congo	3	0	3	0
Republic of Korea	1	0	1	0

[Mr. Killeen.]

Nationality	New Permits Issued	Renewals Issued	Total Issued	Applications Refused
Republic of Korea (South)	1	1	2	0
Romania	453	2,905	3,358	102
Romanian	0	3	3	0
Russia	11	0	11	0
Russian	0	2	2	0
Russian Federation	216	1,004	1,220	26
Samoa (USA)	5	0	5	0
Santa Lucia	1	0	1	1
Saudi Arabia	1	0	1	1
Senegal	3	3	6	0
Serbia	17	6	23	3
Seychelles	1	1	2	0
Sierra Leone	3	5	8	1
Singapore	27	21	48	4
South Africa	1,557	2,298	3,855	111
South Africa	0	1	1	0
South Korea	0	2	2	0
Sri Lanka	135	223	358	13
Sudan	11	7	18	1
Suriname	0	0	0	1
Swaziland	0	4	4	0
Syria	10	51	61	3
Tanzania	8	12	20	0
Thailand	287	880	1,167	89
The Republic of Togo	1	0	1	0
Tonga	2	1	3	1
Trinidad & Tobago	16	12	28	0
Tunisia	46	123	169	4
Turkey	266	292	558	52
Taiwan	0	5	5	1
Turkmenistan	0	2	2	0
Uganda	6	6	12	0
Ukraine	919	2,976	3,895	105
United Arab Emirates	32	2	34	0
United States of America	0	0	1	0
United States of America	1,353	980	2,333	74
Uruguay	4	4	8	0
Uzbekistan	10	13	23	4
Venezuela	27	25	52	2
Vietnam	64	124	188	22
West Indies	0	3	3	0
Western Samoa	5	1	6	0
Yemen	3	0	3	0
Yugoslavia	0	4	4	0
Yugoslavia (Federal Republic of)	79	250	329	6
Yugoslavia (Federal Republic)	0	2	2	0
Zambia	14	9	23	0
Zimbabwe	88	350	438	18

Employment Rights.

599. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the position

and method by which carer's leave can be taken by a person; if it is necessary that it should be taken in blocks of a minimum of 13 weeks,

whereby employees often feel that four or six weeks would be adequate; if, in this context in particular, it is the policy of the Health Service Executive to insist that it be taken in blocks of a minimum of 13 weeks; if same is mandatory or optional; and if he will make a statement on the matter. [14756/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Carer's Leave Act 2001 (as amended) provides that a person may take leave for up to 104 weeks to care for a person who is deemed by the Department of Social and Family Affairs to be in need of such care. Carer's Leave may be taken in either one continuous period of 104 weeks or by one or more periods, the total duration of which does not amount to more than 104 weeks.

The minimum statutory period of carer's leave is 13 weeks. An employer may refuse, on reasonable grounds, to permit an employee to avail of carer's leave for less than a 13-week period. When an employer so refuses, s/he must specify in writing to the employee the grounds for such a refusal. Under the terms of the Act, the employer and employee may agree to arrangements for carer's leave that are more favourable to the employee than those set out in the Act. It is a matter for the Health Service Executive and its employees to agree any arrangements for carer's leave that might be more favourable to its employees than those specified in the Act.

If an employee considers that his or her rights have been breached under the Carer's Leave Act 2001 (as amended), he or she can take a case to a Rights Commissioner of the Labour Relations Commission for adjudication and on appeal to the Employment Appeals Tribunal. The entitlement to carer's benefit payment is based on PRSI contributions and is payable by the Department of Social and Family Affairs.

Research and Development.

600. **Mr. G. Mitchell** asked the Minister for Enterprise, Trade and Employment if he will consider the concerns of a person (details supplied) regarding Ireland's failure to participate in international particle physics research; and if he will make a statement on the matter. [14838/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Strategy for Science, Technology and Innovation recognises the importance for Ireland in building its international collaborative networks in science and highlights the importance of making investments in a way that produces the greatest benefit to Ireland. Ireland is currently involved in various international programmes and initiatives including the European Seventh Framework Programme for Research (FP7), the European Space Agency, the European Molecular Biology Lab-

oratory, EUREKA, the network for market orientated research and development and COST, European co-operation in the field of scientific and technical research.

However, I am conscious of the evolving landscape of international research initiatives and policies and consequently at my request, the Advisory Science Council (ASC) has commenced a study in order to help elaborate a strategy for Ireland's international engagement in science, technology and innovation. The outcome of this study, which is expected to be completed later this year, will be used, *inter alia*, to guide decision making on the international organisations in which Ireland should seek closer involvement.

Job Creation.

601. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the number of IDA assisted jobs that have been lost and created in County Clare in 2006; and if he will make a statement on the matter. [14841/07]

602. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the number of site visits by IDA representatives with interested parties to Ennis, County Clare in 2006; and if he will make a statement on the matter. [14855/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 601 and 602 together.

During 2006 there were twenty-seven jobs created in IDA supported companies in County Clare and forty-seven jobs lost. The Agency hosted seven site visits by potential investors to County Clare during 2006, of which one was to Ennis. Ennis is designated as a hub under the National Spatial Strategy (NSS) and is a priority location for IDA. Jobs creation and job losses are a feature of all economies as various sectors expand and contract in response to market forces.

The Agency has assured me that it is committed to the development of Clare, including Ennis, and is actively promoting the County for new investment and jobs, as part of an integrated Mid-West region. At the end of 2006 there were nine IDA supported companies operating in County Clare employing approximately 1,004 people.

IDA's strategy for the Mid West region involves:

- winning new FDI in innovation driven, high value, high skills sectors,
- working with their existing company base to expand their presence by the addition of increased functions of scale and increased strategic functions,
- ongoing influence of tailored property solutions and the supporting infrastructure to meets the needs of inward investors, and

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- working with local authorities and other partners to develop and strengthen the ecosystem to help win new FDI throughout the region, including for Clare.

I am confident that the strategies and policies being pursued by IDA Ireland are appropriate in terms of maximizing additional overseas investment and jobs for the people of Clare, including Ennis.

Question No. 603 answered with Question No. 589.

Employment Rights.

604. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the position, and method, by which carer's leave can be taken by a person, and if it is necessary that it should be taken in blocks of a minimum of 13 weeks, whereby employees often feel that four or six weeks would be adequate; if in this context it is the policy of the Health and Safety Authority to insist that it be taken in blocks of a minimum of 13 weeks; if same is mandatory or optional; and if he will make a statement on the matter. [15112/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Carer's Leave Act 2001 (as amended) provides that a person may take leave for up to 104 weeks to care for a person who is deemed by the Department of Social and Family Affairs to be in need of such care. Carer's Leave may be taken in either one continuous period of 104 weeks or by one or more periods, the total duration of which does not amount to more than 104 weeks. The minimum statutory period of carer's leave is 13 weeks. An employer may refuse, on reasonable grounds, to permit an employee to avail of carer's leave for less than a 13-week period. When an employer so refuses, s/he must specify in writing to the employee the grounds for such a refusal.

Under the terms of the Act, the employer and employee may agree to arrangements for carer's leave that are more favourable to the employee than those set out in the Act. It is a matter for the Health and Safety Authority and its employees to agree any arrangements for carer's leave that might be more favourable to its employees than those specified in the Act. If an employee considers that his or her rights have been breached under the Carer's Leave Act 2001 (as amended), he or she can take a case to a Rights Commissioner of the Labour Relations Commission for adjudication and on appeal to the Employment Appeals Tribunal. The entitlement to carer's benefit payment is based on PRSI contributions and is payable by the Department of Social and Family Affairs.

Questions Nos. 605 and 606 answered with Question No. 582.

Departmental Investigations.

607. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment when an investigation in respect of a matter relating to IDA property at a location (details supplied) in County Waterford will be completed in view of the fact that it is ongoing for 18 months; the reason an interim report is not published despite the fact that it is available since September 2006; the action he will take to complete this investigation; and if he will make a statement on the matter. [15210/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I brought this matter to the attention of the Chairman of the IDA Board and he arranged for an investigation, which commenced in October 2005. I understand that the process has proved to be more protracted than originally expected and no interim or other report has yet been received. The intention is that as soon as the investigation is completed the Chairman will inform me of the outcome.

Community Employment Schemes.

608. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment if he will make a statement on the status of the community employment and jobs initiative schemes; the number of people currently on each scheme; if vacancies that arise in the schemes are being filled; his long-term strategy for the development of the two schemes; and his views on whether this strategy should have been included in Towards 2016 and the new national development plan. [15286/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the open labour market by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

At present, there are approximately 22,500 individuals availing of CE nationally. As participants progress through CE, places continue to be made available for new participants to avail of the programme. Within the context of the Education and Qualifications Act (1999), certified learning has become a key objective for all FÁS funded training. In this context, as part of its continuous improvement processes, FÁS has introduced a new Individual Learner Plan approach

to the Community Employment programme. This approach, aimed at systematically supporting the progression of programme participants, is currently being rolled out nationwide. The ILP sets out a profile of the learner development needs both in relation to project skills training and progression training. Career planning and exit strategies form an integral part of the plan.

In addition, FÁS has developed three FETAC Major Awards, two at level 3 and one at level 4, designed to meet the training and progression needs of learners who lack basic educational qualifications, participating on Community Services programmes. These awards provide learners with an opportunity to achieve a nationally recognised major award based on their achievements on CE. The new awards also provide a stepping stone to higher levels on the National Qualifications Framework. The flexible format of the awards will allow for the construction of a programme of learning specifically designed to address the learning needs of the individual learner.

The aim of CE still remains as an active labour market programme with the emphasis on progression into employment. FÁS operates the Community Employment Programme at local level in a flexible way in order to meet the needs of the participants and support their progression into employment. Job Initiative (JI) As I announced on the 10th of November 2004, participants on the JI scheme continue to have their contracts renewed. At present, there are about 1,600 participants employed on JI.

In cases of JI participants leaving schemes, where there is local agreement between all parties concerned, Community Employment participants on existing schemes in the locality will be made available to the JI scheme concerned. This promotes a continuation in the levels of service to those seeking employment programme places, the Community in which they work and the service provided. Management of this process is overseen on a local basis through ongoing discussions between FÁS and Sponsor Organisations.

The funding of CE and JI is included in the National Development Plan Sub-Programme for Activation and Participation of groups Outside the Workforce. The CE and JI programmes are also included in the Access to Employment Section of the People of Working component of Towards 2016.

Pension Provisions.

609. **Mr. Connolly** asked the Minister for Social and Family Affairs if he will ensure an adequate income for older women by increasing pensions in line with inflation and increasing the living alone allowance; and if he will make a statement on the matter. [14134/07]

Minister for Social and Family Affairs (Mr. Brennan): Since taking office this Government has made the needs of older people a priority with the inclusion of several commitments in the Programme for Government aimed specifically at the group. I am very pleased to say that we have delivered on the commitment to increase the State pension (non-contributory) to €200 per week by 2007. The State pension (contributory) has passed this mark and now stands at €209.30 per week. Pension increases have been well ahead of inflation thus ensuring that not only is the real value of pensions maintained but that they are significantly improved in real terms. For instance, since 1996, and including the Budget increases, pensions have increased by almost 119% or about 57% in real terms.

The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people who are under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The increase is intended as a contribution towards the additional costs people face when they live alone.

The policy in relation to support for pensioners has been, for many years, to give priority to increasing the personal rates of pension rather than focusing on payments such as the living alone increase. This approach ensures that resources are used to improve the position of all pensioners and is subject to regular review. It was decided in the context of Budget 2007 to continue this policy with maximum increases of €16 and €18 per week granted to contributory and non-contributory pensioners respectively.

Analysis undertaken 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. The Government are committed to raising the qualified adult increase for the spouses and partners (age 66 or over) of contributory pensioners to the level of the state pension (non-contributory). To this end, Budget 2007 provided for an increase of €23.70 per week in the qualified adult payment where the qualified adult is aged 66 or over, bringing it up to a maximum rate of €173 per week. It is my intention to complete the process of aligning the rates in question within three years.

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 pensions have been introduced. Those qualifying for contributory pensions are not subject to a means test. In the last two Budgets a particular emphasis has been placed on

[Mr. Brennan.]

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 committed to producing a Green Paper on pensions as part of the social partnership agreement *Towards 2016*. The Green Paper will include a discussion of all aspects of our pension system including the contribution of social welfare pensions to ensuring an adequate income for older people in retirement, which is at the same time sustainable in the long-term. 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.

Social Welfare Benefits.

610. **Mr. P. Breen** asked the Minister for Social and Family Affairs the reason rent supplement for a person (details supplied) in County Clare has ceased; and if he will make a statement on the matter. [14415/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare Division of the Health Service Executive. The Executive has advised that as part of a routine review, it had suspended payment of rent supplement on the grounds that it had not received from the person concerned the documentation required to allow it to determine continued entitlement. The Executive has further advised that, following receipt of the required documentation, it has now re-instated payment of rent supplement to the person concerned at the level previously in payment and back-dated to the date from which it had been suspended.

Pension Provisions.

611. **Mr. Ardagh** asked the Minister for Social and Family Affairs if he will amend the Self Employment Pension Act 1988 to allow citizens over the age of 80 years receive a full contributory pension regardless of the number of contributions made (details supplied). [15134/07]

Minister for Social and Family Affairs (Mr. Brennan): In order to qualify for the maximum rate of the state pension (contributory) a person must, amongst other qualifying conditions, achieve a yearly average of at least 48 contributions paid or credited on his/her social insurance record. I am anxious to ensure that as

many people as possible can qualify for a contributory pension and, in this regard, the range of reduced payments has been expanded over the years so that more people can receive a payment. Reduced pensions are paid to those with yearly averages as low as 10 contributions. Arrangements are also in place for the payment of pro-rata pensions to those with mixed rate insurance records, contributions from other EU member States or from countries with which Ireland has a reciprocal agreement, and a number of special pensions such as the pre-53 pension are also available.

The rates of reduced pension are determined by the number of contributions paid. The level of pension payable is generally set as a percentage of the maximum payment. The person concerned is in receipt of a standard, half-rate state pension (contributory) based on a yearly average of between 10 and 14 social insurance contributions. The forthcoming Green Paper on pensions will include a discussion of all aspects of our pension system including the contribution that social welfare pensions can make to ensuring an adequate income for older people in retirement which is at the same time sustainable in the long-term. The Green Paper will be published following Government consideration of the issues involved and following its publication, a consultation process will take place to which Government will respond by publishing a framework for future pensions policy.

Work Permits.

612. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if he will reconsider the case of a person (details supplied) in County Galway; if they will be granted a PPS number; if they will be supported on his matter. [15139/07]

Minister for Social and Family Affairs (Mr. Brennan): There is no record of an application for a PPS Number having been accepted from the person concerned. She should call to her Local Social Welfare Office, where the issuing of a PPS Number in her case will be explored in detail and the requirements explained to her.

Family Support Services.

613. **Mr. McGinley** asked the Minister for Social and Family Affairs the reason his Department has helped establish a new family resource centre in Raphoe, County Donegal where a community resource centre already exists (details supplied); the further reason funding from his Department has been redirected from the community resource centre to a private landlord in view of the fact that his Department helped to purchase the house for the centre. [15381/07]

Minister for Social and Family Affairs (Mr. Brennan): Raphoe Family Resource Centre

(FRC) was established in 2002 under the Family & Community Services Resource Centre Programme and continues to be funded under the programme by the Family Support Agency. The aim of a Family Resource Centre is essentially to help combat disadvantage by supporting the functioning of the family unit. Centres provide services for lone parent families, young mothers and others considered in need of extra support. They can act as a first step to community participation and social inclusion. As with all Family Resource Centres, Raphoe FRC is run by a voluntary management committee made up of people from the local community.

On its establishment, Raphoe FRC moved into a community centre in Raphoe. This building had previously been purchased for community use with the support of a once-off grant from my Department, so that the building could become a resource for the people of Raphoe. The centre is also used by a number of other community groups. Recently however, the management committee of the Raphoe FRC decided that a move to dedicated premises would be beneficial for the work of the FRC.

I understand that this decision was based on a number of criteria including lack of space for staff, the need for accessibility for wheelchair users and the opportunity to provide an increased range of programmes and courses for the community as a whole. Although Raphoe FRC has moved to new premises, the community centre continues to be a resource for the people of Raphoe and indeed I have been informed that the FRC has asked the community centre if it can continue to hire out rooms for the provision of some of its services. This request is under consideration by the board of the community centre.

Social Welfare Code.

614. **Mr. Bruton** asked the Minister for Social and Family Affairs when the maximum limit in secondary earnings of €120 per week was set for people on disability allowance; and his views on raising it in line with intervening changes in the minimum wage. [14151/07]

Minister for Social and Family Affairs (Mr. Brennan): The earnings disregard for those in receipt of Disability Allowance engaging in rehabilitative employment has been increased on a number of occasions since the transfer of the then Disabled Person's Maintenance Allowance (DPMA) from the Health Boards to my Department as Disability Allowance in 1996. At that time the disregard was £35.20 (equivalent to €44.69), increased to £36.30 (€46.09) from June 1997 and to £50 (€63.49) from 3 June 1998. It was then increased to £75 (€95.23) from 5 April 2000 and to its current level of €120 from April 2000.

Prior to June last year, once a person exceeded earnings of €120 per week, payment of their Disability Allowance was withdrawn on a euro for

euro basis. In order to improve the employment incentives for people of working age and, as part of the Social Welfare Budget package, 2006, I introduced a new withdrawal rate of Disability Allowance, effective from 1 June 2006. This change means that, for earnings above €120 and under €350 per week, Disability Allowance is now withdrawn at 50 cents for every euro earned, rather than the previous euro for euro withdrawal. In practice, this means that a single person can earn up to €420 per week before their Disability Allowance fully ceases, compared with the previous amount of €240 per week. The policy in relation to supporting employment incentives for people with disabilities will continue to be kept under review in my Department and any further changes will be considered within the wider budgetary context.

Ministerial Staff.

615. **Mr. Hogan** asked the Minister for Social and Family Affairs the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14210/07]

Minister for Social and Family Affairs (Mr. Brennan): I have appointed, on a contract basis for my term of office, a Press Adviser, Mr. Tom Rowley, and a Special Adviser, Mr. Frank Lahiffe. The duties carried out by the Press Adviser and Special Adviser are as set out in Section 11 of the Public Service Management Act, 1997 i.e. to assist the Minister by providing advice, on a wide range of issues, by monitoring, facilitating and securing the achievement of Government objectives that relate to my Department and by performing such other functions as may be directed by me. The Press Adviser is on a personal salary of €106,670 together with a private pension contribution of 11% of salary. The Special Adviser is on a Principal Officer pay scale of up to €93,493.

I have also appointed, on a contract basis for my term of office, two non-established civil servants, a Personal Secretary, Ms. Mary Browne, and a Personal Assistant, Mr. Bobby Holland. The annual salary for my Personal Secretary is €41,736. My Personal Assistant is on secondment from the Department of Education and Science. That Department will recoup from my Department on an annual basis the cost of a replacement teacher's salary, allowances, PRSI contributions and superannuation contributions. This will be in the region of €44,800. In each instance the appointments are effective from 30th September 2004.

Social Welfare Benefits.

616. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo is not being granted the full rate of CDA for their three children. [14251/07]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned made an application for jobseeker's allowance on 23 February 2007. She was awarded jobseeker's allowance in respect of herself and qualified child dependants. As her spouse's income is in excess of the current cut-off point of €280.00 per week for full rate qualified child allowance, she is entitled to a half rate qualified child payment. Her weekly jobseeker's allowance payment of €60.80 includes payment of €11.00 in respect of each of her three children.

If the person is dissatisfied with this decision, it is open to her to appeal this decision and a form for this purpose has been issued to her. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Code.

617. **Mr. O'Shea** asked the Minister for Social and Family Affairs the proposals he has to pay arrears of half rate carer's allowance which is due to be introduced for those already in receipt of a pension from September 2007 back to January 2007; and if he will make a statement on the matter. [14313/07]

Minister for Social and Family Affairs (Mr. Brennan): In the Social Welfare and Pensions Act 2007 I have provided for new arrangements whereby people in receipt of a social welfare payment, who are also providing full time care and attention, will be able to retain their main welfare payment and receive another payment, depending on their means, the maximum of which will be equivalent to a half rate carer's allowance. A person currently in receipt of a carer's allowance, who may have an underlying entitlement to another social welfare payment, will be able to transfer to that payment and receive up to a half rate carer's allowance.

These new arrangements will apply to almost all weekly social welfare payments including state pension contributory and non-contributory and to people in receipt of qualified adult allowances. Recipients of jobseeker's allowance or benefit will not be eligible for the new arrangements, given the nature of these payments. This is in line with the arrangements which currently apply to receipt of the respite care grant. It is estimated that approximately 18,000 carers will benefit from this measure at cost of some €57 million in a full year.

There are significant administrative issues which must be addressed before such a reform can be implemented. The new arrangements will apply from September 2007 and financial provision has been made on that basis. As such, no arrears will be due. Towards 2016 commits the Government to continuing to review the scope for further development of the carer's allowance, carer's benefit and the respite care grant. I am committed to working for, and with, carers to deliver increased benefits, supports, and services for them and their families.

Pension Provisions.

618. **Mr. O'Shea** asked the Minister for Social and Family Affairs if he will raise the rate of contributory old age pension to the level of the minimum wage; and if he will make a statement on the matter. [14314/07]

Minister for Social and Family Affairs (Mr. Brennan): Since taking office this Government has made the needs of older people a priority with the inclusion of several commitments in the Programme for Government aimed specifically at this group. I am very pleased to say that we have delivered on the most recent of these commitments which was to increase the state pension (non-contributory) to €200 per week by 2007. The State pension (contributory) has passed this mark and now stands at €209.30 per week. Pension increases have been well ahead of inflation thus ensuring that pensions are significantly improved in real terms. Since 1996, and including the Budget increases, pensions have increased by almost 119% or about 57% in real terms.

The estimated cost of increasing all weekly contributory payments to pensioners to the level of the minimum wage of €8.30 per hour is €2,103 million in a full year. This includes the cost of increasing payments to qualified adults to maintain their current proportionate relationship to the personal weekly rates of payment. I am determined that we will build on the success achieved in this area and, as part of the social partnership agreement Towards 2016, the Government have agreed to work with the social partners over a ten-year period to enhance pension provision and income supports generally. This will include further enhancements of social welfare pensions over the period and a commitment to build on the now achieved 2007 target of €200 per week.

The forthcoming Green Paper on pensions will include a discussion of all aspects of our pension system including the contribution of social welfare pensions to ensure an adequate income for older people in retirement, which is at the same time sustainable in the long-term. 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.

Social Welfare Benefits.

619. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason supplementary welfare benefit was not granted in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [14342/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance (SWA) scheme is administered on behalf of my Department by the community welfare division of the Health Service Executive. The Executive's Community Welfare Officer (CWO) dealing with this case has advised that the person concerned applied for Illness Benefit in January 2007. However, the application was refused as she did not satisfy the conditions of the scheme. The person concerned contacted the CWO in February 2007 to apply for basic supplementary welfare allowance. The CWO advised the person concerned of the scheme conditions and asked that supporting documentation be provided with an application in order that her claim could be assessed. To date no application has been received by the Executive from the person concerned.

Social Welfare Code.

620. **Mr. Wall** asked the Minister for Social and Family Affairs if consideration is being given to increasing disability allowance payments for participants of the national network learning scheme in view of the fact that the participants receive only €31.80 per five day week for a 9 a.m. to 3 p.m. period; and if he will make a statement on the matter. [14397/07]

Minister for Social and Family Affairs (Mr. Brennan): A person in receipt of Disability Allowance who engages in employment or training of a rehabilitative nature, such as those participating in the National Learning Network Scheme, may avail of a disregard of the first €120 per week of their income for the purpose of assessment of means for the Disability Allowance scheme. Prior to June last year, once a person exceeded earnings of €120 per week, payment of their Disability Allowance was withdrawn on a euro for euro basis.

In order to improve the employment incentives for people of working age and, as part of the Social Welfare Budget package, 2006, I introduced a new withdrawal rate of Disability Allowance, effective from 1 June 2006. This change means that, for earnings above €120 and under €350 per week, Disability Allowance is now withdrawn at 50 cents for every euro earned, rather than the previous euro for euro withdrawal. In practice, this means that a single person can earn up to €420 per week before their Disability Allowance fully ceases, compared with the previous amount of €240 per week. For those partici-

pating in the National Learning Network scheme with income as indicated of €159 per week, this means that the first €120 of this income is completely disregarded and only 50% of the remaining €39 is assessable as means.

The policy in relation to supporting employment incentives for people with disabilities will continue to be kept under review in my Department and any further changes will be considered within the wider budgetary context.

Social Welfare Benefits.

621. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded farm assist. [14433/07]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for farm assist on 3 April 2007. His details have been forwarded to a Social Welfare Inspector for investigation. On completion of enquiries a decision will be made and the person concerned will be notified of the outcome. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Departmental Offices.

622. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if his attention has been drawn to complaints that it is difficult for members of the public to obtain information regarding the opening hours of local social welfare offices, as some offices do not have automated voice mail systems to provide this information out of hours and the information is not available on his Department's website; if he will take steps to rectify this situation; and if he will make a statement on the matter. [14480/07]

Minister for Social and Family Affairs (Mr. Brennan): My Department's website www.welfare.ie contains a list of every Local and Branch Office together with their address, telephone number and opening and closing times. This detailed listing can be found under the section entitled 'Contact Us' which appears on the Home Page. My Department endeavours to ensure that customers who make contact by telephone speak directly to a telephonist or an officer. Therefore, my Department uses limited pre-recorded oral announcements in the delivery of its schemes and services and these are confined to LoCall numbers. After hours recorded messages are not currently available for individual Local and Branch Offices.

Social Welfare Benefits.

623. **Mr. Perry** asked the Minister for Social and Family Affairs the financial assistance avail-

[Mr. Perry.]

able to a person (details supplied) in County Sligo towards their rent payment; and if he will make a statement on the matter. [14486/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare Division of the Health Service Executive. The objective of rent supplement is to provide short-term income support to assist with reasonable accommodation costs of an eligible person living in private rented accommodation who is unable to provide for his or her accommodation costs from within his or her own resources and who does not have accommodation available from any other source. One of the conditions for receipt of rent supplement is that the applicant must be deemed to have a genuine housing need which cannot be met from any other source.

The Executive has advised that, according to its records, it has not received an application for rent supplement from the person concerned. If the person concerned wishes to enquire as to their possible entitlement to rent supplement, they should contact the Executive who will advise them accordingly.

624. **Mr. Kenny** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that a person (details supplied) in Dublin 16 is excluded from the non-contributory State pension despite being of pension age and is excluded under the Social Welfare Act 1908; his plans to amend this legislation; and if he will make a statement on the matter. [14521/07]

Minister for Social and Family Affairs (Mr. Brennan): The State Pension (Non-Contributory) is a means tested payment for people aged 66 and over which was introduced in September 2006 to replace the Old Age Pension. All income including cash income, private pensions, foreign pensions, the value of any property (excluding the claimant's own home) and the value of any investments and capital which the claimant may have is assessable as means for the purposes of the State Pension Non-Contributory. The means of the spouse or partner living with the pensioner are also taken into account.

The person concerned applied for an Old Age Non Contributory Pension in January 2006. An assessment of the person's means was determined by a Social Welfare Inspector in February 2006. A Deciding Officer's decision dated the 8th of March 2006 found that the customer was not entitled to Old Age Non-Contributory Pension as her means, assessed at €364 per week, exceeded the then statutory limit of €185.10 per week. Currently the weekly means limit stands at €227.50.

In March 2006 the person was informed of the decision and of her right of appeal if she was not

satisfied. She appealed the decision to the Social Welfare Appeals Office and the Appeals Officer having considered evidence from the claimant, disallowed the appeal in May 2006. Subsequently the customer lodged a complaint with the Equality Tribunal alleging discrimination under the Equal Status Acts 2000 to 2004. The case was referred for mediation and a hearing took place on the 5th of February 2007. On completion of the hearing, the Equality Mediation Officer stated that the customer's entitlement had been decided in compliance with the law and as such the case could not be resolved through mediation. The complainant was given the opportunity to make application for resumption of the case but failed to do so within the stipulated 28 day period.

As the Deputy may be aware the Government is committed to publishing a Green Paper on pensions and this will be done in the near future. The Green Paper will set out the issues and challenges faced by our pensions system with a view to establishing a framework for future pensions policy. The position of older people who are not at present receiving any pension support through the social welfare system will be discussed in the Green Paper and decisions made with regard to their position in the context of the development of the framework for future policy in this area.

Departmental Offices.

625. **Ms Shortall** asked the Minister for Social and Family Affairs: 1. The telephone can often ring out unanswered. One of the reasons given is that they have a meeting one morning every week and during this time the telephones go unanswered or the office was not open or was closed. There should be some cover provided at this time. 2. If a voice-mail could be left on the telephone detailing hours of business this would greatly improve matters. 3. There is a form available for complaints but it requests personal information which acts as a disincentive to making a complaint. [14546/07]

Minister for Social and Family Affairs (Mr. Brennan): The normal opening hours in Finglas Local Office are 9:30 a.m. to 4 p.m. but the office is closed to the public from 9.30 a.m. to 10.30 a.m. every Thursday morning for staff training, meetings and briefing sessions. Signs to this effect are on prominent display in the Local Office. These weekly meetings are essential to ensure staff receive regular training and are fully briefed so as to provide a quality service to customers.

83% of the 2,912 phone calls received in Finglas Local Office between 5/3/07 and 1/4/07 were answered. 17% of these calls hung up before their call was taken and it is likely that some of the unanswered phone calls occur during the time the office is closed. My Department is currently examining the use of voice-mail and other options for the network of offices throughout the country as a way to enhance customer service.

The Comments and Complaints form requests the customer's name, address, PPS Number, details of the issue, as well as the name of the office. The form also requests the customer's phone number if the customer would be happy for the Department to contact him/her by phone. This information speeds up the handling of the issue raised. There is no obligation on anyone to provide personal information when completing a Comments or Complaints form, though the experience generally is that completion of such a form requires follow up action by the Department and it is useful in this connection if the person can be contacted directly.

Social Welfare Benefits.

626. **Mr. Durkan** asked the Minister for Social and Family Affairs if arrears of invalidity pension backdated to 2001 when they first suffered a stroke, are payable in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14643/07]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned was in receipt of a disability allowance from September 2001. In June 2006 he applied for and was awarded an invalidity pension. It subsequently transpired that, in this case, the pension was awarded in error. A decision was made to disallow his invalidity pension and to resume his disability allowance claim. The person concerned appealed the decision and following a review of the case an Appeals Officer upheld the disallowance decision. The person concerned, continues to be entitled to disability allowance which is in payment at the maximum personal rate.

Health and Safety Issues.

627. **Mr. Rabbitte** asked the Minister for Social and Family Affairs if his attention has been drawn to the plight of a number of former miners in the Slieveardagh coalfields in north Tipperary who have suffered significant damage to their health arising from their employment; his views on the establishment of a compensation scheme for such miners similar to that operating in the UK; and if he will make a statement on the matter. [14644/07]

Minister for Social and Family Affairs (Mr. Brennan): The compensation scheme to which the Deputy refers is operated by the UK Department of Trade and Industry and is not part of the UK social security system. I understand that the scheme was put in place in response to that state's role as an employer. Prior to privatisation in the 1980s, virtually all coal mines in the UK were owned by the British Coal Corporation (BCC) and the State was in effect the employer. The UK Department of Trade and Industry assumed all the liabilities of the BCC in 1998 and has been

operating compensation schemes for respiratory and other illnesses contracted by miners. Those schemes are now closed.

In Ireland disablement benefit, payable under the Occupational Injuries Benefit (OIB) scheme, is a compensation payment for loss of faculty arising out of or in the course of insurable employment. The legislation governing the OIB scheme provides entitlement to benefit for persons suffering from certain prescribed diseases which are listed in the legislation and where that person has contracted that disease in the course of their employment. Where a person has contracted one of the diseases listed in the legislation, benefits are payable if they were employed in an occupation which is specifically prescribed in relation to that disease. In addition, benefits may be payable if the claimant can show that the disease was contracted through an employment not specifically prescribed in relation to that disease.

Miners who contracted the prescribed disease pneumoconiosis are entitled to disablement benefit. Persons claiming OIB in cases of pneumoconiosis are referred to a Consultant Respiratory Physician in the first instance for an examination and report. This examination consists of a clinical assessment and pulmonary function testing. The latter is a standardised test that will establish the extent of lung malfunction irrespective of the specific medical condition giving rise to that malfunction. Disablement benefit is awarded on the basis of the consultant's objective report, including the Pulmonary Function Test results. There are currently 19 miners in receipt of disablement benefit in respect of pneumoconiosis, 7 of whom were former Ballingary/Slieveardagh miners.

Question No. 628 withdrawn.

Social Welfare Benefits.

629. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted the one parent family allowance. [14647/07]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for one-parent family payment on 23 November 2006. She was requested to provide certain documentation when she made her application and again more recently. On receipt of the required documentation a decision will be made without delay and the person concerned will be notified of the outcome. In the meantime payment of jobseeker's benefit at the weekly rate of €207.80 is being made to her. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Code.

630. **Mr. Neville** asked the Minister for Social and Family Affairs his plans to credit those who leave work to rear a family and then resume PRSI contributions in view of the fact that people in these circumstances are not eligible for full contributory pension. [14650/07]

Minister for Social and Family Affairs (Mr. Brennan): The social welfare pension rights of those who take time out of the workforce for caring duties are protected by the home-maker's scheme which was introduced in and took effect from 1994. The scheme allows time spent caring for children up to 12 years of age or incapacitated adults to be disregarded when a person's social insurance record is being averaged for pension purposes. A maximum of 20 years can be disregarded in this way.

For any year to be disregarded, a homemaker must be out of the workforce for a complete year (52 weeks). Provision is also made for the award of credited contributions in the year in which a person commences or ceases to be a homemaker. The homemaker's scheme will not of itself qualify a person for a pension. The standard qualifying conditions, which require a person to enter insurance 10 years before pension age, pay a minimum of 260 contributions at the correct rate and achieve a yearly average of at least 10 contributions on their record from the time they enter insurance until they reach pension age, must also be satisfied.

Possible reforms to the scheme, including the question of providing cover for periods spent caring before 1994 and changing the disregard system to actual credited contributions, will be discussed in the forthcoming Green Paper on pensions. Decisions on the future of the scheme will be made in the context of the consultation process and the framing of long-term pensions policy, which will follow the publication of the Green Paper.

Social Welfare Appeals.

631. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will reconsider the case of a person (details supplied) in County Mayo; his views on whether contrary to Parliamentary Question No. 435 of 3 April 2007, these documents prove it is a very different matter and if he will deal with the matter in hand, as this person had to leave their former address for their own health and safety; and if he will make a statement on the matter. [14729/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare Division of the Health Service Executive. Owing to a communications error, the appeal submitted on behalf of the person con-

cerned last January was overlooked. This is very much regretted. The Health Service Executive has advised that it is preparing the required documentation for submission to the Social Welfare Appeals Office. The case will be dealt with as a matter of urgency when the required documentation is received.

Social Welfare Code.

632. **Mr. Carey** asked the Minister for Social and Family Affairs if his Department will adopt a more flexible approach to the minimum number of hours people on disability payments are allowed to work on back to work schemes as most can do approximately eight hours per week; if the €120 per week which they are allowed to earn will be index linked in line with inflation; and if he will make a statement on the matter. [14806/07]

Minister for Social and Family Affairs (Mr. Brennan): The earnings disregard for those in receipt of Disability Allowance engaging in rehabilitative employment has been increased on a number of occasions since the transfer of the then Disabled Person's Maintenance Allowance (DPMA) from the Health Boards to my Department as Disability Allowance in 1996. At that time the disregard was £35.20 (equivalent to €44.69), increased to £36.30 (€46.09) from June 1997 and to £50 (€63.49) from 3 June 1998. It was then increased to £75 (€95.23) from 5 April 2000 and to its current level of €120 from April 2000. Prior to June last year, once a person exceeded earnings of €120 per week, payment of their Disability Allowance was withdrawn on a euro for euro basis.

In order to improve the employment incentives for people of working age and, as part of the Social Welfare Budget package, 2006, I introduced a new lower withdrawal rate of Disability Allowance, effective from 1 June 2006. This change means that, for earnings above €120 and under €350 per week, Disability Allowance is now withdrawn at 50 cents for every euro earned, rather than the previous euro for euro withdrawal. In practice, this means that a single person can earn up to €420 per week before their Disability Allowance fully ceases, compared with the previous amount of €240 per week.

The policy in relation to supporting employment incentives for people with disabilities will continue to be kept under review in my Department and any further changes will be considered within the wider budgetary context.

633. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to extend the payment of fuel allowance throughout the whole year; and if he will make a statement on the matter. [14831/07]

Minister for Social and Family Affairs (Mr. Brennan): The national fuel scheme assists house-

holders on long-term social welfare or health service executive (HSE) payments with meeting the cost of their heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are included in the recipient's weekly payment during this period. The allowance represents a contribution towards a person's normal heating expenses. It is not intended to meet those costs in full.

The fuel allowance scheme has been improved and expanded over recent years. The range of improvements made to the scheme in recent years including an easing of the means test, extending the duration of payment from 26 to 29 weeks and an increase of €5 in the rate of payment in the 2006 Budget. In Budget 2007, I have provided for a number of further improvements in the fuel allowance scheme. These comprise an increase in the weekly rate of fuel allowance of €4 from €14 to €18 (€21.90 in designated smokeless areas) and an increase in the income threshold for eligibility to fuel allowance by €49 from €51 to €100 above the state pension (contributory) rate.

Some 274,000 people benefited from the fuel allowance in 2006 at an estimated annual cost of €125.1m. As a consequence of the increase in rate and the increase in the income threshold for eligibility as announced in the recent Budget, annual expenditure on the scheme in 2007 will increase by an estimated €36.4 million. The total annual cost in 2007 is estimated at €161.5m.

Fuel allowances are incorporated in the recipient's weekly social welfare payment. The Government's objective is to ensure that the recipient's total weekly income, including the fuel allowance, is sufficient to meet all of their income needs, including heating costs. Budget resources are concentrated on providing significant real increases over and above inflation each year in all primary social welfare pension, benefit and assistance rates. The increases of €16 and €18 per week in the rates of payment for contributory and non-contributory pensions respectively announced in the recent budget is a continuation of this policy.

This is a more costly approach than increasing fuel allowances as the increase is paid for the full year and not just for the 29 weeks of the winter heating season. This approach delivers a better outcome for pensioners and others by substantially increasing their income in real terms over the whole year, to better assist them in meeting their normal basic living costs, including heating. This approach has been very effective in delivering substantial real increases to long-term social welfare recipients. For example, the combined value of the State Pension (non-contributory) and fuel allowance has increased by more than 70% since December 2001 while cumulative inflation since then was less than 20%.

Any further extensions or improvements to the fuel allowance, such as extending the duration of

the scheme, would have significant cost implications and would have to be considered in a Budget context and in the light of alternative approach to improvements in social welfare generally.

634. **Mr. Gogarty** asked the Minister for Social and Family Affairs if an applicant for rent allowance is entitled to a rent supplement if they are renting a house owned but not occupied by a sibling. [14835/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare division of the Health Service Executive (HSE). The purpose of the scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Eligibility is confined to those who are in receipt of a social welfare or HSE payment. Specific exclusions relate to applicants and spouses in full-time employment, those engaged in certain courses of study and those involved in trade disputes.

A person is not excluded from applying for rent supplement where the accommodation is owned by a family member. Each application would be decided by the HSE on its own merits and in accordance with the rules governing the scheme. One of the requirements for entitlement to rent supplement is that a bona fide tenancy must exist. The proof required may include registration of the tenancy with Private Residential Tenancies Board (PRTB), Landlord income tax records, a lease agreement or rent book. Neither I nor my Department has any function in relation to decisions on individual claims.

Social Welfare Appeals.

635. **Mr. Ring** asked the Minister for Social and Family Affairs the number of appeals currently outstanding in each category of social welfare payment on a county basis; and if he will make a statement on the matter. [14978/07]

Minister for Social and Family Affairs (Mr. Brennan): Statistics on the numbers of appeals outstanding in each category of social welfare payment are not held on a county basis. On 31 March 2007 there were a total of 5,624 appeals outstanding on a national basis. Details are not maintained on a county basis. A breakdown of those cases by scheme type is given in the table.

Work is in progress in these cases at the various stages of the appeals process. 2,884 are receiving attention in the Appeals office, 2,322 are in my Department for further enquiry while 418 cases are awaiting responses from appellants. The

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social welfare appeals system is a quasi-judicial one and the procedures in place for determining appeals are designed to ensure that each case receives full and satisfactory consideration. While improving processing times remains a major objective of the Social Welfare Appeals Office, it is necessary at all times to ensure that progress in this regard is achieved in a manner which is not in conflict with the demands of justice and the requirement that every appeal be fully investigated and examined on all its merits.

Number of Appeals on hand at 31 March 2007

Scheme Type	Appeals on Hand
Adoptive benefit	1
Blind Pension	9
Carers Allowance	290
Carers Benefit	11
Child Benefit	94
Disability Allowance	1,263
Disability Benefit	1,038
Deserted Wives Allowance	1
Deserted Wives Benefit	9
Farm Assist	29
Bereavement Grant	13
Family Income Supplement	30
Homemakers	1
Invalidity Pension(s)	269
Lone Parents	13
Liable Relative	1
Maternity Benefit	7
Old Age Contributory Pension	81
Old Age Non-Contributory Pension	180
Occupational Injury Benefit	34
Disablement Benefit	235
Occupational Injury Medical	16
Orphans Contributory Pension	5
One Parent Family Payment	368
Orphans Non-Contributory Pension	3
Pre-Retirement Allowance	6
Unemployment Assistance (Means)	366
Respite Care Grant	151
Retirement Pension	26
SCOPE (Insurability of Employment)	75
Supplementary Welfare Allowance	37
Treatment Benefit	3
Unemployment Assistance	619
Unemployment Payments Overpayments	38
Unemployment Benefit	266
Unemployability Supplement	10
Widows Contributory Pension	12
Widows Non-Contributory Pension	14
Total	5,624

636. **Mr. Ring** asked the Minister for Social and Family Affairs if a further appeal was heard in relation to a claim for carer's allowance by a person (details supplied) in County Mayo; and the outcome of this appeal. [15031/07]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned appealed to the Social Welfare Appeals Office against the decision to disallow an application for carers allowance. Having considered all the available evidence, including that adduced at an oral hearing, the Appeals Officer decided that the person being cared for was not so incapacitated as to require full time care and attention and disallowed the appeal.

The person subsequently furnished a further medical submission for consideration by the Appeals Officer. Having sought the views of the Chief Medical Adviser, the Appeals Officer determined that this information did not constitute new evidence which had not already been supplied. In the light of this, the Appeals Officer considers that there is no new evidence and that, as the appellant has already been afforded an oral hearing, a further oral hearing would not serve any useful purpose.

Under Social Welfare Legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

637. **Mr. Ring** asked the Minister for Social and Family Affairs when a carer's allowance appeal by a person (details supplied) in County Mayo will be finalised in view of the serious and chronic illness of the care recipient. [15032/07]

Minister for Social and Family Affairs (Mr. Brennan): I have nothing further to add to the reply given on 3 April 2007. The oral appeal hearing will be held in this case as soon as it can be accommodated. The person concerned will be informed when arrangements have been made. Under social welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

638. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted the household benefits package. [15036/07]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for the household benefits package on 13 April, 2007. The claim was refused as the conditions of the

scheme were not satisfied. A person in receipt of a non contributory pension who is under age 66, may qualify for the household benefits package if his/her late spouse was at the time of his/her death in receipt of the package. The person concerned is under age 66. As her late husband was not in receipt of the household benefits package at the time of his death she has no entitlement to the package.

639. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason restriction of free supplementary rent allowance has not been made in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [15051/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare division of the Health Service Executive. Neither I nor my department have any function in relation to decisions on individual claims. The Health Service Executive has been contacted and has confirmed that payment of rent supplement was suspended for the period the person concerned was absent from the State. The executive also confirms that it is reviewing the claim of the person concerned and will notify her of its decision shortly.

640. **Mr. Ring** asked the Minister for Social and Family Affairs the reason the unemployment payment to a person (details supplied) in County Mayo was changed in view of the fact that they are only working for a limited number of hours each week; and the further reason they can not continue receiving unemployment benefit for the days they are not working. [15164/07]

641. **Mr. Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo is entitled to sign on for credits following their refusal for an unemployment payment. [15165/07]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 640 and 641 together.

The person concerned had been in receipt of jobseeker's benefit at the weekly rate of €185.80. Her jobseeker's benefit exhausted on 15 February 2007. On receipt of a new claim a Deciding Officer, having examined her work pattern, determined that her normal level of employment was 3 days per week and that she has not sustained a loss of employment. Consequently she is not entitled to jobseeker's benefit. Based on her current work pattern, the person concerned would be entitled to a paid PRSI contribution each week. Therefore, the need for credited contributions does not arise.

It is open to the person concerned to appeal the Deciding Officer's decision and a form for this purpose has been issued to her. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Marine Accidents.

642. **Mr. F. McGrath** asked the Minister for Transport if he will make arrangements to have the *Pere Charles* fishing trawler lifted from the seabed off the Waterford coast. [14141/07]

654. **Mr. Ferris** asked the Minister for Transport if he will initiate procedures to raise the *Pere Charles* and the *Honeydew* vessels. [14369/07]

Minister of State at the Department of Transport (Mr. Gallagher): I propose to take Questions Nos. 642 and 654 together.

My colleague, Martin Cullen TD, Minister for Transport, and I have had discussions with many of the families of those involved in recent tragedies. We announced yesterday that a request will be issued shortly at EU level seeking tenders on the raising of both the *Pere Charles* and the *Maggie B*. We have also requested our colleague, the Minister for Defence Willie O'Dea, TD, to arrange for divers from the Naval Service to again inspect both vessels to establish their present condition and to provide data that will assist in the tender process. As the *Honeydew II* is a wooden vessel it is not proposed to raise it.

We expect this process will help confirm the adequacy of the processes in place following tragedies and also hope that it will bring some comfort to grief stricken families.

Rural Transport Services.

643. **Mr. Wall** asked the Minister for Transport the input his Department has in regard to organising funding and determining routes and so on for the rural transport initiative; the amount of funding his Department supplies to the scheme; the way this amount is determined; the way the committee or executive is determined; and if he will make a statement on the matter. [14274/07]

646. **Mr. Wall** asked the Minister for Transport if he will seek or provide the necessary funding to include an area (details supplied) in County Kildare on the routes of the rural transport initiative; and if he will make a statement on the matter. [14128/07]

650. **Mr. Wall** asked the Minister for Transport if his Department has an input into determining routes for the rural transport initiative; the funding his Department provides to the scheme; the way the organisation of the scheme is determined;

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and if he will make a statement on the matter.
[14273/07]

Minister of State at the Department of Transport (Mr. Gallagher): I propose to take Questions Nos. 643, 646 and 650 together.

Last February, I announced the arrangements for a new Rural Transport Programme (RTP). This new Programme builds on the success of the pilot Rural Transport Initiative (2000-2006) and puts it on a permanent mainstreamed basis with significantly increased funding. In line with Towards 2106 — the new Social Partnership Agreement, the Government has made available some €9 million for the Rural Transport Programme in 2007; this compares with €4.5 million in 2005. The National Development Plan 2007-2013 — Transforming Ireland, commits some €90 million to the Rural Transport Programme over its full term.

Pobal administers the RTP on behalf of my Department and makes specific allocations to individual RTP groups from funding provided by my Department. Neither I, nor my Department have any function in relation to specific allocations to individual groups. However, I have asked Pobal to work closely with the RTP groups to maximise the impact of the funding through, among other things, increased service provision and wider area coverage. Similarly, the RTP groups, working with Pobal, are solely responsible for deciding on the specific services to be provided and the methods of provision.

Road Network.

644. **Ms O. Mitchell** asked the Minister for Transport if a post-ante analysis of the cost of the construction of the Dublin Port tunnel has been conducted; if not, when this will be conducted and published; and if he will make a statement on the matter. [14659/07]

Minister for Transport (Mr. Cullen): As the Deputy is aware, the planning, design and implementation of national road improvement projects including the Dublin Port Tunnel, is a matter for the National Roads Authority (NRA) and the local authorities concerned. This includes the carrying out of ex-ante and ex-post analyses for such projects.

645. **Ms Harkin** asked the Minister for Transport if the N16 will be prioritised as a project for TENS funding at EU level; and if he will make a statement on the matter. [14123/07]

Minister for Transport (Mr. Cullen): I understand that the EU Commission will issue a “call for proposals” for TENS funding shortly. The full range of possibilities for submission of projects and proposals for TENS funding will be considered at that stage.

Question No. 646 answered with Question No. 643.

Ministerial Staff.

647. **Mr. Hogan** asked the Minister for Transport the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter.
[14212/07]

Minister for Transport (Mr. Cullen): Following is the information requested by the Deputy.

Name: Michelle Hoctor

Title: Press Advisor

Duties: Day to day press and media responses

Date of Appointment: 29 September 2006

Salary scale: €66,000

Name: Colin Hunt

Title: Special Advisor

Duties: Providing advice and monitoring, facilitating and securing the achievement of Government objectives that relate to my Department. Mr Hunt is concurrently providing a Special Advisor role to the Department of Finance but is engaged under a single contract of employment by the Department of Transport.

Date of Appointment: 8 November 2004

Salary scale: €157,786

Name: Sean Dower

Title: Personal Assistant

Duties: Research and constituency activities

Date of Appointment: 30 September 2004

Salary scale: €43,445-€55,147

Name: Pat Daly

Title: Constituency Assistant

Duties: Constituency based representations and activities

Date of Appointment: 30 September 2004

Salary scale: €43,445-€55,147

Name: Inez O'Neill

Title: Constituency Secretary

Duties: Normal secretarial duties

Date of Appointment: 30 September 2004

Salary scale: €414.56-€799.85

Rail Network.

648. **Ms O. Mitchell** asked the Minister for Transport if Irish Rail has confirmed to him that it will open the western rail corridor to Claremorris by 2014 as set out in Transport 21; if this timeline will be met; and if he will make a statement on the matter. [14216/07]

Minister for Transport (Mr. Cullen): The reopening of the Western Rail Corridor is being pursued by Iarnród Éireann in line with the timelines set out in the context of Transport 21. The priority at present is the Ennis-Athenry section where work has started, with a view to a 2008 completion. When that section is completed the next section to be worked on and opened will be the Athenry to Tuam section. Thereafter, the final section to be completed will be on to Claremorris.

Aviation Regulations.

649. **Mr. Carey** asked the Minister for Transport if he is satisfied that legislation and regulations in relation to the use of civilian helicopter flights are robust enough to take account of the nuisance caused to residential communities by the ever increasing number of such craft; and if he will make a statement on the matter. [14225/07]

Minister for Transport (Mr. Cullen): The Irish Aviation Authority (IAA) is responsible for the provision of air traffic management services in Irish controlled airspace and the safety regulation of the Irish civil aviation industry, including the regulation of helicopter operations. Neither I nor my Department has a direct role in this area. The IAA ensures that Irish civil aviation operates to the highest safety standards set internationally.

The IAA has informed me that it acknowledges the recent increase in helicopter activity within Irish airspace and that it is continuing to review existing legislation and operating procedures with a view to ensuring that safety will not be compromised and where possible reducing the environmental impact associated with helicopter operations. Legislation relating to the regulation of helicopter operations can be viewed on the IAA site www.iaa.ie.

As I indicated to the Deputy in response to a previous Question individuals may contact the Authority directly with any concerns regarding safety matters arising from helicopter operations in their areas.

Question No. 650 answered with Question No. 643.

Greenhouse Gas Emissions.

651. **Mr. J. Breen** asked the Minister for Transport his view of the fact that engine manufac-

turers for large vehicles, both trucks and buses have advanced the designs and taken these new modern engines and exhaust systems up to Euro 4 and 5 standard and the fact that both the haulage and coach and bus businesses have invested large sums to try to reach the targets of Euro 4 and 5 emissions to help these industries reach their targets and in so doing, help Ireland to get a lower emission rating; and if he has plans either by grant aid or by scrappage schemes to help these industries take out all the older vehicles and older less compliant engines and at the same time, to get the newer engines with the necessary conversions to be able to use bio fuels. [14294/07]

Minister for Transport (Mr. Cullen): The Department of Transport has recently funded a scheme to convert 50 selected vehicles to run on pure plant oil (PPO), which is being carried out under the aegis of the German-Irish Chamber of Industry and Commerce. The cost to the Department is €227,000 and provides for 75% of the cost of engine modification.

This scheme is complementary to the Minerals Oil Tax Relief (MOTR) Scheme II, which aims to place 163 million litres of biofuels on the market at a cost of €200 million, and will help develop a sustainable indigenous network of localized PPO supply chains in Ireland. The scheme is targeted at hauliers or captive fleets maintained by local authorities or public organizations.

In addition, the Department of Communications, Marine and Natural Resources (DCMNR) recently mandated obligatory 5% fuel blending by 2009, which will help to achieve the indicative target of 5.75% set out in the Biofuels Directive 2003/30/EC. It is envisaged that the additional 0.75% would be met by higher biodiesel blends of 30% in captive fleets maintained by public transport operators and use of 100% PPO by hauliers and semi-state organizations.

Road Safety.

652. **Mr. Carey** asked the Minister for Transport the measures taken by his Department since 2002 to reduce the level of road deaths; and if he will make a statement on the matter. [14306/07]

Minister for Transport (Mr. Cullen): Since 2002 my Department has invested in new, improved and safer roads. The metrication of speed limits was provided for in the Road Traffic Act 2004 and was introduced in January 2005. The Penalty Points system was extended with effect from 3rd April 2006 featuring 35 separate offences with mobile phones added from September and fixed charges now apply to almost 60 offences.

A dedicated Garda Traffic Corps was established. The current strength stands at over 800, with an additional 400 members to be allocated by the end of 2008. Following the introduction of

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legislation to enable Mandatory Alcohol Testing (MAT), we are beginning to see the results of 30,000 MAT checkpoints monthly and increased levels of enforcement. The new Road Safety Authority (RSA) was vested in September 2006. A new revised Rules of the Road was published by the RSA and launched by me on 21 March 2007. A Ministerial Road Safety Committee meets on a regular basis to progress cross cutting road safety issues.

Measures have been introduced to reduce driving test waiting times, a critical contribution to road safety and improved driver behaviour. Other major proposals identified, such as the plans to establish a system of private sector operation of speed cameras under the auspices of the Gardaí, are well advanced.

The Road Safety Authority (RSA) is responsible for developing a new Road Safety Strategy for the period 2007-2011. They went out to public consultation in October last year and I understand they have received a substantial number of suggestions and proposals as a result of this process. The RSA also engaged in a process of direct consultation with key stakeholders in December 2006. The volume of submissions received from these processes are being considered by the Authority prior to the finalisation of the new Strategy. When I receive the new Road Safety Strategy I will be submitting it to Government for approval as soon as possible thereafter.

Motor Insurance.

653. **Mr. Carey** asked the Minister for Transport if his attention has been drawn to the fact that non-Irish national drivers from the new EU countries using roads here carry an insurance cover of €40,000 in the event of an accident when the typical cover for Irish drivers is in the region of €3 million; if this lack of insurance cover poses risks to third parties; and if he will make a statement on the matter. [14307/07]

Minister for Transport (Mr. Cullen): Under EU Law, all motor policies issued in the EU must cover the minimum compulsory amount in the Member State where the accident occurs. This applies to all vehicles from all EU States. If an Irish citizen is involved in an accident in Ireland, caused by a vehicle registered in another EU Member State, the Irish minimum levels of compulsory motor insurance apply. For personal injury cases, there is unlimited cover in Ireland.

Question No. 654 answered with Question No. 642.

Road Network.

655. **Ms O. Mitchell** asked the Minister for Transport the value for money or cost benefit analysis that has been carried out in relation to

the use of PPPs for the national roads programme; if this information has been published; and if he will make a statement on the matter. [14653/07]

Minister for Transport (Mr. Cullen): As the Deputy is aware, the planning, design and implementation of national road improvement projects, is a matter for the National Roads Authority (NRA) and the local authorities concerned. In addition, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000.)

656. **Ms O. Mitchell** asked the Minister for Transport the average cost per kilometre of roads constructed as part of the national roads programme in 2000 and 2006 respectively; and if he will make a statement on the matter. [14655/07]

Minister for Transport (Mr. Cullen): As Minister for Transport I have overall responsibility for policy and funding matters in relation to national roads. Under the Roads Act 1993 the National Roads Authority (NRA) are responsible for the detailed planning, design and implementation of the national roads programme including road scheme cost and value for money related matters.

657. **Ms O. Mitchell** asked the Minister for Transport the percentage of the cost of the national roads programme which has been financed by PPPs to date; the percentage of the cost of the roads programme which it is estimated will be funded through PPPs; the estimated cost in monetary terms of the national roads programme; and if he will make a statement on the matter. [14656/07]

Minister for Transport (Mr. Cullen): As the Deputy is aware, the planning, design and implementation of national road improvement projects, is a matter for the National Roads Authority (NRA) and the local authorities concerned. In particular, the allocation of funding in relation to the construction or maintenance of national roads is a matter for the NRA under section 19 of the Roads Act, 1993. In addition, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000.)

Driving Tests.

658. **Mr. Crawford** asked the Minister for Transport if he is satisfied with the changeover of

driving tests from his Department to the Road Safety Authority; [14660/07]

Minister for Transport (Mr. Cullen): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the delivery of the driving test and the issuing of certificates of competency. I am satisfied that the transfer of the driver testing function to the Road Safety Authority will lead to an improved driver testing service.

Public Transport.

659. **Mr. Crowe** asked the Minister for Transport the amount it costs Bus Átha Cliath for a modern double decker bus. [14709/07]

Minister for Transport (Mr. Cullen): Dublin Bus has been asked to forward the information sought to the Deputy.

Motor Insurance.

660. **Mr. Carey** asked the Minister for Transport the redress open to a person whose motor vehicle was maliciously damaged by persons unknown to them and who do not have comprehensive car insurance cover; and if he will make a statement on the matter. [14713/07]

Minister for Transport (Mr. Cullen): There is no provision for compensation under motor insurance legislation in a case where a vehicle is maliciously damaged by persons unknown and where the vehicle owner does not have comprehensive car insurance cover.

Public Transport.

661. **Mr. Crowe** asked the Minister for Transport if, in relation to the routing of circle line buses down Beaver Row, Donnybrook, Dublin 4, there were criteria outlined before the decision was made to route circle line down Beaver Row; the consultation with residents and Dublin City Council that took place before this decision was made; and when this decision was made. [14744/07]

Minister for Transport (Mr. Cullen): Proposals for the provision of public bus services by private bus operators on specific routes to serve particular areas is an operational matter for the companies themselves. In accordance with the Road Transport Act, 1932, as amended, such operators apply to my Department for licences to operate scheduled bus passenger services within the State. It is a prerequisite to the granting of a licence that the approval of the Garda Síochána is obtained in relation to the position of all bus stops on and along the route. The most recent amendments to the licence held by the company mentioned by the Deputy were made on 26th October 2006.

Rail Services.

662. **Mr. Durkan** asked the Minister for Transport if he has received correspondence from a group (details supplied) in relation to difficulties with punctuality, overcrowding and evening time-gap of trains, parking and access to the station, car parking fees, feeder buses and station facilities on the rail service between Sallins, Naas and Dublin city; his plans to address these concerns at an early date; and if he will make a statement on the matter. [14829/07]

Minister for Transport (Mr. Cullen): I have received the correspondence referred to. As the issues raised therein are operational matters my Department has asked Iarnród Éireann to respond directly to the group.

Public Transport.

663. **Ms Burton** asked the Minister for Transport the level of funding provided for bus corridors in 2006, particularly for those serving Dublin 15 and the Blanchardstown area; the information available to his Department on the way in which same is spent; the amount and percentage of such funding drawn down in each of the past five years; the information available to his Department on the number of bus lane kilometres in Fingal; the information available to his Department on the different quality bus corridors and the number of pinch points for buses on each route; the percentage of each route where a bus lane exists; if he is satisfied with the level of QBC provision in Fingal; the legislative measures he proposes to speed up bus priority measures; and if he will make a statement on the matter. [14854/07]

Minister for Transport (Mr. Cullen): I would like to refer the Deputy to my previous reply to PQ No. 4422/07 on Wednesday 7th February 2007 and to say that I have been advised by the DTO Executive that the position has not changed.

Air Services.

664. **Cecilia Keaveney** asked the Minister for Transport the reason two flights (details supplied) which both receive Government subsidy can vary so significantly in price; and if he will make a statement on the matter. [14916/07]

Minister for Transport (Mr. Cullen): Services on the routes mentioned by the Deputy are provided on foot of Public Service Obligations under my Department's Essential Air Services Programme and in accordance with the relevant EU requirements. The contracts in respect of these services oblige the carriers to provide a minimum daily capacity of 60 seats each way, at least 80% of which must be made available at a fare not exceeding €75 each way.

[Mr. Cullen.]

The fares charged from time to time in respect of the remaining capacity on each flight are a matter for the commercial judgement of the carriers. Once the contractual obligations outlined above are fulfilled, I have no function in relation to fares on these services.

Rail Network.

665. **Mr. Stanton** asked the Minister for Transport further to Parliamentary Question No. 210 of 29 March 2007 and the press release issued from his Department on 6 April 2007 regarding the Midleton rail project, the month in 2009 in which passenger services are expected to be operational; and if he will make a statement on the matter. [14980/07]

Minister for Transport (Mr. Cullen): The detailed programming of the implementation of the Midleton rail line is a matter for Iarnród Éireann.

666. **Mr. Morgan** asked the Minister for Transport if his Department has plans for the land (details supplied) on the Termonfeckin Road in Drogheda, County Louth which is zoned for railway purposes; his Department's intentions for this land; the dates at which proposed changes will commence; and if he will make a statement on the matter. [15176/07]

Minister for Transport (Mr. Cullen): The issue referred to is an operational matter for Iarnród Éireann and my Department has no role in relation thereto.

Taxi Services.

667. **Mr. Gregory** asked the Minister for Transport if the number of wheelchair accessible taxis has fallen by 75%; if he has received correspondence from the taxi regulator in this regard; the action he is taking; and if he will make a statement on the matter. [15208/07]

Minister for Transport (Mr. Cullen): The independent Commission for Taxi Regulation is responsible for the development and maintenance of the regulatory framework for the control and operation of taxis, hackneys and limousines, including the licensing of such vehicles under the Taxi Regulation Act 2003, as amended. I understand from the Commission that while the proportion of wheelchair accessible taxis in the overall taxi fleet has declined there are currently 1,341 licensed wheelchair accessible taxis available compared with 840 in November 2000.

The Commission for Taxi Regulation is reviewing the current wheelchair accessible taxi specification in the context of a consultation process on vehicle standards generally which took place recently. An outline proposal from the Commission for a draft subsidy scheme to assist

with the purchase of wheelchair accessible taxis and hackneys is also being examined in my Department.

Rail Network.

668. **Mr. Stagg** asked the Minister for Transport if the contracts have been signed for the Kildare route project. [15219/07]

Minister for Transport (Mr. Cullen): The award of contracts for the Kildare route upgrade project is an operational matter for Iarnród Éireann.

Public Transport.

669. **Mr. Stagg** asked the Minister for Transport further to Parliamentary Question No. 375 of 5 April 2007, if proposals have been decided upon and cleared. [15224/07]

Minister for Transport (Mr. Cullen): The clarification requested from Dublin Bus on the two notifications as referred to in my reply of 5th April, 2007 was received from the Company on 17th April last. Both notifications are currently being considered by my Department and I will inform the Deputy when decisions have been made.

Air Services.

670. **Mr. Crowe** asked the Minister for Transport the position regarding discussions he or his Department has had in relation to allowing weapons to be carried by cabin or flight crew and in-flight security officers; the Government's position regarding armed sky marshals; and if he will make a statement on the matter. [15267/07]

Minister for Transport (Mr. Cullen): The Department of Transport has a primary role in relation to aviation security matters. Policy regarding armed personnel on board aircraft has involved close co-ordination between my Department, the Department of Justice, Equality and Law Reform and An Garda Síochána. In common with other States, the Irish position concerning the acceptance of in-flight security personnel on foreign aircraft arriving at Irish airports is a willingness to permit such operations subject to appropriate protocols and procedures being agreed in advance with the State concerned.

The issue of deployment of armed personnel on board Irish registered aircraft is kept under continuous review by the National Civil Aviation Security Committee, which is chaired by an official from this Department.

Rail Services.

671. **Mr. Sargent** asked the Minister for Transport if his attention has been drawn to the fact that Iarnród Éireann charges for the use of disabled parking spaces in its car parks; if disabled

employees of Iarnród Éireann have to pay for parking; if this is departmental policy; and if he will make a statement on the matter. [15272/07]

Minister for Transport (Mr. Cullen): The provision and management of car parking facilities at railway stations is an operational matter for Iarnród Éireann. I understand, however, from Iarnród Éireann that it is not their policy to charge for the use of disabled parking spaces, either for its customers or their employees.

Summer Jobs Scheme.

672. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the position in relation to the restoration of the student summer job scheme; and if he will make a statement on the matter. [14285/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): My Department has no current plans regarding the restoration of the Summer Jobs Scheme.

Question No. 673 answered with Question No. 46.

Harbours and Piers.

674. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether there is an urgent need for the extension of Mulranny Pier, County Mayo; if he will provide the necessary funding, in view of the urgent need to upgrade this essential piece of infrastructure as it is a valuable asset to the area and its surrounds; and if he will make a statement on the matter. [15094/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Further to previous replies to the Deputy in relation to this matter, my Department has not received an application

Name	Title	Date of Appointment	Salary Level
Eadaoin Ní Mhongaile	Media Adviser	24 June 2002	Principal Officer level + 11% superannuation payment adjustment
Pádraic Ó hUiginn	Special Adviser	12 January 2004	Principal Officer level + 11% superannuation payment adjustment
Máire Ní Fhlatharta	Personal Secretary	24 June 2002	Secretarial Assistant level + an allowance equal to 10% of Salary
Máire Ní Choisdealbha	Personal Assistant	24 June 2002	Higher Executive Officer Level

The duties of each individual is consistent with their title.

Rural Social Scheme.

677. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs when a person (details supplied) in County Galway will be offered a place on the rural social scheme; and

for funding for this pier. However, I understand that officials in Mayo County Council have indicated that an application for funding has been made to the Department of Communications, Marine and Natural Resources since January 2007.

Inland Waterways.

675. **Mr. Connolly** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to the re-opening of the Ulster Canal; the timescale envisaged for restoration of the canal; and if he will make a statement on the matter. [14130/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, the restoration of the Ulster Canal is identified in the National Development Plan 2007-2013 as one of the Government's priorities for all-land co-operation and work is already underway to explore the possibility of restoring the canal to provide a major inland waterway for the border region. My Department continues to liaise with the Department of Culture, Arts and Leisure in Northern Ireland with a view to taking this work forward.

Ministerial Staff.

676. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14201/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The details for my Media Adviser, Special Adviser, Personal Secretary and Personal Assistant are shown in the table.

if he will make a statement on the matter. [14299/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Currently, all of the 2,600 places available on the Rural Social Scheme (RSS) have been taken up. However, each of the Implementing Bodies have been encouraged to

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form a waiting list of suitable eligible applicants in their areas, which can then be used to fill vacancies as and when they arise.

Galway Rural Development Company (GRDC) Ltd. has confirmed that the person referred to by the Deputy expressed an interest in joining the RSS and was given an application form to complete. While, to date, he has not returned the form, if he is still interested in participating on the Scheme, he should contact GRDC Ltd. directly as they will be able to advise him having regard to the current waiting lists for the Scheme in his area.

678. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs when a person (details supplied) in County Galway will be offered a place on the rural social scheme; and if he will make a statement on the matter. [14300/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Currently, all of the 2,600 places available on the Rural Social Scheme (RSS) have been taken up. However, each of the Implementing Bodies have been encouraged to form a waiting list of suitable eligible applicants in their areas, which can then be used to fill vacancies as and when they arise. My Department contacted Galway Rural Development Company (GRDC) Ltd. and was informed that the person referred to by the Deputy is currently 6th on their waiting list. The applicant should keep in contact with GRDC as they will be able keep him informed of developments.

Departmental Programmes.

679. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs the plans in place to give CLÁR status to Ballisodare east; and if he will make a statement on the matter. [14344/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The CLÁR Programme is a targeted investment programme in rural areas. The areas originally selected for inclusion in the programme were those that suffered the greatest population decline from 1926 to 1996, with the exception of the Cooley Peninsula (which was included based on the serious difficulties caused there by Food and Mouth disease). The areas covered by CLÁR were reviewed in 2003 and, again, in 2006. The total number of counties now covered is 23 with a population of nearly 727,000.

At the time of the CLÁR extensions, Ballisodare East was not selected for inclusion in the Programme as it had a population increase of approx. 80% between 1926 and 2002 and, therefore, did not fit the criteria. I have no plans at

present for any further expansion of the areas covered by CLÁR.

Harbours and Piers.

680. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department in association with Údarás will carry out a structural survey of Mulranny Pier, Mulranny, County Mayo; and if he will make a statement on the matter. [14462/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Údarás na Gaeltachta has no function in the matter referred to by the Deputy. However, I understand that an application form for the small Gaeltacht piers scheme, which is administered by my Department, was recently sent to the Deputy. On receipt of the completed application form, my officials, in association with officials from Mayo County Council, will assess the application, including the need for a structural survey, in accordance with the normal criteria.

Question No. 681 answered with Question No. 77.

Departmental Programmes.

682. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs the directive he has issued in relation to the appointments of chairpersons to 38 local Leader partnerships companies here; and if he will make a statement on the matter. [14577/07]

683. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he proposes to have ministerial control over the appointment of chairpersons to the various Leader groups; and if he will make a statement on the matter. [14588/07]

689. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he is proposing to make the appointment of chairpersons of Leader programme boards his own prerogative, which is a major departure from the system which has operated since the inception of the programme; and if he will make a statement on the matter. [14725/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 682, 683 and 689 together.

Arising from the joint ministerial initiative on the review of local and community development structures, the Government recently agreed a series of measures which provide for revised arrangements in relation to the board membership and mandate of integrated local and community development agencies and urban-based partnerships, the appointment by Government of

the Chairs and the preferred coverage areas of integrated structures from now on.

The Government has decided that it should select the Chairs of the boards of these local agencies from three nominations put forward by the local boards. This decision reflects the importance of these local development agencies and the public accountability issues arising from the significant public funds that they will disburse under a wide range of programmes. The decision also recognises the Chairs as a significantly influential group as their agencies will operate throughout the state. In this regard important issues such as gender and skills balance within the group arise which, in the Government's view, require national oversight.

Official Languages Act.

684. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money that has been spent by the various Government Departments in implementing the Official Languages Act 2003 since its introduction; his views on whether the money could be better spent providing text books and examination material for the 40,000 students currently attending gaelscoileanna and gaelcholáistí in the State. [14607/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Firstly, in relation to the general issue of costs, as I have indicated previously in response to Parliamentary Questions no formal costings have been done with regard to the full implementation of the Official Languages Act 2003 on the basis that such an exercise would not be feasible in advance of consideration on a case-by-case basis by each public body, including Government Departments, of what, if any, specific costs might arise for it.

It is clear, however, that there are some cost issues involved, particularly at start-up, but in the normal course these should be met from within existing administrative allocations. In that context, I should point out that the information to hand with regard to the issue of costs relates to the costs incurred by all Departments, as well as the Office of the Revenue Commissioners and the Office of Public Works, in publishing bilingually documents covered under section 10 of the Official Languages Act during 2005. The total cost for all of those Departments/Offices of publishing such documents amounted to some €343,000. It should be noted that it had been the practice of a number of Departments to publish certain key documents bilingually prior to the enactment of the Act. This commitment on the part of Departments in some cases arose from the Quality Customer Service Initiative.

Secondly, it is important to reiterate that it is a matter for each public body in the first instance to ensure that sufficient resources are available in order to comply with the provisions of this part-

icular legislation in the same way as resources are made available to ensure compliance with obligations imposed by other pieces of legislation and by the requirement to provide Quality Customer Service. Any question of funding for specific administrative costs for individual public bodies — regardless of whether these relate to the Official Languages Act or any other service delivery or policy obligation arising — would fall to be assessed against formal business cases or proposals submitted as part of the normal annual estimate and budget cycle.

Given its position as the first constitutional language, the objective is to ensure that delivery of public services by public bodies through the Irish language is seen as normal and required to meet minimum standards of customer service and corporate governance, rather than an optional extra or add-on. The Official Languages Act provides a planning mechanism by which constitutional obligations can be met over time in a planned and coherent way.

I do not accept as suggested in the question by the Deputy that resources devoted to the implementation of the Act would otherwise be available from the various agencies and Departments to provide support materials for students engaged in Irish-medium education.

Water and Sewerage Schemes.

685. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will approve a grant through CLÁR for the Ballyduhig group water scheme, Listowel, County Kerry; and if he will make a statement on the matter. [14608/07]

690. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will approve a grant under the CLÁR programme to enable the Ballyduhig group water scheme County Kerry to commence; and if he will make a statement on the matter. [14833/07]

694. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs when funding will be approved for the Ballyduhig water scheme, Listowel, County Kerry from CLÁR funding; and if he will make a statement on the matter. [15040/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 685, 690 and 694 together.

I am pleased to inform the Deputy that, yesterday, 23rd April, I announced an allocation of CLÁR top-up funding to the value of €61,546 for the Ballyduhig Group Water Scheme in County Kerry. This funding will enable works amounting to €99,639 to be carried out, with the balance being paid by the Department of Environment, Heritage & Local Government and by private contributions from the Group members. A total

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of 5 households will benefit from the Scheme, with savings of €12,309 per household.

Community Development.

686. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has received an application for funding in respect of an employment development information project (details supplied); if he will ensure that same is considered for such funding; and if he will make a statement on the matter. [14716/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): An application to the Dormant Accounts Fund from the group concerned under the Jointly Funded Flagship measure was received and is currently being processed. The applicant will be informed of the outcome of the process in due course.

Rural Transport Initiative.

687. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs if the rural transport initiative scheme will assist old age pensioners with taxi costs; and if he will make a statement on the matter. [14720/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I believe there is a need in rural Ireland for an evening transport service to allow rural people to fully participate in the various activities — community, sporting and social — that take place in their areas and to address the market failure that currently exists.

What I have in mind is that the new scheme will be additional to the existing Rural Transport Programme (RTP), run by the Department of Transport, and that a small number of areas will be selected to run it, over a 12 month pilot period. In this context, the 34 groups currently delivering the RTP were invited to submit applications to be considered under the new scheme and 22 of the groups subsequently applied. I hope to make an announcement on the half dozen or so pilot areas to be selected in the next week or two.

All passengers will be charged to travel on the proposed service to ensure its cost effectiveness — other than holders of free passes, such as old age pensioners.

Community Development.

688. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be provided by his Department for an integrated services centre for the Mitchell's area of Tralee, County Kerry; and if he will make a statement on the matter. [14724/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): An application to the Dormant Accounts Fund in respect of the project in question was made under the Jointly Funded Flagship measure. The applicant will be informed of the outcome of the assessment process quite shortly.

Question No. 689 answered with Question No. 682.

Question No. 690 answered with Question No. 685.

691. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the position in relation to balancing funding for a group (details supplied) in Dublin 15, which is currently seeking to start the building of a long promised community and family resource facility; if he has been in a position to provide the shortfall in funding which has emerged; and if he will make a statement on the matter. [14867/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): An application in respect of the Community Centre in question under the Young People's Facilities and Services Fund (YPFSS) was received in November 2006 from Blanchardstown Local Development Group. However, the Development Group subsequently contacted the Department to advise of its intention to withdraw that application and to submit a revised one, focusing more particularly on the potential of the proposed development in regard to young people at risk in the community. To date a revised application has not been received.

The Deputy may be aware that I recently announced my intention to allocate an additional €6m in capital funding under the YPFSS. It will be open to all 18 Development Groups to make applications in this regard and any application submitted by Blanchardstown Local Development Group in respect of the Community Centre in question will be considered by the National Assessment Committee of the Fund.

Water and Sewerage Schemes.

692. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs when funding will be provided to a group water scheme (details supplied) in County Mayo. [14877/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): An application for CLÁR funding in respect of the upgrading of the Fahy/Kilmaclasser group water scheme was received in my Department in September 2006.

My Department is examining the matter in consultation with Mayo County Council and the Department of the Environment, Heritage and Local Government (D/EHLG).

Under the conditions governing CLÁR funding for such schemes, D/EHLG is consulted on all schemes costing more than €250,000 to CLÁR. As the CLÁR funding requested in this instance is €1,169,087, the application was referred to D/EHLG and their advice is awaited. A decision on the application will be made as soon as possible.

Community Development.

693. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs if through the schemes under the remit of his Department funding is available to a number of clubs (details supplied) in County Kildare in relation to necessary infrastructural refurbishment for the safety of their members; and if he will make a statement on the matter. [14915/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department does not provide funding under any of its schemes or programmes for the specific project that the Deputy refers to. Detailed information in respect of the schemes and programmes operated by my Department can be found on my Department's website at www.pobail.ie.

Question No. 694 answered with Question No. 685.

Question No. 695 answered with Question No. 67.

Question No. 696 answered with Question No. 53.

Question No. 697 answered with Question No. 46.

Emigrant Support Services.

698. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs if he will allow overseas emigrant groups to apply for dormant accounts funding; and if he will make a statement on the matter. [15153/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I refer the Deputy to my reply to Question Number 7 on 5 November 2006 relating to Exchequer funding for overseas emigrant groups. The position concerning support from the Dormant Accounts Fund for such groups has not changed.

Proposed Legislation.

699. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for the delay in the publication of the Charities Bill; and if he will make a statement on the matter. [15156/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I am pleased to inform the Deputy that the Charities Bill 2007 was published on 12th April last.

Question No. 700 answered with Question No. 74.

National Drugs Strategy.

701. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs if he will ring-fence moneys seized by the Criminal Assets Bureau for drug treatment and rehabilitation services; and if he will make a statement on the matter. [15158/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): In principle, I would welcome the use of moneys seized by the Criminal Assets Bureau (CAB) for drug prevention and drug treatment programmes. Indeed, my officials have explored this idea previously. However, the critical issue is the level of overall funding made available for the implementation of the National Drugs Strategy and in that regard I am fully satisfied with the amount of €50m made available this year.

An allocation of €50m has been made to my Department's Vote for the Drugs Initiative/Young People's Facilities and Services Fund in 2007. This represents an increase of 16% on the 2006 allocation and a massive 59% increase on the 2005 figure. In addition, well over €200m is being provided by the Government across a number of other Departments and agencies to tackle the drugs problem this year. Overall, therefore, I am satisfied that current Government expenditure on drugs is sufficient to meet demands.

Question No. 702 answered with Question No. 59.

703. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the need for increased community policing as promised under the national drugs strategy; and if he will make a statement on the matter. [15160/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I acknowledge the value of community policing and support the development of appropriate Community Policing Fora, in line with Action 11 of the National Drugs Strategy. To date, three Community Policing Fora have been established in the Finglas, Blanchardstown and North Inner City (Dublin) Local Drugs Task Force areas.

Meanwhile, under the Garda Síochána Act 2005, Joint Policing Committees are to be estab-

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lished in each of the 114 Local Authority administrative areas throughout the State. These Committees, 22 of which have been established on a pilot basis, will bring together public representatives as well as representatives of Local Authorities, an Garda Síochána, and the community and voluntary sectors to discuss and make recommendations on matters affecting the policing of their areas.

At the same time, An Garda Síochána, in conjunction with the Department of Justice, Equality and Law Reform, are engaged in discussions with the relevant players about how best to progress the development of Community Policing Fora within the overarching structure of the Joint Policing Committees. Funding of €14m has been allocated to that Department under the National Development Plan (2007-2013) to develop the Community Policing Fora structures over the lifetime of the Plan.

Departmental Staff.

704. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the efforts taken by his Department to encourage sustainable transport by his staff; and if he will make a statement on the matter. [15161/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department has taken a number of steps to encourage the use of sustainable transport among staff. The Department provides only limited car parking facilities for staff and, as an alternative, encourages and manages the use of the travel pass scheme which offers tax incentives to staff who purchase annual bus or train tickets. There is a significant take up of that scheme. The Department also provides secure bicycle parking facilities for staff and also provides changing and shower facilities for staff to encourage cycling to work.

Rural Social Scheme.

705. **Mr. Fleming** asked the Minister for Community, Rural and Gaeltacht Affairs if the numbers on the rural social employment scheme operated by Laois Leader are to be increased; and if he will make a statement on the matter. [15167/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As all of the 2,600 places available under the Rural Social Scheme have now been filled, I regret it is not possible to allocate any further places to Laois LEADER. However, my Department is encouraging Implementing Bodies to form waiting lists of suitable, eligible applicants, which can be used to fill vacancies on the Scheme, as and when they arise. This will ensure that places arising are filled as quickly as possible, while also enabling my staff

to monitor and assess the on-going demand under the Scheme.

Grant Payments.

706. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if a grant will be approved for a person (details supplied) in County Mayo. [15179/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department has no application on file from the individual in question at the given address. However we do have an application under Scéim na mBóithre Áise for assistance to carry out works on a road at the same address. This application will be assessed under the usual criteria when grants are being sanctioned in the future.

Community Development.

707. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he is discontinuing core funding from the LDP for a group (details supplied); if he will reconsider his position on funding for this group; and if he will make a statement on the matter. [15180/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Community Development Programme provides multi-annual core funding to some 180 locally based voluntary and community groups (Community Development Projects) involved in anti-poverty and social inclusion initiatives. In addition, the Programme provides significant funding to a range of support groups under contract to my Department to provide support for these Projects.

The decision to discontinue funding to the group in question was part of a move to concentrate funding on coalface activities rather than support groups. It is a matter for individual Community Development Projects to use the service of the group in question if they consider them good value. The decision to discontinue funding to the body referred to by the Deputy was communicated to the group in June 2005 in order that other avenues for funding could be explored by the group. The group appealed that decision. The matter was further considered and funding of €100,000 was approved for the body for 2007 to give them more time to explore new opportunities for funding. My intention is to ensure that a greater proportion of the funding for the Programme is made available to Community Development Projects to address local issues. It is my intention that individual Projects are able to access funding from the Programme to meet specific training and support that their boards of management may consider necessary to address local needs.

708. **Mr. Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the position in relation to an application for funding under the CLÁR programme for a project (details supplied) in County Wicklow; if funding will be provided as a matter of urgency in view of the safety issues; and if he will make a statement on the matter. [15270/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): CLÁR provides 100% funding specifically for flashing amber safety lights at all primary schools in CLÁR areas that do not already have such lights. The Local Authority identifies the projects and my Department has no role in this process. The Local Authority has sole responsibility for the administration of this scheme.

Departmental Programmes.

709. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his plans for changes, alterations, amalgamation or administration in the matter of the rural development programmes; and if he will make a statement on the matter. [15335/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The new Rural Development Programme 2007-2013 will cover key 'outside the farm gate' measures such as diversification into non-agricultural activities, support for business creation and development, encouragement of tourism activities, basic services for the economy and rural population, village renewal and development and conservation and upgrading of the rural heritage.

I would also refer the Deputy to Parliamentary Question number 43 which I answered today which provides details in relation to the improvement of on-the-ground services, where City and County Development Boards have been mandated to oversee the cohesion process at a local level and to facilitate the development of cohesion proposals by local agencies, including those delivering rural development programmes.

710. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the way his plans for the future operation of rural or urban development schemes funded by his Department are expected to be affected by administrative changes he has in mind; and if he will make a statement on the matter. [15336/07]

711. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the sources of funding for the various community, urban and rural support schemes operated by his Department; those not funded by his Department; his proposals for their operation in the future; and if he will make a statement on the matter. [15337/07]

716. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals for the funding of urban or rural community and development programmes in the future; and if he will make a statement on the matter. [15342/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 710, 711 and 716 together.

As the Deputy will be aware, my Department implements and funds a wide range of measures, schemes and programmes for the development and support of various communities, urban and rural. The sources of funding for these schemes and programmes are the Exchequer, EU and the Dormant Accounts Fund. Details of these can be found on my Department's website www.pobail.ie.

These schemes and programmes currently are being operated and delivered in line with the current Programme for Government. The future operation and funding supports provided by my Department's schemes and programmes for the development of urban and rural communities will be in line with the next Programme for Government, the National Development Plan 2007-2013 and the ongoing emerging needs of communities, both urban and rural.

In relation to the new Rural Development Programme 2007-2013, I can confirm that the Programme will cover key 'outside the farm gate' measures such as diversification into non-agricultural activities, support for business creation and development, encouragement of tourism activities, basic services for the economy and rural population, village renewal and development and conservation and upgrading of the rural heritage.

In respect of the Deputy's query regarding the future operation of rural or urban development schemes funded by this Department and the administrative changes arising, I refer the Deputy to Parliamentary Question number 15007/07, which I answered recently, and which provides details in relation to the improvement of on-the-ground services, where City and County Development Boards have been mandated to oversee the cohesion process at a local level and to facilitate the development of cohesion proposals by local agencies. Finally, the Deputy will appreciate that I have no function in relation to urban/rural support schemes not funded by my Department.

712. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the expenditure under the CLÁR scheme expected in 2007; the way this compares with 2006; and if he will make a statement on the matter. [15338/07]

714. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the expected expenditure under the CLÁR scheme in County Kildare in 2007; the way this compares with 2006;

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and if he will make a statement on the matter. [15340/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 712 and 714 together.

The CLÁR Programme is a targeted investment programme in rural areas. The areas originally selected for inclusion in the programme were those that suffered the greatest population decline from 1926 to 1996, with the exception of the Cooley Peninsula (which was included based on the serious difficulties caused there by Food and Mouth disease).

The areas covered by CLÁR were reviewed in 2003 and, again, in 2006. The total number of counties now covered is 23 with a population of nearly 727,000. Kildare was not selected for inclusion in the Programme at any time as it did not fit the criteria in terms of population loss. Consequently, there is no CLÁR expenditure in Kildare.

Funding of €18.683m is provided for the CLÁR Programme in my Department's Estimates for 2007. In 2006, expenditure was just over €23m, which reflects the expansion of the Programme from 18 to 23 counties which took place during that year. I am confident that the funding available for the Programme in 2007 will be sufficient to meet demands.

713. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the expenditure under the RAPID scheme expected in 2007; the way this compares with 2006; and if he will make a statement on the matter. [15339/07]

715. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the expected expenditure under the RAPID scheme in County Kildare in 2007; the way this compares with 2006; and if he will make a statement on the matter. [15341/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 713 and 715 together.

The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 45 designated RAPID areas. In addition, in 2006 RAPID priority status was extended to Ballyfermot. This Department, with the support of Pobal, has overall responsibility for the co-ordination of the RAPID programme. It is a matter for individual Departments to report progress with their projects under the RAPID programme. The latest data in respect of the programme is available on Pobal's website under the RAPID section (<http://www.pobal.ie/live/RAPID>).

The Deputy will be aware that I introduced the RAPID Leverage Schemes in 2004. Under these

schemes, my Department directly funds schemes with other Departments and agencies to provide playgrounds, improve traffic measures, improve health facilities, provide CCTV, support sporting organisations as well as improve local authority housing estates and flat complexes.

Since the introduction of these Schemes I have increased the amount of allocated annually from some €6.5m in 2004 to some €11.0m in 2006. Funds are drawn down from the Department when works have been completed and not necessarily in the year of allocation. The timing of completion of works is outside of the control of my Department.

I am constantly monitoring the Schemes to ensure that they are serving the needs identified by people in the RAPID communities. In 2006, in response to requests, I broadened the Playground Scheme to provide funding for Multi-User Games Areas. This initiative has proved very popular. The Deputy will be aware of the joint initiative announced in January 2007 with my colleague the Minister for Education and Science that will enable €18m worth of investment in schools in RAPID areas. I am satisfied that the allocation of €7.8 million in 2007 is sufficient to meet the funding commitments I have approved for these schemes for this year.

With respect to the Athy RAPID area, funding of some €92,000 was expended on sports top-up grants and traffic calming measures in 2006. The total funding allocated to projects in Athy from the Leverage fund in 2006 was €211,000. Additional allocations will be made during 2007 as the individual schemes open for applications.

Question No. 714 answered with Question No. 712.

Question No. 715 answered with Question No. 713.

Question No. 716 answered with Question No. 710.

National Drugs Strategy.

717. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of community based schemes involved in drug rehabilitation funded by his Department in 2006 and 2007; the extent to which he proposes to increase such support with a view to dealing with the drugs issue; and if he will make a statement on the matter. [15343/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Over 400 Local Drugs Task Force projects, including those under the Emerging Needs Fund, received interim funding from my Department in 2006. Of these, in the region of 200 projects dealt with the issues of treatment and rehabilitation and these will be continue to be

funded in 2007. Across the ten Regional Drug Task Force areas, 42 treatment and rehabilitation projects were initiated in 2006 and it is expected that this will rise to a total of 62 by the end of 2007.

The Deputy should also note that the Report of the Working Group on Drug Rehabilitation will be published in the next few weeks. The key recommendations focus on providing a continuum of care for clients through planned progression paths for each problem drug user, while ensuring that quality standards are achieved in the services provided. The Report also focuses on wider supports needed by recovering problem drug users in areas such as access to education and employment, housing and child care, while recognising the need to involve the families of problem drug users in the process.

718. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications he received for funding from community based schemes involved in combating drugs throughout the greater Dublin area in the past 12 months; the number of such applications that were successful; his proposals to make a further offer to those that were unsuccessful; and if he will make a statement on the matter. [15344/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The bulk of expenditure on drugs initiatives allocated to community groups through my Department is channelled annually to on-going projects through the Local Drugs Task Forces, the Regional Drugs Task Forces and the Young People's Facilities and Services Fund (YPFSF).

Local and Regional Drugs Task Force projects normally originate at Task Force level and are submitted to the National Drugs Strategy Team (NDST). Following consideration by the NDST, recommendations for funding of some projects are made to my Department. Under the YPFSF, projects come through Development Groups in the designated areas and are submitted to the National Assessment Committee of the YPFSF, chaired by my Department. In the event of projects not being selected for submission, it is open to project promoters at community level to pursue the matter with the relevant Drugs Task Force or Development Group.

In 2006/2007 to date, I have approved all the projects which were submitted to me under the Premises Initiative Fund (capital projects at Local and Regional Drugs Task Force level), the Emerging Needs Fund (mostly current projects for Local Drugs Task Force level) and the YPFSF (current and capital projects). The Premises Initiative Fund was established to meet the accommodation needs of community-based drug projects. I approved funding for 10 such projects in 2006 in the greater Dublin area and a further

11, to date, in 2007. The Emerging Needs Fund was established to support projects in Local Drugs Task Force areas to respond in a timely and flexible way to new and emerging needs. I approved a total of 59 projects in the greater Dublin area under this Fund in 2006.

The YPFSF assists in the development of Youth Facilities, (including sport and recreational facilities), and services in disadvantaged areas where a significant drug problem exists or has the potential to develop. Under this Fund, 6 new current projects in the greater Dublin area were approved in 2006 and these will continue to receive funding in 2007. I approved funding for 17 new capital projects in 2006, with a further 5 being approved so far this year.

719. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if he will establish as a matter of urgency, due to the deteriorating situation with drug misuse in Limerick and particularly around heroin abuse and its associated problems, a local drugs task force dedicated to providing services in Limerick city. [15366/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Up-to-date and comprehensive data on the misuse of drugs will start to become available in the autumn with the publication of the first results from the second all-island Drug Prevalence Survey, the fieldwork for which is now nearing completion. Furthermore, with respect to heroin misuse in particular, another national study is being commissioned by the National Advisory Committee on Drugs and figures from this are expected to be available in early 2008. These surveys will give us a much clearer view of the prevalence and changing nature of drug misuse all over Ireland.

Meanwhile, I can assure the Deputy of my commitment, and that of the Government, to tackling the drugs problem in Limerick City and, indeed, all over the country. With regard to Limerick City, I feel, however, that the drug problem there can best and most effectively be dealt with through the establishment of a subgroup of the Midwest Regional Drugs Task Force, rather than through the establishment of a separate Local Drugs Task Force structure.

Question No. 720 answered with Question No. 52.

Rural Development.

721. **Mr. McGinley** asked the Minister for Agriculture and Food the position in relation to the development of a national strategy on rural development; and if she will make a statement on the matter. [15155/07]

Minister for Agriculture and Food (Mary Coughlan): In line with the EU framework for rural development, a national strategy was developed and forwarded to the EU Commission last November. This strategy outlined Ireland's proposed approach for the next seven years. A rural development programme detailing relevant support measures was then sent to the EU Commission in December. This programme set out measures to be co-funded by the EU and others to be funded solely by the exchequer.

My Department continues its consultation with the EU Commission on both the strategy and the programme. While it is still too early to be definitive as to the eventual outcome, I would hope that EU approval will be obtained in the coming months. The EU Commission has already advised that its approval for measures solely funded by the exchequer is to be pursued outside the remit of the programme. The necessary steps have been taken to allow for this course.

Grant Payments.

722. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Carlow was refused a grant under the scheme of investment aid for farm waste management; her views on whether the works carried out were in line with best environmental practices; and her further views on awarding the grant due to the farmer's financial predicament. [14149/07]

Minister for Agriculture and Food (Mary Coughlan): The person named is an applicant under the Farm Waste Management Scheme. An incomplete application was received on 13 December 2006. Additional information in relation to that application was requested from the person concerned on 21 March 2007. The application cannot be further progressed until that information is received. It is a fundamental condition of the Farm Waste Management Scheme that aid will not be granted for works commenced or equipment/items purchased before written approval has been conveyed to a farmer.

Alternative Farm Enterprises.

723. **Mr. Kenny** asked the Minister for Agriculture and Food the alternative enterprises that will be offered to farmers following the closure of a meat processing factory (details supplied) in County Kerry; the efforts made to protect this important local enterprise; if she will assist the suppliers affected; and if she will make a statement on the matter. [14154/07]

Minister for Agriculture and Food (Mary Coughlan): You will be aware that this company went into receivership in October 2001 and a liquidator was appointed in 2002. The payment of

monies owed is a matter to be resolved between creditors and the liquidator. Consequently, it would not be appropriate for me to intervene in this matter.

Notwithstanding the closure, however, I would point out that the Irish beef sector remains competitive. Production at export plants, during 2006, rose by almost 5% to some 550,000 tonnes, while cattle slaughterings amounted to some 1.7 million head. 2006 also saw further growth in beef exports. In excess of half a million tonnes, or more than 90% of total production, was sold abroad, most of it going into the high value EU market. Together with the increase in output and exports, the upward trend of recent years in prices also continued. Across all classes and grades, prices rose, on average, by 8% last year, reaching their highest level for many years.

As regards the sheep sector, 2006 proved to be a stable year. Despite major difficulties in our largest market France, prices, it should be noted, recovered during the course of the year, and were up 2% overall. However, supplies across the EU are forecast to decline over the coming years, a factor which should strengthen prices.

To support these sectors in responding to the very real challenges they face on an on-going basis I announced, last year, a number of initiatives that will assist them in cementing the achievements already made and better equip them to face the ongoing challenges of a competitive marketplace. These will complement and underpin the Quality Assurance Schemes for both the beef and sheepmeat sectors.

A Capital Investment Support Scheme for the beef and sheepmeat primary processing sectors was announced in November 2006. The rationale for this scheme is to assist the industry in further strengthening competitiveness and efficiency. The support package, amounting to €50 million, will trigger overall investment of €120 million. The aid scheme, funded by the Department, will be managed by Enterprise Ireland, the state agency responsible for implementing such state aid packages.

Proposals for the introduction of an Animal Welfare, Recording and Breeding Scheme for Suckler Herds were submitted to the European Commission in December 2006. The scheme, which is subject to EU approval, is designed to encourage suckler farmers to achieve higher standards in animal welfare and husbandry and to record data for breed improvement purposes in order to assist both quality and productivity. A budget of €250 million is being provided over the duration of the scheme.

The Sheep Industry Strategy Group, which I established, produced its report in June 2006. This contained a number of important recommendations aimed at developing the sector and these are now in the process of being implemented. I believe these measures, combined with our high levels of food safety standards, will

not only contribute to underpinning the strategic and coherent development of these sectors, but also agricultural incomes.

Ministerial Staff.

724. **Mr. Hogan** asked the Minister for Agriculture and Food the names, titles, duties and dates of appointment of each of the special

Grade	Number	Date Appointed	Salary Scale
Special Adviser (Civil Servant)	1	29th October 2004	€61,755-€89,271 Assistant Principal Officer Scale + 10%
Press Adviser (non Civil Servant)	1	2nd May 2006	€80,408-€112,334 Principal Officer scale
Personal Assistant (Non Civil Servant)	1	30th September 2004	€43,445-€59,998 Higher Executive Officer scale
Personal Secretary (Non Civil Servant)	1	30th September 2004	€21,631-€41,736.17 Secretarial Assistant's salary + 10%

Grant Payments.

725. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo has received all of their payment entitlements; and if she will make a statement on the matter. [14232/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that the person named applied under both the Agri-Environmental and National Reserve Hill Farmer measures of the Single Payment Scheme and was deemed successful under both measures. The Regulations governing the Single Payment Scheme provide that checks must be made to ensure that an applicant who is successful under more than one measure of the Single Payment Scheme may only receive an allocation under the measure that is most beneficial to him/her.

In this case it has been established that an allocation from the National Reserve Hill Farmers measures is more beneficial and therefore the Agri-environmental measure has been rescinded in favour of an allocation from the National Reserve. A formal letter outlining my Department's decision has issued to the person named and his Single Payment has been increased by €1000 which is the maximum amount payable under the measure concerned. There are no proposals to increase Single Payments under Modulation.

726. **Mr. McGuinness** asked the Minister for Agriculture and Food the reason two years' farm payments have not been made in the case of a person (details supplied) in County Kilkenny; and if she will expedite payment of the outstanding amounts due as the applicant has submitted all of the information required some time ago. [14236/07]

advisers, political advisers, personal assistants and press officers appointed by her; the salary level of each appointee including payments in lieu of pension; and if she will make a statement on the matter. [14198/07]

Minister for Agriculture and Food (Mary Coughlan): The table details the information requested by the Deputy.

Minister for Agriculture and Food (Mary Coughlan): The person named received Payments of €12,827.44 in 2005 and €15,026.99 in 2006 under the Single Farm Payment Scheme. The person named also applied to transfer in entitlements by way of Private Contract Clause. This application has been processed and the additional payment due will issue to the applicant shortly.

Common Agricultural Policy.

727. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding the WTO and the CAP review for 2008; and if she will make a statement on the matter. [14295/07]

Minister for Agriculture and Food (Mary Coughlan): As regards the WTO, representatives of the EU and the main negotiating partners met recently in New Delhi and committed themselves to completing the negotiations by the end of the year. A further round of intensive negotiations is expected to take place in the next few months with a view to reaching agreement on the outline of a new agreement and to finalise the details by year end. Despite renewed efforts to achieve progress in recent months, there are no indications, for the moment, of a breakthrough on the substance of the negotiations. No new offer has been made by any of the negotiating partners. The emphasis in the negotiations remains on agriculture and there have been no recent developments of any significance in relation to the wider agenda of services, industrial goods or other issues. At this stage, there is no clear indication that any other negotiating partners are willing to concede in order to achieve compromise as the negotiations proceed.

I am committed to a successful conclusion to the negotiations. However, I believe that the negotiations must proceed, in parallel, on a multi-lateral and multi-sectoral basis in order to ensure a balanced outcome. Agriculture must not carry

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a disproportionate burden in the negotiations and I am firmly opposed to any further concession on agriculture beyond the EU's offer of October 2005.

As regards the CAP "Health Check", I expect that the Commission will bring forward a communication later in the year or early in 2008 outlining various policy issues for general debate. Formal proposals will be presented at a later stage by decision by the Council of Ministers later in 2008. The Commission has signalled a number of issues that may be included in the 'Health Check' but no definite details are available at this stage. However, I expect that the process will include the review of milk quotas and the review of implementation of the Single Payment Scheme, both of which have been already agreed. While the Commissioner has stated that she does not envisage further radical reform of the CAP, she has adverted to the need for constant monitoring of common policies with a view to streamlining, simplification and rationalisation.

My main concern, following the most recent CAP reform, will be to ensure that there is a sustained period of stability to allow farmers to implement the changes necessitated by decoupling and to adapt to the market needs in a stable policy environment. The 2003 CAP reform is still being implemented and further major policy change should not be contemplated at this stage. However, I am favourably disposed to simplification and the reduction of bureaucracy for farmers and national administrations. I intend that all proposals emerging in the CAP 'Health Check' will be carefully scrutinised and evaluated to ensure that they support the maintenance of a viable, stable and sustainable policy framework for the continued prosperity of Irish agriculture.

Sheep Sector.

728. **Mr. Connaughton** asked the Minister for Agriculture and Food the main recommendations in the Malone sheep report; the number of recommendations she has implemented; and if she will make a statement on the matter. [14296/07]

747. **Mr. Connolly** asked the Minister for Agriculture and Food her plans to implement the full Malone recommendations including incentive payments to procedures, to ensure a strong uptake at farm level in both lowlands and hill areas; and if she will make a statement on the matter. [14505/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 728 and 747 together.

The Sheep Industry Strategy Development Group, under the chairmanship of Mr. John Malone, issued its report in June 2006. The report contained a total of 37 recommendations as to

how the future of the sheep sector could be secured going forward. I established an Implementation Group, also under the chairmanship of Mr. Malone, in July 2006, to oversee the implementation of the recommendations contained in the report.

The Chairman has now submitted his report to me setting out the position of the Implementation Group on the actions required to implement each recommendation in the June 2006 Strategy Report. The Implementation Group has addressed the recommendations and I will be commenting further on these in the coming weeks.

Dairy Sector.

729. **Mr. Connaughton** asked the Minister for Agriculture and Food the main aspects of the dairy herd improvement scheme; and if she will make a statement on the matter. [14297/07]

749. **Mr. Connolly** asked the Minister for Agriculture and Food if she will set up a dairy herd improvement scheme which would help promote the health of dairy cows, whole herds and, ultimately, the national herd; and if she will make a statement on the matter. [14507/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 729 and 749 together.

There is a range of non-regulated diseases and conditions which impact on animal health, animal welfare and productivity while a number of them also have the potential to affect public health. For these reasons, the Department has had discussions in recent months with relevant stakeholders on the principle of introducing industry-led arrangements to tackle these non-regulated diseases and conditions in a substantive and coordinated way.

The stakeholders generally accept that action needs to be progressed and there is also broad acceptance that this can be achieved where all key players are willing to work together towards a common vision. In this regard both the Agri-Vision 2015 Action Plan and the Partnership agreement contain provisions on the development of industry led initiatives to further improve animal health and that particular attention will be paid to dairy farms.

As the discussions are still on-going final decisions have not yet been made on the detailed arrangements for this initiative. However, it is envisaged that the various stakeholders will play a key role in the delivery of the programme and that activities will be funded by the relevant parties including the State.

Farm Inspections.

730. **Mr. Connaughton** asked the Minister for Agriculture and Food the position for 2007

regarding on-farm inspections without notice; and if she will make a statement on the matter. [14298/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that the policy towards on-farm inspection has been to give advance notification of up to 48 hours in all cases. This policy of systematic pre-announcement of inspections was questioned by the European Commission in July 2006 and its unacceptability was conveyed to my Department in a formal communication in August. As a result, my Department was obliged to agree to a proportion of Single Payment Scheme inspections being carried out in 2006 without prior notification.

The EU regulations governing the Single Payment Scheme would allow my Department to give pre-notification of inspection in all cases where certain elements of cross-compliance are involved e.g. the Nitrates Regulations. However, my Department is committed, in the Charter of Rights for Farmers 2005-2007 to carrying out all Single Payment Scheme and Disadvantaged Area Scheme checks during one single farm visit in most cases. This then obliges my Department to respect the advance notice requirements applicable to the most stringent element of the inspection regime viz. maximum of 48 hours notice but with no advance notice in a proportion of cases.

My Department believes that pre-notification of Single Payment Scheme/Disadvantaged Areas Scheme inspections fits in with the practicalities of Irish agriculture where increasingly, farmers are also engaged in off-farm employment. In a decoupled Single Payment Scheme system, the provision of advance notification of inspection to the farmer should not negatively impact on the effectiveness of the control. However, as the EU regulations stand, my Department is obliged to carry out a proportion of inspections without prior notification and this is what was done in 2006.

The Commission report documenting a review on cross-compliance was formally presented to the Council of Ministers meeting on 16th April. It is the intention of the Presidency to have the report examined at Special Agriculture Committee level with decisions to be taken by Ministers in June. The Commission's report makes proposals for changes in a number of areas including advance notice of checks up to 14 days "provided the purpose of the checks is not jeopardised". However, the report says that controls on the identification and registration of animals (for eligibility or for cross compliance) and on compliance with feed and food law, animal health and animal welfare rules will remain in principle unannounced due to the mandatory requirements of EU legislation.

At the Council of Ministers I voiced my concern in the strongest terms about the whole question of unannounced inspections and the Com-

mission's proposals that controls on identification and registration of animals, compliance with feed and food law and animal health and welfare will remain "in principle" unannounced. I fully accept that it is a critical element of any control system that the inspection visit is implemented in such a way that its purpose is not jeopardised. In my view however, systematic unannounced inspections are not necessary to achieve this objective but add significantly to cost and inefficiencies at a time when simplification is the aspiration.

I accept that there should always be a possibility of carrying out some unannounced controls and historically Ireland has always adopted this approach where it was deemed necessary. I therefore asked the Commission to re-consider its proposals for systematic unannounced inspections. I will continue to press this point in the CAP simplification process.

Grant Payments.

731. **Mr. Penrose** asked the Minister for Agriculture and Food if she will take steps to ensure that entitlements are available to a person (details supplied) in County Westmeath as set out in correspondence furnished to her Department; and if she will make a statement on the matter. [14324/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted applications for an allocation of entitlements from the 2005 Single Payment Scheme National Reserve under Category A.

Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May 2005 and who had leased out his/her holding to a third party during the reference period 2000-2002. The person named was deemed unsuccessful under this category as he did not acquire the holding free of charge or for a nominal sum.

The person named appealed this decision. The appeal was forwarded to the Independent Single Payments Appeals Committee who have completed their reviews and upheld my Department's decision. A formal letter outlining the decision of the Committee has issued to the person named.

732. **Mr. Perry** asked the Minister for Agriculture and Food when a farm waste payment for a person (details supplied) will be issued; and if she will make a statement on the matter. [14345/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant under the Farm Waste Management Scheme. Notification of completion of the work (Card C), and related documents, have not yet been received from the applicant and the application

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cannot be further progressed until this documentation is received.

733. **Mr. Kehoe** asked the Minister for Agriculture and Food when a person will be able to make a new application for the investment in the improvement of dairy hygiene standards; and if she will make a statement on the matter. [14357/07]

Minister for Agriculture and Food (Mary Coughlan): Under the 2007-2013 Rural Development Programme, it is proposed to introduce a Farm Improvement Scheme which will provide grant-aid for, inter alia, the improvement of on-farm dairy hygiene facilities. The Scheme will be introduced as soon as EU approval is received for the Programme.

734. **Mr. Neville** asked the Minister for Agriculture and Food the reason there is a delay in the authorisation of grants under the farm waste management scheme and dairy hygiene schemes in the Limerick area. [14370/07]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the difficulties caused by the massive increase in applications under the Farm Waste Management Scheme and recently introduced revised procedures in order to speed up the process of issuing approvals under the Scheme. These include the streamlining of administrative procedures for the approval of applications and the release to applicants of the newly revised Standard Costings used to assess the financial implications of proposed investments carried out under the Scheme. As a result, the number of approvals issued to farmers to commence work under the Scheme has increased significantly in recent weeks. The staffing levels in the local AES offices of my Department, including the Limerick office, are also reviewed on an ongoing basis to ensure that the necessary staffing resources are in place to ensure delivery of the Scheme.

735. **Mr. Ferris** asked the Minister for Agriculture and Food the reason entitlements under the single farm payment and disadvantaged areas for 2005 were not granted to a person (details supplied) in County Wicklow. [14380/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for the 2005 Single Payment/ Disadvantaged Areas Schemes on 16 May 2005. A total net area of 44.22 hectares was declared. A field inspection took place on 17 February 2006 and by letter of the same date, the person named was informed of an area over-declaration amounting to a shortfall of 21.34 hectares. The decision of my Department in this case was appealed to the Independent Agriculture

Appeals Office, where following an oral hearing on 31 August 2006 and further review it was decided to partially allow the appeal by deleting the area of the three land parcels in question without penalty.

The applicant was paid €3,201.56 under the 2005 Single Payment Scheme on 2 February 2007 and payment for the 2005 Disadvantaged Areas Scheme amounting to €2,208.57 was issued on 23 April 2007.

Bovine Diseases.

736. **Mr. Ferris** asked the Minister for Agriculture and Food if there is a plan to reduce the 45 day detention period; and if she will make a statement on the matter. [14381/07]

777. **Mr. Ring** asked the Minister for Agriculture and Food the position in relation to the 45 day retention period when persons are buying and selling cattle; and if she will make a statement on the matter. [14795/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take questions 736 and 777 together.

On 4 April 2007, I adopted legislation which amended the arrangements relating to the 45 day rule in relation to cattle and pigs. The changes follow on from a detailed review of the current legal framework for dealers and in the context of complying with EU legislation governing dealers.

The most significant changes in the new legislation are: dealers in cattle and pigs are defined as those who buy and resell within 30 days rather than within 45 days as was previously the case; farmers and others who buy and resell not more than 100 cattle or 100 pigs within 30 days in any 12 month period are exempted from the legislation; and agents who act exclusively on behalf of dealers, exporters, factories and private individuals are excluded from the definition of dealer.

The new legislation requires those who buy and resell cattle or pigs within 30 days to register as dealers and to comply with arrangements relating to the welfare and transport of animals, standards and the upkeep of premises, keeping of records and compliance with animal notification and disease testing procedures.

The 45-day registration rule was introduced in the context of the Foot and Mouth Disease outbreak in 2001 when it was considered that animal movements had to be managed in a manner that would minimise the spread of disease. I am satisfied that in the current circumstances, it is appropriate to replace the 45-day rule for registration as a dealer with a 30-day rule. This new legislation will also remove certain categories from the scope of the legislation and reduce the administrative burden on individuals and the sector in a manner that will maintain the necessary disease

control and traceability elements of the legislation relating to dealers.

Grant Payments.

737. **Mr. Deenihan** asked the Minister for Agriculture and Food when payment under the single payment scheme will issue to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [14395/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that the person named submitted an application for the 2006 Single Payment Scheme on the 12th May 2006. The entitlements in this case are not registered in the sole name of the person named. No application to transfer entitlements to the person named has been received by my Department. An official from my Department made direct contact with the person named outlining the position and it is understood that there may be legal difficulties involved.

738. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food if her attention has been drawn to the limited number of payment entitlements from the single payment scheme national reserve to a farmer (details supplied) in West Cork who during the reference years was involved in obtaining their green certificate in an agricultural college; and if she will arrange for a further allocation to them. [14400/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the 2005 Single Payments Scheme National Reserve under categories B and D. Category B caters for farmers who, between 1 January 2000 and 19 October 2003 made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and /or Arable Aid schemes would have been payable during the reference period 2000- 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments. The person named applied under Category B in relation to investment involving land that was leased in 2003 and was deemed successful under this category. He was given an allocation of 32.32 entitlements based on the net number of hectares of leased land declared on his 2005 Single Payment Scheme application form. The value of the entitlements allocated are equal to the average value of entitlements in the District Electoral Division associated with the herdnumber of the person concerned.

The person named also applied under Category B in relation to the purchase of suckler cow and ewe quota and was deemed unsuccessful under these categories as he did not purchase quota in any of the specified years. Category D caters for

farmers who inherited or purchased land and who commenced farming after 31 December 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year. The person named was deemed unsuccessful under this category as leased land is not eligible under this category.

The person named appealed my Department’s decision. The appeal was forwarded to the Independent Single Payments Appeals Committee who have completed their reviews and upheld my Department’s decision. A formal letter outlining the decision of the Committee has issued to the person named.

The person named also submitted an application for an allocation of entitlements from the 2006 Single Payment Scheme National Reserve under Category B. Category B in the 2006 National Reserve caters for farmers who commenced farming after 31 December, 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year.

The position is that processing of the 2006 National Reserve applications will commence shortly and the intention is to make allocations to successful applicants at the earliest opportunity. A formal letter outlining my Department’s decision on the 2006 National Reserve will issue to the person named as soon as his application has been processed.

739. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will be awarded the REP scheme payment which is due to them. [14402/07]

Minister for Agriculture and Food (Mary Coughlan): The application for payment in this case was received on 16th February 2007 and is being processed in line with the targets agreed with the farming bodies.

740. **Mr. Hayes** asked the Minister for Agriculture and Food when payment will issue to a person (details supplied) in County Tipperary under the single payment scheme. [14413/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that two applications for the Transfer of Entitlements under the 2006 Single Payment Scheme to the person named were submitted on the 15th May 2006 and the 15th November 2006 respectively. The second application was accepted even though the closing date for completed applications to transfer entitlements was the 16th May 2006.

During processing of the applications it was necessary for an official of my Department to write to the person named to seek clarification on certain matters relating to the applications. Further documentation was received on both the 5th February 2007 and the 27th February 2007. These applications are now fully processed.

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The person named also applied under the Consolidation measure of the Single Payment Scheme. This application is currently being processed and payment will issue shortly.

741. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare will receive a single farm payment for 2006; and if she will make a statement on the matter. [14423/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the person named was submitted on the 24th April 2006. During processing of the application it was necessary for an official of my Department to write to the person named to seek clarification on certain matters relating to the application. The requested documentation was received and the application is now fully processed. Payment in respect of 29.22 transferred entitlements will issue shortly.

742. **Mr. Naughten** asked the Minister for Agriculture and Food the implications for sugar beet growers and contractors of the review of the EU restructuring fund for the sugar industry; if same could reduce the level of payment or delay the issue of the first instalment of the payment; the measures she is taking to ensure that the first instalment is made on time; and if she will make a statement on the matter. [14438/07]

Minister for Agriculture and Food (Mary Coughlan): The EU Commission has not yet put forward a proposal for a review of the restructuring fund but is expected to do so at the next meeting of the Council of Ministers in May. Under the current EU Regulations, the first instalment (40%) of the restructuring aid would fall to be paid in June 2007 and the balance in February 2008. Final payment arrangements are subject to the outcome of Greencore's legal challenge to the Government decision of July 2006 concerning the allocation of the restructuring aid. The hearing of this case is due to begin in the High Court next week. If necessary, arrangements have been made to allow interim payments be made in June.

743. **Mr. Perry** asked the Minister for Agriculture and Food in regard to the transfer of entitlement under single farm payments for a person (details supplied), when it will be processed; and if she will make a statement on the matter. [14449/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the first person named was submitted on the 11th April 2006. The application is now fully processed and payment of

€1732.95 in respect of 8.69 transferred entitlements issued to the first person named on the 12th April 2007.

744. **Mr. Perry** asked the Minister for Agriculture and Food the transfer of entitlement under single farm payments for a person (details supplied); when it will be processed; and if she will make a statement on the matter. [14450/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the first person named was submitted on the 12th April 2006.

During processing of the application, it was necessary for an official of my Department to write to the first person named to seek specific documentation relating to the application. The requested information was received and the application is now fully processed. Payment of €1999.91 in respect of 8.84 transferred entitlements issued to the first person named on the 12th April 2007.

745. **Mr. Perry** asked the Minister for Agriculture and Food when the single payment entitlement transfer will be granted to a person (details supplied) in County Sligo; and if she will make a statement on the matter. [14474/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme from the first named person was submitted on the 25th April 2006.

The Regulations governing the transfer of entitlements allow 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 from the first person named was rejected as he did not use 80% of his entitlements in 2005.

A formal letter outlining this decision has issued to the persons named and an official from my Department also made direct contact with the persons named outlining the position.

Bovine Diseases.

746. **Mr. J. Higgins** asked the Minister for Agriculture and Food if she will commission experts independent of her Department to examine the handling of instances of cattle sickness and deaths in a number of cases (details supplied). [14491/07]

Minister for Agriculture and Food (Mary Coughlan): My Department along with other agencies carried out extensive investigations to establish the sources of problems in respect of the cases mentioned, some of which occurred several years ago. The herdowners involved were kept

informed of progress and, where appropriate, reports were produced detailing progress.

In view of the expertise employed and the involvement of agencies other than my Department in the investigations, I do not believe that the commissioning of experts independent of my Department would necessarily contribute in any significant way to the investigation of such cases.

Question No. 747 answered with Question No. 728.

748. **Mr. Connolly** asked the Minister for Agriculture and Food if she will increase the age limit from 30 to 36 months of age for BSE testing; and if she will make a statement on the matter. [14506/07]

Minister for Agriculture and Food (Mary Coughlan): The requirement that all bovine animals over 30 months of age, slaughtered for human consumption, must be tested for BSE is provided for in Regulation (EC) No. 999/2001 of the European Parliament and of the Council, laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (The TSE Regulation). Accordingly I do not have the discretion to raise this age threshold, as I would wish to do in view of the major progress achieved here in relation to BSE.

I have made repeated efforts to have the age thresholds for the various categories of animals changed, based on the results of surveillance carried out here and the continuing decline in the incidence of the disease, which is continuing into 2007. Under the recently amended TSE Regulation there is provision for Member States to seek revisions to their monitoring programmes (including changes to the age at which healthy slaughtered animals for human consumption must be tested for BSE) in response to their improved BSE situation. However, before Member States can apply for revised BSE surveillance arrangements, eligibility criteria as well as the baseline requirements for any revised monitoring programmes, must be agreed at EU level.

This matter is currently under discussion at Working Group level in Brussels. I have very recently written and spoken to the Commissioner for Health and Consumer Protection asking him to expedite finalisation of the criteria and processes to enable Member States to introduce higher age limits for testing healthy slaughtered animals. He has assured me that the Commission is giving this matter a high level of priority and, once the discussions have been concluded at working group level, the Commission will present a proposal for adoption of these criteria to the Standing Committee on Animal Health and the Food Chain. As soon as the eligibility criteria are adopted and published Member States will then be able to apply to the Commission for approval

for changes to their surveillance programmes and I intend that Ireland will be among the very first Member States to apply for such approval.

Question No. 749 answered with Question No. 729.

Food Labelling.

750. **Mr. Connolly** asked the Minister for Agriculture and Food her plans to ensure that adequate personnel and resources are provided to ensure that legislation requiring country of origin labelling for beef imports is complied with; and if she will make a statement on the matter. [14508/07]

Minister for Agriculture and Food (Mary Coughlan): The Food Safety Authority of Ireland (FSAI) has the responsibility to enforce food law, including the legislation on country of origin labelling for beef. The Authority has contracted for the enforcement of the relevant regulations with the Health Service Executive, whose Environmental Health Officers carry the compliance checks. There are some 400 Environmental Health Officers working on the enforcement of food legislation including the beef labelling regulations. The checks are done as part of the normal routine food safety inspections. The matter is kept under constant review, by the HSE and the FSAI, to ensure as far as possible maximum compliance with the law in this area.

751. **Mr. Connolly** asked the Minister for Agriculture and Food if she proposes to extend country of origin labelling to lamb; and if she will make a statement on the matter. [14509/07]

752. **Mr. Connolly** asked the Minister for Agriculture and Food if she proposes to extend country of origin labelling to pork; and if she will make a statement on the matter. [14510/07]

753. **Mr. Connolly** asked the Minister for Agriculture and Food if she proposes to extend country of origin labelling to chicken; and if she will make a statement on the matter. [14511/07]

755. **Mr. Connolly** asked the Minister for Agriculture and Food if she proposes to extend country of origin labelling to bacon; and if she will make a statement on the matter. [14513/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 751, 752, 753 and 755 together.

All beef sold or served in the retail or catering sector is now required by law to carry an indication of country of origin. There are EU Regulations which provide for the labelling of unprocessed poultrymeat at retail level. The information which these regulations require on the label includes the registered number of the

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slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin. There are no specific EU regulations governing the labelling of pigmeat or sheepmeat beyond the general food labelling regulations which do not require 'country of origin' information.

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

The primary legislation enacted by the Oireachtas last year, under which our beef labelling requirements concerning country of origin were extended to the catering sector, also allows for the extension of country of origin labelling to other meats. However, because different origin labelling requirements apply to other meats in the retail sector under current EU legislation and, different systems of traceability are in operation coupled with some import/export complexities, it is not as straightforward as it is for beef. The European Commission, you will be aware, has opposed Member States introducing legislation in this area that is in excess of common EU requirements. Nonetheless, my Department has been involved in consultations with the Department of Health and Children on draft new regulations to require operators in the retail and catering sectors to provide country of origin information on poultrymeat, pigmeat (including pork and bacon) and sheepmeat. It is my intention to submit these regulations, when they are finalised, to the European Commission for approval as required by EU legislation.

Of course, the preferred way forward is that the Commission would progress the question of country of origin labelling of all meat at EU level. I have been in regular contact with the European Commissioner for Health and Consumer Protection on this subject. I have also raised this issue in the Agriculture Council and will continue to take every opportunity to press for progress on this matter. I have also used the opportunity provided by bilateral meetings with EU Ministerial colleagues to seek their support for EU action on Country of Origin Labelling and so far have been encouraged by their response.

Last year the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area, under a document entitled *Labelling: Competitiveness, Consumer Information and Better Regulation for the EU*. I arranged for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department

of Health and Children, who co-ordinated the Irish contribution to this process. This confirmed my strong preference for origin labelling of meat and meat products and the desirability of there being common EU-wide legislation to support a labelling regime. In the meantime, my Department will continue its work on the drafting of national measures.

Bovine Diseases.

754. **Mr. Connolly** asked the Minister for Agriculture and Food her plans, in view of the improved brucellosis position here, to protect this situation with the implementation of controls in relation to imported animals from regions where the disease is prevalent; and if she will make a statement on the matter. [14512/07]

Minister for Agriculture and Food (Mary Coughlan): The incidence of Brucellosis has been falling progressively in recent years. For example, the number of laboratory positives has fallen from 6,417 in 1998 to 212 in 2006. The total number of animals slaughtered under the eradication programme fell from 29,778 to 388 during the same period. There has been a similar decline in the number of herds depopulated from 328 in 1998 to 3 in 2006.

The success of the eradication scheme and the progress achieved to date is due to a number of factors including continued co-operation from all parties with the eradication regime, the rapid depopulation of infected herds, the tightening up on illegal cattle movements through the Cattle Movement Monitoring System, the regulation of dealers, prosecutions for breaches and the imposition of penalties for failures to comply with animal disease and identification regulations.

With regard to imports, trade in live animals within the European Union is governed by EU Directive 64/432/EEC which, inter alia, requires imported animals to have come from officially brucellosis free herds and, in particular, that brucellosis eligible animals must have been tested negatively for brucellosis in the 30 days prior to leaving the herd of origin. It is not open to my Department to unilaterally impose controls on imports from other Member States.

Farmers have, of course, an important role to play in protecting their own herds from disease. In view of the improvement in the brucellosis situation, it is more important than ever that farmers continue to adopt appropriate replacement policies and implement effective bio-security measures on their premises. I would emphasise that, if farmers have to buy in any replacement stock, they should do so from known sources. This applies particularly to some calves and young female stock which can carry Brucellosis without showing any signs and without it showing up in blood tests until they calve or abort later in the herd.

With regard to imports from Northern Ireland, close co-operation exists between my Department and the Department of Agriculture and Rural Development in Northern Ireland in relation to trade in cattle and the eradication of brucellosis. My Department has increased its surveillance on cross border trade and, in particular, on cows slaughtered in factories close to the border. Northern Ireland imports are tested for Brucellosis post import.

I place a high priority in maintaining Ireland's high status in relation to animal health and welfare in the context of protecting consumers and in view of the economic and social importance of agriculture to the country. It remains essential that we anticipate wherever possible and maintain the capability of dealing effectively with any threats in this area, from wherever they emerge. A comprehensive approach to these threats involves ongoing surveillance and the continued operation of schemes to reduce and eventually eradicate diseases of significant importance, such as TB and Brucellosis. With regard to Brucellosis, I am confident that this progress achieved to date can be maintained into the future and that the goal of eradication is now a realistic prospect. I am grateful for the co-operation of all of the parties who have contributed to this success and I look forward to their continued co-operation in the eradication of a disease which has created so much difficulty for many farmers over the years.

Question No. 755 answered with Question No. 751.

Food Industry.

756. Mr. Connolly asked the Minister for Agriculture and Food her plans to ensure Government support for the horticulture industry and producers of fruit and vegetables, to assist in bringing farmers together to qualify for EU funding for their producers' organisations; and if she will make a statement on the matter. [14514/07]

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 2000-2006. 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 with a total grant aid of up to €40m being paid out to the fruit, vegetable and potato sectors.

The Scheme to assist capital investment on farms under the National Development Plan 2007-2013 aims to promote the specialisation and diversification of on-farm activities, improvement in the quality of products and to facilitate the development of environmentally friendly practices. Funding of some €49m for this sector will

support investments in excess of €122m over the period of the scheme. Grant aid of €6.5m will be provided to support investments of some €16m in 2007. Further aid will also be made available under the Capital Investment Scheme for the Marketing and Processing of Agricultural Products to operators in the horticulture sector.

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 EU 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. It is expected that a new Regulation will be published later this year and will be effective from 1 January 2008.

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.

757. Mr. Connolly asked the Minister for Agriculture and Food her plans to ensure that an accurate annual register of potato growers is put in place, which would provide the industry with accurate records of areas and locations of potato planting here each year; and if she will make a statement on the matter. [14515/07]

Minister for Agriculture and Food (Mary Coughlan): Under the Registration of Potato Growers and Potato Packers Act, 1984, as amended, any person who grows or packs potatoes must be registered with this Department. The grower's registration number must be placed on the bag/label/container or in the case of a packer, both the packer's registration number and that of the grower. These registration numbers can be viewed by the consumer on the Departments website to establish the source of the potatoes. The Department continually updates the register to include new growers and remove those who have exited the industry.

The legislation also provides that both growers and packers maintain detailed records of all quantities of potatoes purchased or sold. Growers are required to maintain accurate records of seed source, quantities grown by variety and sales. This information must, on request, be furnished

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to the Department. The data for 2006 which was collected by the Department from growers has been submitted to Bord Bia for analysis and this information will be used in the compilation of the National Potato Census (2006) which is expected to be published shortly.

Grant Payments.

758. **Mr. Connolly** asked the Minister for Agriculture and Food her plans to fund and implement a 40% grant scheme for on-farm grain storage and processing facilities; and if she will make a statement on the matter. [14516/07]

Minister for Agriculture and Food (Mary Coughlan): Under the 2007-2013 Rural Development Programme, it is proposed to introduce a grant scheme to support investments in relation to on-farm grain storage and related facilities. The Scheme will be introduced as soon as EU approval is received for the Programme.

Food Industry.

759. **Mr. Connolly** asked the Minister for Agriculture and Food her plans to ensure that farmers and their representative associations be permitted to negotiate prices and conditions for their products against powerful big business interests; and if she will make a statement on the matter. [14517/07]

Minister for Agriculture and Food (Mary Coughlan): Changes in food prices are primarily a function of market forces at international, EU and national levels. How these changes come about is a complex matter based on demand, input costs and the ability to supply product at a competitive price. For a country that exports almost 80 per cent of their agricultural output, competitiveness is the major issue for the farming and food processing sectors. It will dictate the commercial future of our farms and ultimately it will decide farm income.

The State's role is to facilitate a climate that assists competitive drive and innovation, for example, through the implementation of the Agri Vision 2015 Action Plan. At EU level a range of market support measures are operated, while the exchequer and the EU together also provide almost €2 billion per year in direct payments to support farm income.

Farm Inspections.

760. **Mr. Connolly** asked the Minister for Agriculture and Food if, in relation to on-farm inspections, she will ensure that 14 days advance notice of inspections for all schemes will be given; and if she will make a statement on the matter. [14518/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that the policy towards on-farm inspection has been to give advance notification of up to 48 hours in all cases. This policy of systematic preannouncement of inspections was questioned by the European Commission in July 2006 and its unacceptability was conveyed to my Department in a formal communication in August. As a result, my Department was obliged to agree to a proportion of Single Payment Scheme inspections being carried out in 2006 without prior notification.

The EU regulations governing the Single Payment Scheme would allow my Department to give prenotification of inspection in all cases where certain elements of cross-compliance are involved e.g. the Nitrates Regulations. However, my Department is committed, in the Charter of Rights for Farmers 2005-2007 to carrying out all Single Payment Scheme and Disadvantaged Area Scheme checks during one single farm visit in most cases. This then obliges my Department to respect the advance notice requirements applicable to the most stringent element of the inspection regime viz. maximum of 48 hours notice but with no advance notice in a proportion of cases.

My Department believes that prenotification of Single Payment Scheme/Disadvantaged Areas Scheme inspections fits in with the practicalities of Irish agriculture where increasingly, farmers are also engaged in off-farm employment. In a decoupled Single Payment Scheme system, the provision of advance notification of inspection to the farmer should not negatively impact on the effectiveness of the control. However, as the EU regulations stand, my Department is obliged to carry out a proportion of inspections without prior notification and this is what was done in 2006.

The Commission report documenting a review on cross-compliance was formally presented to the Council of Ministers meeting on 16th April. It is the intention of the Presidency to have the report examined at Special Agriculture Committee level with decisions to be taken by Ministers in June. The Commission's report makes proposals for changes in a number of areas including advance notice of checks up to 14 days "provided the purpose of the checks is not jeopardised". However, the report says that controls on the identification and registration of animals (for eligibility or for cross compliance) and on compliance with feed and food law, animal health and animal welfare rules will remain in principle unannounced due to the mandatory requirements of EU legislation.

At the Council of Ministers I voiced my concern in the strongest terms about the whole question of unannounced inspections and the Commission's proposals that controls on identification and registration of animals, compliance with feed and food law and animal health and welfare will remain "in principle" unannounced. I fully accept

that it is a critical element of any control system that the inspection visit is implemented in such a way that its purpose is not jeopardised. In my view however, systematic unannounced inspections are not necessary to achieve this objective but add significantly to cost and inefficiencies at a time when simplification is the aspiration.

I accept that there should always be a possibility of carrying out some unannounced controls and historically Ireland has always adopted this approach where it was deemed necessary. I therefore asked the Commission to re-consider its proposals for systematic unannounced inspections.

I will continue to press this point in the CAP simplification process.

Grant Payments.

761. **Mr. Perry** asked the Minister for Agriculture and Food when a decision will be made on an application for a slatted shed by a person (details supplied) in County Sligo; the reason for the delay; and if she will make a statement on the matter. [14558/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant under the Farm Waste Management Scheme. A decision will be made in relation to the application as soon as possible.

762. **Mr. Naughten** asked the Minister for Agriculture and Food when a disadvantaged area payment will issue to a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [14581/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for the 2006 Disadvantaged Areas Scheme and was paid €2,147.20 on 22 September 2006. The payable order was cashed on 12 October 2006.

763. **Mr. Kehoe** asked the Minister for Agriculture and Food if payment in respect of ewes in disadvantaged areas will be increased by €15 when sold; and if she will make a statement on the matter. [14600/07]

Minister for Agriculture and Food (Mary Coughlan): Under the Area Based Compensatory Allowance Scheme, payment is based on eligible forage lands within the Disadvantaged Areas and designated as More Severely Handicapped (lowland), Less Severely Handicapped (lowland) and Mountain Type Grazings. The total area now designated as disadvantaged comprises almost 75% of Ireland's total land area.

The lands must be used for the grazing of cattle, sheep, horses, goats and deer and a minimum stocking density of 0.15 livestock units per forage hectare applies. Under the 2006 Scheme around 101,400 farmers have been paid to date,

and of these almost 30,000 had sheep. The 2007 Scheme, for which €257 million has been allocated, forms part of the Rural Development Programme 2007-2013, which awaits EU Commission approval. It is proposed to pay an across-the-board increase of 8% over and above the 2006 basic rates to each eligible farmer in the following order on up to 45 forage hectares: €109.71 for each of the first 10 hectares of Mountain Land or part thereof; €95.99 for each of the next 35 hectares of Mountain Land or part thereof; €95.99 per hectare on More Severely Handicapped (lowland); €82.27 per hectare on Less Severely Handicapped (lowland).

All livestock premia on a headage basis were discontinued in 2005 in the context of Ireland's decision to decouple such premia from production to be replaced by the new Single Farm Payment.

Sugar Beet Production.

764. **Mr. Kehoe** asked the Minister for Agriculture and Food when beet growers will receive compensation arising from the closure of both the Carlow and Mallow sugar factories; the amount of compensation owing for same; her views on making an interim payment while the pending court case between Greencore and the State is being held; and if she or her Department has had recent discussions with Greencore asking it to withdraw its legal challenge. [14601/07]

Minister for Agriculture and Food (Mary Coughlan): The compensation package negotiated in the context of the reform of the EU sugar regime comprises three elements worth in excess of €310m to Ireland.

The first element is the sugar beet compensation which has been incorporated into the Single Payment Scheme with effect from last year. It is worth approximately €123 million to Irish beet growers over seven years.

The second element is the EU restructuring aid for the sugar industry, which arises following the renunciation of the sugar quota and the closure of the Mallow sugar factory. In Ireland's case restructuring aid is worth €145m approximately. Under the EU Regulations, the first instalment of aid (40%) would fall to be paid in June 2007 and the balance in February 2008. Final payment arrangements are subject to the outcome of Greencore's legal challenge to the Government decision of July 2006 concerning the allocation of the restructuring aid. The hearing of this case is due to begin in the High Court next week. If necessary, arrangements have been made to allow interim payments be made in June. In view of the litigation it would be inappropriate for me to comment further.

The third element of the compensation package is the diversification aid, worth almost €44m in Ireland's case. A national restructuring programme was submitted to the EU Commission, in

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accordance with the EU Regulations, with a view to drawing down the diversification aid. The Regulations provide that payment of this aid would commence in September 2007.

Grant Payments.

765. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food if she will ensure that the application for transfer of farm entitlements for a person (details supplied) in Cork south west is processed straight away in order that the matter can be finalised. [14602/07]

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 transfer entitlements either to or from the person named under the 2006 or 2007 Single Payment Scheme.

Applications for the transfer of entitlements under the 2007 Single Payment Scheme may be accepted up until the closing date of the 4th May 2007. An official from my Department made direct contact with the person named to clarify the position and it is understood that an application to transfer entitlements from the person named in respect of the 2007 Single Payment Scheme will be received shortly.

Compensation Payments.

766. **Mr. Rabbitte** asked the Minister for Agriculture and Food if her Department has plans to compensate farmers who lost large sums of money with the collapse of the Tralee Beef and Lamb factory in 2001, particularly in view of the fact that some suppliers lost tens of thousands of euro; and if she will make a statement on the matter. [14603/07]

Minister for Agriculture and Food (Mary Coughlan): You will be aware that this company went into receivership in October 2001, and a liquidator was appointed early in 2002. The payment of monies owed is a matter to be resolved between creditors and the liquidator. For this reason it would not be appropriate for me to intervene in the matter.

Grant Payments.

767. **Mr. Connaughton** asked the Minister for Agriculture and Food when the single farm payment will issue to a person (details supplied) in County Galway; and if she will make a statement on the matter. [14661/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the Single Payment Scheme to the person named was sub-

mitted on the 24th April 2006. During processing of the Transfer application it was found that the entitlements concerned were not registered in the name of the transferor. The entitlements had to firstly be transferred by inheritance to the transferor. Arrangements were made for the issue of an inheritance application form and this has now been fully processed.

The application to transfer the entitlements by way of lease to the person named has also been fully processed and payment in respect of 8.20 transferred entitlements will issue shortly. The person named has also made an application under the Consolidation measure of the Single Payment Scheme. This application will now be processed and payment will issue shortly.

768. **Mr. Ring** asked the Minister for Agriculture and Food if persons born before 1 January 1975 must have a green certificate or have completed at least 180 hours of a course in order to qualify for the installation aid grant. [14662/07]

Minister for Agriculture and Food (Mary Coughlan): The current Installation Aid Scheme applies to farmers set up for the first time in farming on or before 31 December 2006. By virtue of the terms of that Scheme, applicants born before 1 January 1975 must have, at the date of set-up or within two years of that date, a minimum of three years’ experience in farming and have satisfactorily completed approved courses of training in farming of a minimum duration of 180 hours. Applicants engaged in certain specialized enterprises (e.g. mushrooms, nursery stock) may be required to complete an additional 60 hours training in that particular enterprise.

Applicants set up in farming on or after 1 January 2007 will be eligible to apply for grant-aid under the proposed new Young Farmers’ Installation Scheme which will be introduced as soon as EU approval is received for the 2007-2013 Rural Development Programme.

769. **Mr. Ring** asked the Minister for Agriculture and Food when the transfer of entitlements to a person (details supplied) in County Mayo will be completed in order that their single farm payment for 2006 can issue; and the delay in this regard as it has been ongoing for several months. [14663/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the second named person was received on the 30th November 2006. The application was accepted even though the closing date for completed applications to transfer entitlements was 16th May 2006. During processing of the application, it was necessary for an official of my Department to write to the second named person to seek clarification on certain

matters relating to the application. The requested information was received and the application is now fully processed. Payment in respect of 79.02 entitlements transferred by way of inheritance will issue shortly.

The delay in processing the application to finality was due to the fact that the first person named submitted an application under a separate measure of the Single Payment scheme and that application had to be processed before entitlements could be transferred to the second named person.

770. **Mr. Stanton** asked the Minister for Agriculture and Food the reason for the delay in processing an application for the single farm payment for a person (details supplied) in County Cork; when payment will issue; and if she will make a statement on the matter. [14664/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application to transfer in entitlements by way of Private Contract Clause. All outstanding issues relating to the transfer have been resolved and the outstanding payment due will issue to the applicant shortly.

771. **Mr. Penrose** asked the Minister for Agriculture and Food if, when a person applies for a farm modernisation and improvement grant, they will be given an indication of the precise amount of the grant they will receive upon approval, and in particular where they qualify for the maximum of 70% that the specific costing that would be utilised by her Department which would indicate the nature and size of the grant will be proffered to the applicant in order that they can evaluate and assess the amount the actual works they are engaged in carrying out will actually cost them in real terms; and if she will make a statement on the matter. [14715/07]

Minister for Agriculture and Food (Mary Coughlan): The revised Standard Costings used to calculate the level of grants under the Farm Waste Management Scheme are now available on my Department's web-site. Farmers, together with their advisers, are therefore in a position to determine the level of grant likely to be available for proposed works.

Equine Sector.

772. **Mr. Walsh** asked the Minister for Agriculture and Food the number of authorised officers in her Department dealing with equine passport controls; the number of spot checks carried out to date in 2007; and if she will make a statement on the matter. [14723/07]

Minister for Agriculture and Food (Mary Coughlan): My Department has to date concentrated on a publicity campaign to remind the

public of the requirements for identification documents for horses. In the context of developing the processes for deploying the authorised officers my Department noted that there is a need to enhance the powers of the officers, which will entail an amendment to the 2004 Regulations. The Regulations are therefore, being examined in my Department with a view to making appropriate amendments extending the powers of the authorised officers. It is hoped to complete this work over the coming weeks and to assign officers with enhanced powers to the work of monitoring compliance with these regulations.

EU Directives.

773. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason the derogation regarding the nitrates directive as agreed in November 2006 has not been signed into Irish law; the implications of this delay; and if the principal of *force majeure* will be available to farmers in animal disease situations under the nitrates regulations. [14759/07]

Minister for Agriculture and Food (Mary Coughlan): Although Ireland's application for a derogation has been approved by the EU Nitrates Committee, the European Commission has not yet issued its formal decision. Until it does so, the Minister for the Environment, Heritage and Local Government cannot make the necessary amendments to the Regulations.

Though the Regulations themselves and the draft Commission decision do not provide for it, *force majeure* is recognized in European law and I am satisfied that genuine situations arising from animal disease will not cause difficulties for farmers in the context of the implementation of the Nitrates Directive.

Grant Payments.

774. **Mr. Hayes** asked the Minister for Agriculture and Food the reason for the delay in the issue of payment to a person (details supplied) in County Tipperary under the single farm payment scheme for 2006; and when payment will issue. [14763/07]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2006 Single Payment Scheme was received from the person named on 10 April 2006. Under EU Regulations, an applicant must declare an eligible hectare for each Single Payment entitlement held in order to benefit from the full Single Payment. This requirement was set out clearly in documentation provided to farmers on a number of occasions since 2004. In relation to the claim of the person named to commonage lands at Glenary, there is an over-claim involving the applicant and various other parties. As grazing rights on Glenary were the subject of a Land Commission Vesting Order,

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claimants must have the legal right to claim their grazing share.

My Department's officials met the person named together with all the other parties also claiming grazing rights on Glenary with a view to finding a satisfactory agreement. As no agreement was forthcoming, and as the Minister has no jurisdiction on title to lands, these lands are still over-claimed by the applicants. Therefore, the application of the person named remains in error and my Department is not in a position to progress this case any further as matters stand.

An application under the 2006 Disadvantaged Areas Scheme was also received on 10 April 2006. My Department is not in a position to progress this application any further for the reasons outlined above.

775. **Mr. Hayes** asked the Minister for Agriculture and Food the reason for the delay in the issue of payment to a person (details supplied) in County Tipperary under the single payment scheme for 2006; and when payment will issue. [14764/07]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2006 Single Payment Scheme was received from the person named on 10 April 2006. Under EU Regulations, an applicant must declare an eligible hectare for each Single Payment entitlement held in order to benefit from the full Single Payment. This requirement was set out clearly in documentation provided to farmers on a number of occasions since 2004. In relation to the claim of the person named to commonage lands at Glenary, there is an over-claim involving the applicant and various other parties. As grazing rights on Glenary were the subject of a Land Commission Vesting Order, claimants must have the legal right to claim their grazing share.

My Department's officials met the person named together with all the other parties also claiming grazing rights on Glenary with a view to finding a satisfactory agreement. As no agreement was forthcoming, and as the Minister has no jurisdiction on title to lands, these lands are still over-claimed by the applicants. Therefore, the application of the person named remains in error and my Department is not in a position to progress this case any further as matters stand.

An application under the 2006 Disadvantaged Areas Scheme was also received on 10 April 2006. My Department is not in a position to progress this application any further for the reasons outlined above.

776. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will receive an allocation under the single farm payment national

reserve; and if she will make a statement on the matter. [14792/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the 2006 Single Payment Scheme National Reserve under Category A. Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and who had leased out his/her holding to a third party during the reference period 2000 to 2002.

The person named has submitted documentation in support of his application and my Department has requested further documentation with regard to the leased lands. My Department is still awaiting this documentation and when it is received this case will be processed further.

Question No. 777 answered with Question No. 736.

Departmental Correspondence.

778. **Mr. Durkan** asked the Minister for Agriculture and Food if she has received Macra na Feirme policy correspondence (details supplied); her plans in this regard; and if she will make a statement on the matter. [14822/07]

Minister for Agriculture and Food (Mary Coughlan): The Deputy is referring to the Macra na Feirme paper on 'Policy Issues for General Election 2007'. It has understood that this document has been referred to the political parties but has not been submitted by Macra na Feirme to this Department for consideration.

Grant Payments.

779. **Mr. Stanton** asked the Minister for Agriculture and Food when a single farm payment will be issued in relation to a person (details supplied) in County Cork; and if she will make a statement on the matter. [14840/07]

Minister for Agriculture and Food (Mary Coughlan): Under the 2006 Single Payment Scheme, the person named submitted both a payment application form and a Transfer of Entitlements form. It subsequently transpired that the person named was not in a position to proceed with the transfer request. An official of my Department has been in direct contact with the person named and it is expected that the payment due in respect of the entitlements held by him will issue shortly.

780. **Mr. Perry** asked the Minister for Agriculture and Food when the area aid payment will be issued to a person (details supplied) as all the relevant maps have been furnished; the reason for

the delay; and if she will make a statement on the matter. [14862/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application under the Single Payment Scheme/ Disadvantaged Areas Scheme was received from the person named on the 15th May 2006. As part of the control procedures, the application was randomly selected for a Satellite Inspection. The results of the Satellite Inspection indicated that there was a discrepancy in the area claimed by the applicant. As a result of this discrepancy it was necessary to issue a request for a Ground Eligibility Inspection to be completed.

The Ground Eligibility Inspection was undertaken on the 14th November 2006. During the course of the inspection discrepancies were found with a number of parcels. As a result of these discrepancies the claimed area of 35.65ha was reduced to 25.58ha. The person named was informed of these findings on the 6th December 2006. Under EU regulations, if the total number of eligible hectares found on inspection is not sufficient to support the number of entitlements held a penalty is applied as set out in the Terms and Conditions of the scheme. In this case the number of entitlements held by the person named is 55.8. As the difference between the area declared and the area found is more than 20%, under EU Regulations, no payment will issue.

The person named requested a review of this decision. The review is currently being considered and a decision will be communicated to the applicant as soon as possible. He also has the right to appeal the outcome of this review. The person named also made application under the Consolidation measure of the 2006 Single Payment Scheme. This application will be fully reviewed on completion of the review of the decision outlined above.

781. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will be approved for the farm waste management grant; and if she will make a statement on the matter. [14885/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant under the Farm Waste Management Scheme. The application is currently being processed and a decision in relation to grant-aid will be made shortly.

782. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food the reason for the delay in the payment of a single farm payment following the transfer of entitlements on an application made in April 2006 in respect of a person (details supplied) in Cork south west; and if payment will be arranged without further delay. [14903/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the person named and a third party was submitted on the 24th April 2006. During processing of the application it was necessary for an official of my Department to request specific documentation relating to the application. The requested documentation was received and the application is now fully processed. Payment in respect of 13.57 transferred entitlements will issue shortly.

Rural Environment Protection Scheme.

783. **Mr. Deenihan** asked the Minister for Agriculture and Food when REP scheme four will be available; and if she will make a statement on the matter. [15038/07]

Minister for Agriculture and Food (Mary Coughlan): REPS 4 will form part of the new Rural Development Programme for the period from 2007 to 2013. The Programme was sent to the European Commission in late December 2006 and has to go through its approval process. I cannot be definite as to how long this process will take but I continue to pursue early approval. My officials are in ongoing contact about it with their counterparts in the Commission services.

Farm Retirement Scheme.

784. **Mr. Deenihan** asked the Minister for Agriculture and Food if the new farm retirement scheme will be approved by the EU Commission in the near future; and if she will make a statement on the matter. [15039/07]

Minister for Agriculture and Food (Mary Coughlan): Proposals for a new Early Retirement Scheme, with a maximum annual pension payment rate of €15,000, have been included in the draft Rural Development Programme for the period 2007–2013. The draft Programme was sent to the Commission in late December 2006 to begin the approval process. I cannot be definite as to how long this process will take but I continue to pursue early approval and my officials are in ongoing contact with their counterparts in the Commission services.

Installation Aid Scheme.

785. **Mr. Durkan** asked the Minister for Agriculture and Food if a review can or will be undertaken regarding application for installation aid in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15047/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned was notified of his ineligibility under the Installation Aid Scheme by Department letter of 13 March 2007. That let-

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ter offered the applicant the opportunity to seek a review of that decision and I will now arrange for such a review to be carried out.

Grant Payments.

786. **Mr. Durkan** asked the Minister for Agriculture and Food the position regarding the present application by a person (details supplied) in County Kildare for national reserve; and if she will make a statement on the matter. [15048/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the 2006 Single Payment Scheme National Reserve under Categories A and B.

Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and who had leased out his/her holding to a third party during the reference period 2000 to 2002. Category B caters for farmers who commenced farming after 31 December, 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year. My Department has requested further documentation with regard to processing this application. When this documentation is received my Department will process this case further.

It should be noted that the rules governing the single payment scheme stipulate that an applicant who is found to be eligible under more than one category in the Reserve may only receive an allocation of entitlements under whichever category is most beneficial.

Food Industry.

787. **Mr. S. Ryan** asked the Minister for Agriculture and Food her views on whether the vegetable industry here could become unviable unless a mechanism is found to address the price and costs squeeze that the growers finds themselves in; the way the balance between the growers and supermarkets can be redressed to ensure the future production of Irish vegetables; and the steps she proposes to take to make the vegetable industry here viable into the future. [15080/07]

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 the fresh vegetables sector in 2006 is estimated at €80m of which outdoor field vegetables were valued at approximately €60m. 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 experi-

enced strong competitive pressures from the highly concentrated retail chain which has resulted in static or falling prices. However, to assist the development of a competitive, consumer focused horticultural industry, my Department provides substantial support through the EU Producer Organisation Scheme and 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 and 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. €6.5m will be provided in 2007 for horticultural producers under the new National Development Plan 2007-2013. Some €49m will be provided for horticultural producers towards investments in excess of €122m over the seven-year period. 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.

Grant Payments.

788. **Mr. Deasy** asked the Minister for Agriculture and Food if she will examine the case of a person (details supplied) in County Waterford who maintains that their farm waste management grant was underpaid to the sum of €9,000; and if she will make a statement on the matter. [15130/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant under the Farm Waste Management Scheme. Payment of grant-aid issued to the applicant on 20 March 2007. The applicant has, however,

asked for a review of the amount paid and this review is currently being carried out.

Farm Improvement Scheme.

789. **Mr. Deenihan** asked the Minister for Agriculture and Food the expected date of the announcement of details of the farm improvement scheme; and if she will make a statement on the matter. [15168/07]

Minister for Agriculture and Food (Mary Coughlan): Under the 2007-2013 Rural Development Programme, it is proposed to introduce a Farm Improvement Scheme which will provide grant-aid for investments in relation to on-farm facilities. The Scheme will be introduced as soon as EU approval is received for the Programme.

Rural Environment Protection Scheme.

790. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not been granted their REP scheme for 2006; and if she will make a statement on the matter. [15174/07]

Minister for Agriculture and Food (Mary Coughlan): The person named had not done the required 20-hour training course when he submitted the 2006 application for payment. In accordance with the terms of REPS, his payment could not be issued until he did the course. Confirmation that the course had been done was subsequently received on 9 February 2007.

In the meantime, however, my Department's records revealed that the farming enterprise of the person named produced considerably in excess of the REPS upper limit of 170 kg organic nitrogen per hectare in 2005. This is a serious breach of the Scheme conditions. He was informed of this breach by letter on 4 September 2006 and was asked for an explanation. He indicated that he was not contesting the position. My Department will be writing to him again shortly.

791. **Mr. Ring** asked the Minister for Agriculture and Food when persons (details supplied) in County Mayo will receive a REP scheme payment. [15247/07]

Minister for Agriculture and Food (Mary Coughlan): The application for payment in this case was received on 1 March 2007, and is being processed in line with the targets agreed with the farming bodies.

Grant Payments.

792. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive a forestry grant. [15280/07]

Minister for Agriculture and Food (Mary Coughlan): I understand that this case relates to a change of the declared forest ownership following a bereavement. The requisite form has issued recently to the person in question. Once the ownership issue is clarified, payment of the 2007 premium can be made.

793. **Ms Cooper-Flynn** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo, an applicant for extensification was awarded a penalty in 1994; and if the decision taken will be reviewed in view of the fact that the person made a genuine mistake. [15373/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted two applications under the 1994 Special Beef Premium Scheme (in respect of three and six animals, respectively) and one application under the 1994 Suckler Cow Premium (in respect of nine animals). Following validation, payment issued in full in respect of all animals concerned under both these schemes.

In 1994, an Extensification Premium was payable, on male cattle and suckler cows, to producers whose stocking density was less than 1.4 livestock units per hectare. Records show the person named was not entitled to payment under this particular scheme as the stocking density of his holding exceeded the limit for eligibility.

Schools Building Projects.

794. **Ms Burton** asked the Minister for Education and Science the funding allocated for school development purposes at primary and secondary level for each of the years from 1997 to date in 2007; the capital funds allocated; the funds her Department has earmarked for future school development at primary and secondary level in the Dublin 15 area; the locations and patrons of such proposed schools; and if she will make a statement on the matter. [14954/07]

Minister for Education and Science (Ms Hanafin): The National Development Plan 2000-2006 identified the need for major investment in educational infrastructure in new and refurbished buildings, new equipment and information technology to make education more relevant to the needs of a modern economy.

The Department accelerated the school building programme with record levels of investment and the streamlining of delivery systems during the period 1997 to 2006. The Government is delivering on its commitment to provide modern facilities in schools and has progressively increased funding in recent years with an aggregate total of over €2.6 billion invested in the period from 2000 to 2006 in upgrading existing school infrastructure and providing new school accommodation at both first and second-level.

[Ms Hanafin.]

This is the largest investment programme in the history of the State. It has delivered over 7,800 projects including over 1300 in 2006 alone. In addition the investment covered site purchases; the annual minor works grant to all primary schools, dust/asbestos and radon remediation

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
92	133.3	194.2	257.48	317.73	344.09	326.94	331.1	501.3	524.67

The Government is delivering on its commitment to provide modern facilities in schools and will provide a further €4.8 billion for educational infrastructure over the period of the new National Development Plan 2007-2013. The allocation for 2007 alone is over €540m and this funding will delivery over 1,500 building projects. With regard to educational infrastructural provision in the Dublin 15 area into the future, as the Deputy will be aware the recent Census preliminary figures confirm the Fingal area of Dublin as the fastest growing area in the country.

The Department is of the view that between primary and post primary level, some 20 new schools will be required there over the coming years. The challenge is to provide these schools in line with or ahead of demand for pupil places. Considerable interventions have already been made by the Department to increase pupil places and these interventions are being backed up by a significant construction programme. In this regard, phase two of the building project at Mary Mother of Hope N.S., Littlepace is ahead of schedule to open for September 2007. This will provide a new 16 classroom facility for the area. I would like to point out that this school will also have the benefit of enhanced shared community facilities under an arrangement with Fingal County Council.

In addition, plans are being advanced to provide a new school for Castaheany Educate Together and St. Benedict's National School on a site in Ongar. The development of this site will provide a total of 40 classrooms to cater for up 1,000 primary pupils. These schools will also benefit from enhanced shared community facilities.

Other developments in the Dublin 15 area at primary level include the planned expansion of St. Brigid's National School in Castleknock, and extensions to St. Brigid's Boys and Girls National Schools in Blanchardstown. Design teams have recently been appointed for both of these projects. The Board of Management of St. Mochta's National School, agreed to expand its school to enable a four stream intake from September 2006. The extension project for this school as well as one for St Patrick's Junior and Senior Schools, Corduff were also included on the recent list of schools for the appointment of design teams.

The Department has secured a site in Tyrrelstown to provide permanent accommodation for

programmes, science and technology initiatives, contingency works and grants for the purchase of furniture and equipment including improving equipment needed for new technologies and ICT.

The annual investment in first and second level school buildings in the period 1997 to 2006 was as follows (millions):

Tyrrelstown Educate Together NS. The Department is in discussion with the school in relation to its interim requirement pending the delivery of its new school building which it will be moving to delivery as quickly as possible. In the Hollywoodsrath area, the Department has requested a site reservation for primary education under the local authority's area development planning process. It is intended to deliver a new school there commensurate with the delivery of housing developments. Further site reservations will be requested by the Department as the local authority develops out further plans for the general area. These too will be acquired and developed in line with demand.

At post primary level, I have given the go-ahead for the delivery of 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 Department is working with the relevant parties on the delivery of these projects within the earliest possible timeframe.

At post primary level in Castleknock, the need for an additional school is being examined. With regard to the general situation, the practice has emerged in recent years of parents enrolling their children in more than one school. This has the result of inflating the number of children apparently seeking places and creates a difficulty in determining the true number of places required. The Department will monitor the situation closely, as it did in 2006, and liaise with school principals in the area to ensure that all eligible pupils seeking places for 2007 will have access to them.

School Transport.

795. **Mr. Ring** asked the Minister for Education and Science if she will investigate the provision of transport for children (details supplied) in County Mayo in view of the fact that it results in them having a ten hour day for school including their commute. [15029/07]

918. **Mr. Ring** asked the Minister for Education and Science the reason children (details supplied)

are being collected first in the morning and brought home last in the evening. [15024/07]

919. **Mr. Ring** asked the Minister for Education and Science her views on whether there is a health and safety issue in relation to it taking ten hours for children to attend school due to their school transport provision (details supplied). [15025/07]

920. **Mr. Ring** asked the Minister for Education and Science if she will urgently review the school transport provision to a school (details supplied) in County Mayo. [15026/07]

Minister of State at the Department of Education and Science (Mr. Haughey): I propose to take Questions Nos. 795 and 918 to 920, inclusive, together.

The Deputy will be aware that the school transport service provided for the pupils referred to, in the details supplied, is within my Department's guidelines for the school transport scheme. Bus Éireann operates the school transport service on behalf of my Department. Routes are planned in such a way as to ensure that, as far as possible, eligible pupils have a reasonable level of service, while at the same time, ensuring that school transport vehicles are fully utilised in an efficient and cost effective manner. The parents of the pupils referred to by the Deputy, in the details supplied, should liaise, in the first instance, with the Transport Liaison Officer for County Mayo if they have specific concerns regarding safety in the operation of this service.

796. **Mr. Durkan** asked the Minister for Education and Science if transport to a school in County Kildare remains available to a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [15207/07]

Minister of State at the Department of Education and Science (Mr. Haughey): My Department has been informed by the school referred to in the details supplied by the Deputy that the pupil in question continues to avail of a transport service to and from school.

School Accommodation.

797. **Ms McManus** asked the Minister for Education and Science her policy in relation to the removal of a school (details supplied) in County Wicklow from the centre of Greystones town to the outskirts; the analysis she has done to ensure that there is sufficient capacity to meet future population needs; and if she will make a statement on the matter. [14095/07]

Minister for Education and Science (Ms Hanafin): The Department is in receipt of an application from the school to which the Deputy refers to re-locate. The request comes about because the existing school site, which is only c1.5

acres, is extremely restricted. This has several implications notably, for providing additionality at the school to meet its escalating demand for pupil places, to make adequate special needs provision and to position the school to implement the PE curriculum (it has virtually no outdoor play facilities).

The Department agrees that the school requires to be expanded and enhanced and that the possibility of doing so on the existing site is slight. Therefore, in principle, the Department has no difficulty with the request to re-locate. Having said that, while the Department would wish to see every school having state of the art facilities, it cannot nor would not insist that any school should move from a location where it is happy. The reality is that Greystones requires considerable extra primary accommodation in the coming years. The existing schools, including the one to which the Deputy refers are not capable of being developed to meet the extent of additionality required. Therefore, the Department will be building a new school in Greystones to meet emerging needs regardless of whether or not the school in question is involved in it and it is moving on a site acquisition for this purpose.

The Department has committed to examining alternative options suggested by the parents of the school in question to arrive at a satisfactory solution to its accommodation needs and this has been put in train.

Special Educational Needs.

798. **Ms McManus** asked the Minister for Education and Science her policy in relation to providing ABA education for children who wish to have this particular service provided; and if she will make a statement on the matter. [14096/07]

Minister for Education and Science (Ms Hanafin): The Department's approach and policy is based on advice received from international experts on autism; NEPS; the Inspectorate; an analysis of research including that supplied by the IAA; and the report of the Irish Task Force on Autism. Advice was sought from international experts on research provided by the Irish Autism Action group and other research on educational interventions for children with autistic spectrum disorders and it is clear that this research does not support the exclusive usage of ABA or indeed the exclusive use of any other approach, as a basis for national educational provision for ASD children. It is for this reason that the Department's preferred policy is for a child centred approach where the approach to be taken is based on the individual child's needs. It is also important to bear in mind that school-based provision is being put in place throughout the country that will be in a position to provide for future cohorts of children and respond to their individual needs. My Department remains willing to review and consider any further research as and when it becomes available.

[Ms Hanafin.]

The Deputy will be aware of my commitment to ensuring that all children, including those with autism, receive an education appropriate to their needs. My Department's preferred approach to the provision of appropriate education for children with autism, is through the primary and post primary school network, whether through placement in mainstream classes, in special classes or in special schools. My Department supports a multi-skills approach in regard to the education of children with autism where a range of teaching methods are available e.g. Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH), ABA (Applied Behavioural Analysis), Picture Exchange Communication System (PECS).

In this regard my Department has established:

- 188 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 methodologies on a pilot basis — 2 of these facilities have yet to be established.

Schools Building Projects.

799. **Mr. Kehoe** asked the Minister for Education and Science when a decision will be made regarding a new school building for a school (details supplied) in County Carlow; and if the architects previously employed by her Department to design an extension for the old school, which is not proceeding, have been paid. [14105/07]

Minister for Education and Science (Ms Hanafin): The original plan for the school referred to by the Deputy was to extend and refurbish the existing school building. However, due to increasing enrolments and the limited size of the site, it was decided that the best way forward was to build a complete new 16 classroom Generic Repeat Design school on a new site. A meeting has been arranged between my Department's Technical Staff and the Design Team for the original project to finalise the level of fees due for work already carried out on the original project and to agree a fee for the new project. Once the fees are agreed any outstanding monies will be paid without delay. I can assure the Deputy that the school and their Design Team are fully aware of the position.

Third Level Education.

800. **Mr. Costello** asked the Minister for Education and Science if her attention has been drawn to a document (details supplied); her views

on the major issues for third level students raised in the document; and if she will make a statement on the matter. [14108/07]

Minister for Education and Science (Ms Hanafin): I am aware of the document referred to by the Deputy. My commitment and that of this Government to on-going improvements in higher education is clearly demonstrated by a range of policy developments and funding programmes, including those which encourage wider access to further and third level education.

Higher education in Ireland has come through a period of major expansion. Almost 45,000 new third level places have been created since this Government took Office in 1997 and there are now some 168,000 students in the system. The most recent participation study confirms the continuing trend. It shows that the national admission rate was 55% in 2004 — up from 44% in 1998. Overall investment in the sector on a per annum basis has more than doubled over that period. This stands at some €1.9 billion for the current year.

There are clear indications that the increased investment of resources in this area over the last decade and more is now paying dividends and that targets for participation in higher education that were set in the 2001 Report of the Action Group on Access to Higher Education and the last National Development Plan 2000-2006 have been reached. For example, participation by mature entrants to full-time higher education has grown from 4.5% in 1998 to almost 10% in 2006. Surveys conducted by the Higher Education Authority (HEA) also indicate that access to higher education by young people from under-represented socio-economic groups continues to improve. For example, in 2004, between 33% and 40% of young people nationally from the semi-skilled and unskilled socio-economic groups went on to study in higher education compared to only 23% in 1998. New targets for participation will be developed in 2007, linked to the implementation of the National Development Plan 2007-2013.

Major improvements have been made by this Government in both the income limits for eligibility and the actual grant levels for third level student support. This includes the introduction of the special rate of maintenance grant. The higher rate of this grant is now at a record level of nearly €6,000 for the 2006/07 academic year — compared to just over €2,000 in 1996/97. The allocation for student support schemes in this current year is in excess of €241m.

As the Deputy may already be aware, I plan to introduce a single unified scheme of maintenance grants for students in higher education which will, I believe, provide for a more coherent administrative system. The scheme, which will be underpinned by a new Student Support Bill, will facilitate consistency of application, improved client accessibility and ensure timely delivery of grants to those who need them most. The Student Support Bill is at an advanced stage of preparation.

This, together with my commitment to ongoing improvements in the student support schemes, including increasing the rates of grant and the income limits for eligibility as resources permit, will continue to build on our achievements in this area.

With regard to higher education infrastructure, the NDP 2007-2013 provides for an investment of €1.975 billion in modernising campus facilities. This level of investment reflects the significance the Government attaches to infrastructure requirements in the sector.

In relation to student accommodation, a special tax incentive was introduced to encourage the provision of student rented residential accommodation in Section 50 of the Finance Act, 1999. The purpose of the relief was to increase the supply of quality accommodation for third level students. The scheme has been very successful in this respect. According to the Indecon Report on the Review of Property-based Tax Incentive Schemes published by the Department of Finance in February 2006, concerns now exist about over-supply of accommodation in the student accommodation sector.

Having regard to developments in the PLC sector, including the McIver Report, negotiations are currently on-going between the management and the unions. Concrete prioritised proposals in relation to PLC provision and focused in particular on the larger providers are currently being prepared. Provision has been included in the 2007 estimates for this purpose. It is important to emphasise that the arrangements for the PLC sector will be determined in the light of resources available and the implications for other areas of education. Further negotiations have been arranged for after Easter. All parties continue to be positively engaged in the process.

Student Accommodation.

801. **Mr. Costello** asked the Minister for Education and Science if she will establish a task force on student accommodation for third level students; if she will give particular consideration to the accommodation needs of third level students in the Dublin area; and if she will make a statement on the matter. [14109/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that a special tax incentive was introduced to encourage the provision of dedicated student residential accommodation in Section 50 of the Finance Act 1999. The purpose of the relief was to increase the supply of quality accommodation for third level students. The scheme has been very successful in this respect. The issue of task force on student accommodation would be a matter for my colleague the Minister for the Environment, Heritage and Local Government and I will contact him to seek his views.

School Staffing.

802. **Mr. Hogan** asked the Minister for Education and Science if he will sanction a full time learning support or resource teacher solely for a school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [14124/07]

818. **Mr. McGuinness** asked the Minister for Education and Science if a full-time learning support and resource teacher will be approved solely for a school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [14308/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 802 and 818 together.

The school referred to by the Deputies currently has 1 full-time shared learning support/resource teacher (LS/RT) post and is receiving 17.5 hours per week teaching support from this teacher.

My Department recently issued a new circular to all primary schools, Circular 0034/2007, in relation to arrangements for LS/RT and resource teacher (RT) posts for the 2007/2008 school year. In this regard, schools are required to return completed LSRT 1 forms to my Department for processing for the new school year. When this school's completed LSRT 1 form has been returned and examined in my Department, contact will be made with the school.

Schools Building Projects.

803. **Mr. Wall** asked the Minister for Education and Science the position regarding a new secondary school (details supplied) in County Kildare; and if she will make a statement on the matter. [14136/07]

Minister for Education and Science (Ms Hanafin): My Department has identified a potentially suitable c. 13 acre site for this school and officials have entered into negotiations with the owner's agent in the matter. When a suitable site has been secured, a building project for the school in question will be considered for progression in the context of the multi-annual School Building and Modernisation Programme.

Adult Education.

804. **Mr. Kehoe** asked the Minister for Education and Science the level of funding provided by her Department through the vocational educational committees for adult literacy; the level of funding provided for tutor training for adult basic literacy and for group tuition; if she plans to reduce this funding in 2008; and if her attention has been drawn to the fact that 500,000 people here have low levels of literacy. [14152/07]

Minister of State at the Department of Education and Science (Mr. Haughey): I am aware that the Organisation for Economic Co-operation and Development (OECD) carried out an international literacy survey of adults aged 16–64 in 1994/95. Findings indicated that approximately half a million people, 25% of Irish adults in that age-group, were at the lowest level (Level One), indicating a reading ability no higher than that of an average 12-year old.

Adult literacy is my top priority in Adult Education. There are no plans to reduce literacy funding at any stage in the future. In fact, the contrary is correct. In “Towards 2016”, a commitment to increased investment has been made. In 2006, €20 million was provided to the VECs for their adult literacy activities. This year, in the region of €26 million will be provided for adult literacy through the VEC sector. This will increase the number of VEC adult literacy students from 35,000 to 38,000. There will be increased funding also in 2008 and 2009.

The Adult Literacy services are funded by my Department through annual grants to the Vocational Education Committees, which deliver the services locally. The disbursement of funds is a matter for each VEC, which, subject to its budget, decides the nature and extent of the Adult Literacy services to be provided in its area and the manner in which funds for these services should be spent. The organisation and location of courses are also matters for decision by the VECs.

My Department does not provide specific funding for tutor training to the VECs. However the VECs provide for tutor training from their annual funding provision. The level of funding provided is at the discretion of each individual VEC. In addition, the Department provides funding to other bodies which offer tutor training, viz. the National Adult Literacy Agency and Waterford Institute of Technology.

School Accommodation.

805. **Dr. Cowley** asked the Minister for Education and Science if a school (details supplied) in County Mayo is being considered for funding for extra classrooms, physical education hall and office space in view of the fact that its estimated enrolment for 2007 is 154 pupils and the projected enrolment for the next five years is increased con-

siderably; and if she will make a statement on the matter. [14167/07]

Minister for Education and Science (Ms Hanafin): The assessment of the school’s long term projected staffing, which will determine the school’s accommodation needs into the future, is underway in the Department. When this has been finalised, a decision will be taken on how best to meet the school’s current and future accommodation needs. The building project required to address the school’s accommodation needs will be considered in the context of the multi annual School Building and Modernisation Programme.

Educational Disadvantage.

806. **Ms O. Mitchell** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in Dublin 16 which has 36 Traveller children on the roll, is a designated disadvantaged school, has classes containing 34 pupils, classes with five children with behavioural problems and operating split classes, is losing a teaching post due to the fact that the Traveller pupils are not counted as part of the overall school numbers; and if she will ensure that this disadvantaged school is not further disadvantaged by inflexible and inappropriate ratio rules. [14192/07]

Minister for Education and Science (Ms Hanafin): At present, Resource Teachers for Travellers are allocated on the basis of a 14:1 ratio. The school referred to by the Deputy currently has the services of two Resource Teachers for Travellers. My Department is giving consideration to the school’s staffing requirements for the 2007/2008 school year and will shortly be in contact with the school authorities in this regard.

Ministerial Staff.

807. **Mr. Hogan** asked the Minister for Education and Science the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by her; the salary level of each appointee including payments in lieu of pension; and if she will make a statement on the matter. [14203/07]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy in relation to staff in my office is as follows:

Name	Date of Appointment	Salary
Special Adviser	Averil Power — Appointed 29th September 2004	€87,202 pa, with Employer PRSA of 11%
Personal Assistant	Carl Gibney — Appointed 29th September, 2004	€51,352 pa
Press Officer	Geraldine Butler, HEO on APO Higher Duties — Appointed 8th November 2004	€66,377 pa

Each of the above staff has a standard contract of employment which is drawn up by the Department of Finance.

School Curriculum.

808. **Mr. Naughten** asked the Minister for Edu-

cation and Science if she will implement the recommendations of the task force on the physical sciences; the recommendations fully implemented to date; the additional funds provided in 2007 to implement the recommendations; when she will appoint laboratory technicians in all second level schools; and if she will make a statement on the matter. [14229/07]

894. **Mr. Costello** asked the Minister for Education and Science if her attention has been drawn to the contents of correspondence (details supplied); and if she will make a statement on the matter. [14892/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 808 and 894 together.

I am aware of the correspondence to which the Deputy refers. There were some 39 recommendations in the Report of the Task Force on the Physical Sciences, with costed proposals totalling an additional €244 million, of which €66.3 million would be a recurring annual cost. Of the 39 recommendations, 4 are not for the education sector. Of the remainder, progress has been made on implementing 25 of the recommendations and my Department continues to progress the recommendations as resources permit in collaboration and consultation with the Department of Enterprise, Trade and Employment, FORFAS and industry.

Significant progress has been made in a range of areas, e.g:

- A new science curriculum has been introduced at primary level supported by a resource grant in December 2004 of €1000 per school plus €10 per pupil.
- A revised syllabus in Junior Certificate Science was introduced in 2003 and it was examined for the first time in June 2006. Revised syllabi in Leaving Certificate Physics, Chemistry and Biology have also been introduced and examined within the last five years. Work on the revision of the two remaining Leaving Certificate subjects — Agricultural Science and Physics and Chemistry (combined) — is well advanced. The introduction of each of the revised syllabi has been supported by comprehensive in-service programmes for teachers.
- Additional equipment grants have been provided to schools, and laboratories continue to be refurbished as part of the ongoing school building programme. In that context, €16 million was issued to schools in 2004 to support the implementation of the revised Junior Certificate Science syllabus.
- Investment in the Programme of Research in Third Level Institutes (PRTLTI) is continuing apace to enhance and promote

world class standards in research, innovation and development.

While I have made it clear that I am not yet convinced of the need for lab assistants and that I believe that their provision would lead to demands for similar assistance in other subjects with a strong practical component, the Government is committed under the Strategy for Science, Technology and Innovation to revisit this issue.

As the Deputy will be aware, the Strategy for Science, Technology and Innovation 2006 to 2013 sets out a range of measures to further strengthen science teaching and learning and improve the uptake of senior cycle Physics and Chemistry. These include ensuring that the project based hands-on investigative approach now in place at junior cycle is extended to senior cycle, that the appropriate type of assessment is used and that there is an emphasis on the inter-disciplinary nature of science in society.

Other aspects of the Plan include:

- reviewing the implementation of the primary science curriculum to ensure its effectiveness in stimulating interest and awareness in science at a very young age,
- strengthening teacher training in this area
- reforming maths and Leaving Certificate Physics and Chemistry curricula
- promotion of science initiatives in Transition Year; and
- the provision of information and brochures on science opportunities and careers, linking effectively with school guidance services.

Taken together, the comprehensive set of measures provided for in the SSTI will build on the improvements made in recent years and ensure even greater support for science education.

School Accommodation.

809. **Mr. Ring** asked the Minister for Education and Science if she will approve the proposals which a school (details supplied) in County Mayo has submitted to her. [14246/07]

Minister for Education and Science (Ms Hanafin): An application for capital funding has been received from the school to which the Deputy refers. This application will be assessed with reference to factors such as current and projected enrolments at the school, the likely impact of ongoing and proposed housing developments and existing provision in the general area.

When this assessment is complete, a decision will be taken on how best to provide for the current and emerging accommodation needs at the school. The proposed project will be considered in the context of the multi annual School Building and Modernisation Programme.

810. **Mr. McEllistrim** asked the Minister for Education and Science when a site (details supplied) in County Kerry will be transferred by the VEC to a child care centre. [14247/07]

Minister for Education and Science (Ms Hanafin): Correspondence has been received in my Department from the VEC in respect of a site for the proposed child care centre referred to by the Deputy. The matter is currently receiving attention and a decision will be conveyed to the VEC as soon as possible.

Schools Building Projects.

811. **Mr. Costello** asked the Minister for Education and Science if she will provide a new school building for a school (details supplied) in Dublin 7, to replace the ten year old prefabs; and if she will make a statement on the matter. [14254/07]

Minister for Education and Science (Ms Hanafin): I can confirm that the Department is in receipt of an application from the school referred to by the Deputy for a new school building. The Department acknowledges the need for a solution to the schools accommodation difficulties and officials are currently considering a number of options in this regard. I want to assure the Deputy that the Department is committed to working to achieve a satisfactory solution in this matter as soon as possible.

812. **Mr. McGinley** asked the Minister for Education and Science the reason, in view of the fact that money has been sanctioned for a school (details supplied) in County Donegal, there are no funds available for renovations; and if she will make a statement on the matter. [14255/07]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the deputy is at an early stage of architectural planning. My Department having got agreement from the School Authorities that the proposal which provides a completely new School as a stand alone building is the preferred solution from an educational, financial and ease of construction perspective, wrote to the School Authorities on the 27th March last requesting that they get their Design Team to proceed to stage 2 (Outline sketch scheme with costings) of architectural planning.

When the stage 2 submission is received in my Department, my Officials will arrange a meeting with the School Authorities and their Design Team in order to evaluate the submission. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stage of architectural planning.

A decision on which school building projects will advance to tender and construction will be

considered in the context of the multi-annual School Building and Modernisation Programme.

Departmental Records.

813. **Mr. Noonan** asked the Minister for Education and Science if she will assist a person (details supplied) in County Limerick in acquiring records of their stay and the stay of their siblings at an institute in Limerick under the supervision of her Department; and if she will make a statement on the matter. [14277/07]

Minister for Education and Science (Ms Hanafin): I wish to advise the Deputy that my Department maintains records on former residents of Industrial and Reformatory Schools who were placed there by way of a Court Order. Many children were placed in the schools by alternative means such as Health Board referrals and voluntary placements and, in such cases, my Department generally does not hold any records.

Officials of my Department have received and processed requests under the Freedom of Information Acts 1997 and 2003 on behalf of a number of the family members referred to by the Deputy. Department officials conducted a thorough and detailed search of archival material but were unable to locate any record of the family members' being placed or resident in the Industrial School in question. In responding to these requests, the Department advised the persons in question via their legal representatives that no records were located following a detailed search of the Department's file records and that this would suggest that they may have been placed in the school other than through the Courts.

It is the Department's policy to provide as much assistance as possible to those seeking access to records of their stay in industrial schools and, where possible, to identify alternative sources for such records. In this regard, the Department advised the persons in question to pursue the matter with the Sisters of Mercy, who managed the particular institution, and contact details for the order were provided — that is, Mercy Congregational Archives, Catherine McAuley Centre, 23 Herbert Street, Dublin 2. It was also recommended that contact be made with the regional office of the health services in the area where the family were resident at the time of their placement in the school to ascertain if that office held any relevant records in this regard.

Schools Building Projects.

814. **Mr. Blaney** asked the Minister for Education and Science if she will expedite an application for an extension to a school (details supplied); and if she will make a statement on the matter. [14278/07]

Minister for Education and Science (Ms Hanafin): A re-assessment of projected enrolments, demographic trends and housing developments in the area has recently been completed in the Department. The long term projected staffing, on which the accommodation needs will be based, has been notified to the school authorities. A site visit is required in order to inform the final brief for the project and officials will be in contact with the school authority in order to arrange a site visit.

Departmental Staff.

815. **Mr. Cregan** asked the Minister for Education and Science when standard sick leave arrangements of 12 weeks in a rolling year including seven uncertified days for school bus escorts will be implemented by her Department, in view of the fact that this was meant to apply from 1 September, 2006 and some escorts are not receiving payment for sick leave. [14288/07]

Minister of State at the Department of Education and Science (Mr. Haughey): A circular outlining the sick pay arrangements for escorts employed by school boards of management will issue to school authorities in the near future.

Schools Building Projects.

816. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to a school (details supplied) in County Carlow that was approved for grant aid in 2000 and rated a 2.3 but in view of subsequent developments and a number of factors, the board of management feels that the school should be upgraded to a 2.1 on the scale; and if the school will be visited by a representative from her Department in view of these developments. [14293/07]

819. **Mr. McGuinness** asked the Minister for Education and Science if a grant for major capital works will be approved for a school (details supplied) in County Carlow in view of the fact that no major works were carried out to the school since 1960 and the matter is now urgent; and if she will make a statement on the matter. [14309/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 816 and 819 together.

School Planning Section is in receipt of an updated application for capital works from the Board of Management of the school to which the Deputy refers. The application is being assessed in accordance with the Department's published prioritisation criteria for large scale building projects taking into account the school's changed circumstances. Progress on the proposed project will

be considered in the context of the multi-annual School Building and Modernisation Programme.

School Accommodation.

817. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the overcrowding at a school (details supplied) in County Galway and that her Department became aware of an application for an extension as far back as 1999; and if she will make a statement on the matter. [14301/07]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. The assessment of the long term projected staffing, on which the schools accommodation needs are based is underway at present in the Department. Once the long term projection has been determined and agreed with the school authorities the building project will be considered in the context of the multi-annual School Building and Modernisation programme.

Question No. 818 answered with Question No. 802.

Question No. 819 answered with Question No. 816.

Schools Building Projects.

820. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 1524 of 31 January 2007, if a decision has been made on this application; and if she will make a statement on the matter. [14315/07]

Minister for Education and Science (Ms Hanafin): An application was received in the Department, under the Small Schools Scheme 2007, from the school referred to by the Deputy. On 5 March 2007, I announced details of the schools to receive funding under this Scheme. I am happy to inform you that the school referred to by the Deputy was successful and the school authorities have already informed the Department that they will accept the funding allocated to them under this scheme.

Schools of Music.

821. **Cecilia Keaveney** asked the Minister for Education and Science the funding from her Department for a project (details supplied) in County Donegal; and if she will make a statement on the matter. [14327/07]

Minister for Education and Science (Ms Hanafin): My Department is currently funding a pilot programme in Donegal to test the model of Music Education Partnerships proposed in the

[Ms Hanafin.]

Music Network Report (2003): A National System of Local Music Education Services — Report of a Feasibility Study.

The programme provides for an instrument bank, group and individual tuition, support for ensembles and choirs and covers a range of musical genres including pop/jazz, traditional and classical. It is operated by Co. Donegal VEC and overseen by a committee which includes Údarás na Gaeltachta, the County Development Board, the Donegal Education centre and other community interests. My Department does not provide funding to the Donegal Summer School of Music.

School Management.

822. **Mr. Durkan** asked the Minister for Education and Science if she or her Department has received further correspondence from the board of management of a school (details supplied) in County Kildare in relation to parents subsidising the running costs of the school; her plans to assist in this regard; and if she will make a statement on the matter. [14328/07]

Minister for Education and Science (Ms Hanafin): I can confirm that my Department has received further correspondence from the Board of Management of the school referred to by the Deputy. The position is that voluntary contributions by parents of pupils in recognised primary schools are permissible provided it is made absolutely clear to parents that there is no question of compulsion to pay and that, in making a contribution, they are doing so of their own volition. The manner in which such voluntary contributions are sought and collected is a matter for school management, however their collection should be such as not to create a situation where either parents or pupils could reasonably infer that the contributions take on a compulsory character.

Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges.

The primary school capitation grant has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €163.58 with effect from 1st January, 2007. This represents an increase of over 186% in the standard rate of capitation grant since 1997.

Furthermore enhanced rates of capitation funding are paid in respect of children with special educational needs who attend special schools or special classes attached to mainstream schools. The current rates range from €400 to

€805 per pupil. These were increased by an average of 30% recently.

The capitation grant is in addition to the Ancillary Services Grant which provides additional funding for primary schools towards the cost of secretarial and caretaking services. The standard rate of grant per pupil under the scheme was increased from €102 per pupil in 2002 to the current rate of €145.50 per pupil. I believe that major increases must continue to be provided in the rate of both the capitation and ancillary services grants in the coming years.

Special Educational Needs.

823. **Mr. F. McGrath** asked the Minister for Education and Science the reason children with a disability are being forced to travel long distances for education services. [14347/07]

Minister for Education and Science (Ms Hanafin): My Department's policy is to ensure the maximum possible integration of children with special educational needs (SEN) into ordinary mainstream schools within the child's community where this is in the best interests of the child and those with whom s/he is to be educated. One of the benefits of this policy is that children do not have to travel long distances to school. However, there may be circumstances when full integration is not in the best interests of some children.

In such situations, these children can attend special classes attached to certain ordinary mainstream schools. All special classes have the same increased levels of staffing and funding as are made available to special schools. Children with SEN attending special classes attached to mainstream schools may also, where appropriate, be integrated into ordinary classes for periods of the school day.

Children can also attend in special schools that are dedicated to providing education for children with special educational needs. There are 107 special schools in the country at present. These schools cater for children from four to 18 years of age and each school has a significantly reduced pupil teacher ratio, special needs assistant support and increased levels of capitation.

I am anxious that children with special educational needs should be educated within, or close to, their own communities in so far as practical. Where parents of children with special educational needs are concerned about the length of their child's journey to school, they should contact their local special educational needs organiser (SENO). It may be possible for the National Council for Special Education to establish suitable, more locally-based, provision if there is sufficient demand. Contact details may be sourced through the NCSE website www.ncse.ie or through the NCSE headquarters in Trim, telephone 046 9486400.

Educational Disadvantage.

824. **Mr. Blaney** asked the Minister for Education and Science if she will look favourably on an application for outdoor play facilities and library facilities under the dormant accounts fund and RAPID leverage fund small scale capital grant scheme by a school (details supplied); and if she will make a statement on the matter. [14351/07]

Minister for Education and Science (Ms Hanafin): The closing date for receipt of applications under the Dormant Accounts/RAPID Leverage Fund Small Scale Capital Grants Scheme was 1st March. The Midland Regional Office of my Department received a large number of applications for the scheme including an application from the school referred to by the Deputy.

As outlined in Departmental Circular 4 of 2007 the Scheme is open to primary and post primary schools who are covered by one of three categories: (i) participating in the School Support Programme under DEIS; (ii) are located within a RAPID Area or serving a RAPID Area; and (iii) is a Special School. On examination of the application from the school in question it was noted that the school is not eligible to apply for this Scheme as it does not fall within any of the categories listed above. My officials wrote to the Principal of the school to advise her of the position on 22 March.

Schools Building Projects.

825. **Mr. Timmins** asked the Minister for Education and Science the position in relation to an application from a school (details supplied) in County Wicklow for a new school; if sanction will be given to stage three as a matter of urgency and movement to stage four allowing the minor adjustments to be incorporated into stage four; and if she will make a statement on the matter. [14358/07]

Minister for Education and Science (Ms Hanafin): This project referred to by the Deputy was listed on the 2005 School Building Programme to go to tender and construction for a new 10 classroom school building, when the architectural planning was completed. As this is a special school the brief for the project has evolved over time with input from the school, my Department's Technical staff and Inspectorate. My Department is anxious that the facilities to be provided will be of a very high standard and suitable for use by pupils with special needs.

In June 2006 a meeting was held between the Board of Management, the project's Design Team and officials from my Department. The purpose of the meeting was to agree the brief for the project. It was also decided at that meeting that once the Board and the Design Team have indicated that the stage 3 documentation was

ready for examination a round table meeting will be held, the main aim of which will be to try and approve the submission. In December 2006 the Design Team forwarded some revised drawings to my Department for review. A reply issued to the Design team on the 18th December 2006 instructing them to proceed on the basis of their submission and incorporating the comments of my Department's Technical Staff. My Department is currently awaiting a revised stage 3 submission. Officials from my Department have arranged a meeting to be held shortly with the school and its Design Team with a view to progressing the matter.

My Department's main role is concentrated on ensuring that the design solution presented at stage 3 meets the requirements of the brief and complies with my Departments technical documents. Once the formal stage 3 submission is received, it will be appraised to ensure it meets these criteria and thereafter devolved approval will be given to the school authorities to deliver the project to planning permission, tender and construction.

School Transport.

826. **Mr. McGuinness** asked the Minister for Education and Science if the school bus service to Knockmajor, County Kilkenny, will be extended by 0.8 of a mile in order to collect a person (details supplied) in County Kilkenny; if the special family circumstances will be considered; and if she will expedite a decision. [14361/07]

Minister of State at the Department of Education and Science (Mr. Haughey): One of the main objectives of the School Transport Scheme is to provide a basic level of service for children who live long distances from school and who might otherwise experience difficulty in attending regularly. In general, primary school transport routes are planned so that, as far as possible, no eligible child will have more than 2.4 kilometres to travel to a pick-up point. The pupil referred to by the Deputy in the details supplied resides 1.12 kilometres from the pick-up point. The parents should liaise with their local Bus Éireann office regarding the availability of a payable extension to this service.

School Management.

827. **Mr. Connaughton** asked the Minister for Education and Science her views on providing an extra grant to the board of management at a school (details supplied) in County Galway; if her attention has been drawn to the fact that whilst her Department's grant of €241,500 in November 2005 was of benefit, the shortfall has proved to be a financial burden to the local community, that the community has raised €44,000 in sponsorship and another €15,000 by way of levy on parents

[Mr. Connaughton.]

and that there is an outstanding €45,000 which has to be borrowed; if, in view of the efforts by the local community to collect a higher local contribution, she will give consideration to an extra payment; and if she will make a statement on the matter. [14377/07]

Minister for Education and Science (Ms Hanafin): An official from the Building Section of my Department has recently been in contact with the management of the school in question. The School Authority will submit an appeal for additional funding for consideration by the Review Group which comprises senior officials from my Department. When this is received and examined the school will be notified of the decision.

Higher Education Grants.

828. **Ms Shortall** asked the Minister for Education and Science the special rate of maintenance grant available to applicants for vocational education committees' scholarship scheme grants; the qualifying criteria therefore; the reason a person (details supplied) in Dublin 9 was not awarded a full rate of VEC grant; the reason their grant is reduced; and if she will provide a detailed copy of the assessment of this case. [14383/07]

Minister for Education and Science (Ms Hanafin): To qualify for the special rate of maintenance grant in the academic year 2006/07, all candidates must satisfy the following conditions:

1. Qualify for the ordinary maintenance grant in respect of the academic year 2006/07;
2. Total reckonable income limit in the tax year to 31 December 2005 must not exceed €16,748 (net of standard exclusions, as set out in the 2006 Maintenance Grants Schemes and net of Child Dependant increase (CDI) payments, where applicable);
3. As at 31 December 2005, the reckonable income of parent(s)/guardian(s), the candidate himself/herself, or the income of the spouse/partner, as the case may be, must include one of the eligible social welfare payments prescribed under the Scheme.

My Department contacted the Vocation Education Committee (VEC) responsible for the award of a grant for the student referred to by the Deputy and was advised the student was awarded a full rate VEC grant. My Department was also advised that the income exceeded the limit specified for the Special Rate of Maintenance Grant and, therefore, did not qualify for a Special Rate payment.

In accordance with the Data Protection Acts it is not possible for my Department to provide to the Deputy any documentation in respect of the candidates application or assessment. This infor-

mation, however, would be made available to the candidate by the VEC, on the student's written request.

Schools Building Projects.

829. **Mr. Carey** asked the Minister for Education and Science the contacts made by the design team appointed by her Department at schools (details supplied) in Dublin 9 to agree the programme of works required to be carried out; when work will begin; if a completion date has been agreed; and if she will make a statement on the matter. [14385/07]

Minister for Education and Science (Ms Hanafin): A technical inspection of the buildings concerned was recently carried out to determine the scope of works required to facilitate the amalgamation of the schools to which the Deputy refers and to accommodate another school in one of the buildings which will be vacated post amalgamation. The Department is anxious to resolve the accommodation issues at the schools in question as soon as possible.

Higher Education Grants.

830. **Mr. McGuinness** asked the Minister for Education and Science further to Parliamentary Question No. 395 of 22 November 2006, if the additional information submitted by the person (details supplied) in County Kilkenny will result in their qualification for a grant from the vocational education committee; and if she will make a statement on the matter. [14388/07]

Minister for Education and Science (Ms Hanafin): Official of my Department contacted County Kilkenny VEC, the assessing authority in this case, concerning the candidate referred to by the Deputy. My Department was advised that additional information was received in respect of the grant application concerning a change in circumstances. The grant application was reviewed and the candidate is in receipt of part maintenance with effect December 2006 to date.

Services for People with Disabilities.

831. **Mr. Wall** asked the Minister for Education and Science if she has input into payments of the national learning network scheme; if so, her plans in regard to increasing the weekly payments from the present level of €31.80 per five day week from 9 am to 3 p.m. for participants; and if she will make a statement on the matter. [14399/07]

Minister of State at the Department of Education and Science (Mr. Haughey): The National Learning Network is Ireland's largest non-Government training organisation, with more than 50 purpose-built training and employment units nationwide, catering for over 4,500 students each year. Its objective is to assist people at a

disadvantage in the labour market to learn the skills they need to build lasting careers in jobs that reflect their interests and abilities.

A partnership arrangement between the National Learning Network and the City of Dublin Vocational Educational Committee offers a wide range of supports to students with disabilities in eight VEC Colleges of Further Education in Dublin. A Training Bonus of €31.80 per week is payable to the following categories of people who were on, or commenced, a FÁS training course on or after 19 April 1999:

Persons in receipt of Jobseeker Benefit or Jobseeker Allowance for 12 months or more; or Persons who progress to FÁS training having completed a minimum of 12 months on a Community Employment programme; or Persons who progress to FÁS training having completed a minimum of 12 months on the Job Initiative programme; or Disabled persons not in receipt of Illness Benefit or Invalidity Pension. I do not have input into payments under the National Learning Network Scheme. I understand that this is a matter for FÁS.

Departmental Properties.

832. **Mr. Ring** asked the Minister for Education and Science when her Department ceased the use of a premises (details supplied) in County Mayo; and the person who took over the responsibility of this premises. [14404/07]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy is not in the ownership of the Department and there are no records within the School Planning section of the Department regarding the closure of the school.

School Staffing.

833. **Ms Shortall** asked the Minister for Education and Science the way in which the early retirements advisory committee operates; the procedures they adopt; and if she will provide the names of the committee. [14407/07]

Minister for Education and Science (Ms Hanafin): Under the Programme for Competitiveness and Work 1996 a voluntary early retirement scheme, consisting of three strands, was introduced on a pilot basis for teachers in order to promote greater efficiency and effectiveness in the school system. Strand 1 of the Scheme relates to teachers who are consistently experiencing professional difficulties in their teaching duties. Strand 2 relates to teachers whose retirement will provide their school with an opportunity to enhance the education service provided through facilitating change. Strand 3 relates to teachers who are in posts which are surplus to requirements.

The Early Retirement Advisory Committee (ERAC) was set up to consider applications submitted by teachers for retirement under Strands 1 and 2 of the Scheme. The Committee, having processed the applications, makes its recommendations to the Minister for decision. (Applications for retirement under Strand 3 of the scheme are considered by the Department and submitted to the Minister for decision). ERAC consists of one nominee of the teachers unions, one nominee of the school management bodies and one nominee of the Ministers for Education and Science and Finance. The committee has an independent chairperson appointed by the Ministers.

ERAC processes applications in accordance with guidelines and principles adopted by the Early Retirement Consultative Council (ERCC). ERCC is representative of each of the teacher unions and school management bodies as well as the Departments of Education and Science and Finance. The chairperson of ERAC is also chairperson of the Early Retirement Consultative Council. ERAC convenes on one or more occasions, as needs dictate, each year.

In the case of Strand 1 ERAC evaluates each application on the basis of written statements of professional difficulties provided by both the teacher and the school management authority. The professional difficulties being experienced by each applicant are assessed under the headings of Expertise, Commitment and Ongoing Professional Development. In the case of each applicant under Strand 2, the written statements of the teacher and the school management authority must satisfy ERAC that retirement under this strand will provide an opportunity to enhance the education service provided by the school by facilitating change such as the introduction of new skills and curriculum review.

The current membership of ERAC is, chairperson, Mr. Declan Brennan; teachers' unions' nominee, Mr. John White; management bodies' nominee, Sr. Eileen Randles and Departments' nominee, Ms. Josephine O'Connor. The nominee of the teachers' unions' is rotated on an annual basis among the three teacher unions. The nominee of the Ministers, from among the administrative staff of the Department, is rotated, on a similar basis between Post Primary Administration and Primary Administration. A review of the pilot early retirement scheme has begun with a view to a report being finalized by Autumn this year.

Site Acquisitions.

834. **Ms O'Sullivan** asked the Minister for Education and Science if there has been progress in acquiring a site for a school (details supplied); and if she will make a statement on the matter. [14412/07]

Minister for Education and Science (Ms Hanafin): The School Planning Section of the Department is actively considering the provision of permanent accommodation for the school to which the Deputy refers. It is considering a number of options in this regard and it will be in contact with the school authority directly to progress the matter as soon as possible.

Special Educational Needs.

835. **Mr. Naughten** asked the Minister for Education and Science her plans to open up the role of the special needs assistant in the classroom; and if she will make a statement on the matter. [14419/07]

839. **Mr. Naughten** asked the Minister for Education and Science if she will review the criteria for the appointment of special needs assistants in primary schools; if she will extend the criteria to include the educational needs of children; and if she will make a statement on the matter. [14435/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 835 and 839 together.

The allocation of Special Needs Assistants (SNAs) to support children with special educational needs has significantly improved the ability of such children to access education. Very significant resources have been invested in this area and there are now over 8,600 whole-time equivalent SNAs in primary and second level schools supporting children with special needs compared to 300 in 1998.

SNAs and teachers have separate yet complementary roles. SNAs provide care support to pupils with special educational needs who have been assessed as having such needs while teachers deliver education to the pupils. I have no plans, at present, to formally extend the SNA role to be that of a para-educator.

In allocating SNA supports, special educational needs organisers who are officials of the National Council for Special Education, operate within the parameters of my Department's criteria for the allocation of such resources. These criteria are set out in my Department's circulars having regard to the recommendations of the Report of the Special Education Review Committee, 1993, also known as the SERC Report.

I can confirm that I will continue to prioritise the issue of special needs education and, in cooperation with the National Council for Special Education and the education partners, ensure that all children with special educational needs are adequately resourced to enable them to meet their full potential.

836. **Ms O. Mitchell** asked the Minister for Education and Science the ratio for special needs assistants to pupils in special needs schools for

Dublin; her plans to increase this ratio; and if she will make a statement on the matter. [14430/07]

Minister for Education and Science (Ms Hanafin): The ratio of SNAs to pupils in special schools, including those in Dublin, is determined by the special educational needs of the pupils. Special schools catering for children with a severe or profound general learning disability or autism would typically have 2 SNAs per class of 6 pupils. Special schools catering for children with a physical disability would typically have 1 SNA for each class of 10 pupils and so on.

Where the care needs of a particular child are very significant, it is open to a school to apply to their local special educational needs organisers (SENOs) for additional support. In such circumstances, the SENOs will consider the supports that are available in the school and the needs of the specific child within those needs. Enormous progress has also been made in relation to increasing the number of SNAs in our schools nationwide. There are now over 8,600 whole-time equivalent SNAs in primary and second level schools nationally supporting children with special needs compared to 300 in 1998.

I can confirm that I will continue to prioritise the issue of special needs education and, in cooperation with the National Council for Special Education, ensure that all children with special educational needs are adequately resourced to enable them to meet their full potential.

837. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a school (details supplied) in County Wicklow which has submitted an application to her Department and the Health Service Executive for full State recognition and appropriate funding for a centre of education for children in County Wicklow with autistic spectrum disorders; if she will ensure that children with autism in County Wicklow are treated equally to others and are given the same opportunities as the hundreds of children with autism attending the 12 ABA schools around the country; if its application will be sanctioned as a matter of urgency; and if she will make a statement on the matter. [14431/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of my commitment to ensuring that all children, including those with autism, receive an education appropriate to their needs. My Department's preferred approach to the provision of appropriate education for children with autism, is through the primary and post primary school network, whether through placement in mainstream classes, in special classes or in special schools, a view that is supported by the findings of the Task Force Report on Autism. My Department supports a multi-skills approach in regard to the education of children with autism where a range of

teaching methods are available e.g. Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH), ABA (Applied Behavioural Analysis), Picture Exchange Communication System (PECS).

In this regard my Department has established:

- 188 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 methodologies on a pilot basis — 2 of these facilities have yet to be established.

An application for inclusion in the pilot scheme from the group referred to by the Deputy is currently under consideration.

838. **Mr. Ring** asked the Minister for Education and Science the outcome in the case of a person (details supplied) in County Mayo. [14432/07]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that home tuition has been sanctioned for the pupil in question.

Question No. 839 answered with Question No. 835.

Schools Building Projects.

840. **Mr. O'Dowd** asked the Minister for Education and Science the major works that have been approved for a school (details supplied) in County Louth; and if she will make a statement on the matter. [14444/07]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that the Department has reached agreement with the school to which he refers in relation to its long term accommodation needs. In this regard, it has been agreed that the school will be extended to provide 12 mainstream classrooms and a range of ancillary accommodation. The next step in the process is an architectural assessment of the school building by the Department's professional and technical staff. This will be arranged as soon as possible.

Special Educational Needs.

841. **Mr. Ring** asked the Minister for Education and Science if she will allocate additional special needs assistant posts in primary level and secondary level in 2007; the number of people employed as SNAs at the present time; her plans to increase

this number of posts; and if she will make a statement on the matter. [14446/07]

Minister for Education and Science (Ms Hanafin): Special needs assistants (SNAs) are sanctioned by special education needs organisers (SENOs) to schools specifically to assist in the care of pupils and students with disabilities in an educational context. SNAs may be appointed to a special school or a mainstream school to assist school authorities in making suitable provision for children who have been assessed as having such needs. Applications for SNA support are made by schools to the local SENO and the SENO conveys a decision on the application directly to the schools without recourse to my Department.

Significant progress has been made in relation to increasing the number of SNAs in our schools who specifically cater for children with care needs. There are now over 8,600 whole time equivalent SNAs in primary and second level schools supporting children with care needs, compared with approximately 300 in 1998.

I can confirm that I will continue to prioritise the issue of special needs education and, in co-operation with the National Council for Special Education and the education partners, ensure that all children with special educational needs are adequately resourced to enable them to meet their full potential.

Higher Education Grants.

842. **Mr. Ó Fearghail** asked the Minister for Education and Science if a person (details supplied) in County Kildare will be viewed as an independent mature student and approved for grant aid towards a degree course at Dublin Institute of Technology, Bolton Street; and if she will make a statement on the matter. [14458/07]

Minister for Education and Science (Ms Hanafin): Under the terms and conditions of the Vocational Education Committee Scholarship Scheme, which is administered by the VEC on behalf of the Department, generally speaking, students who are entering approved courses for the first time are eligible for grants (maintenance and tuition fees) where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. An approved course for the purpose of the VEC Scheme 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 duration pursued in an approved third level institution.

A mature candidate is categorised as either an independent mature student or mature student dependent on parents. An independent mature student is defined to mean a mature student who is over 23 on or before the 1st January of the year of entry or re-entry to an approved course and was not ordinarily resident at home with his/her

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parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

When assessing the means of students other than independent mature students, the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires that parental income be taken into account irrespective of the individual circumstances in any case where the student is not a mature student. Officials in my Department contacted the awarding authorities in Kildare and were advised that the student in question was not eligible to be assessed as an independent mature student. In addition, the student also failed to satisfy other requirements of the scholarship scheme.

843. **Mr. Perry** asked the Minister for Education and Science the avenues open to a person (details supplied) in County Sligo to avail of financial aid while studying in Queensland in view of their circumstances; and if she will make a statement on the matter. [14466/07]

Minister for Education and Science (Ms Hanafin): 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.

The decision on eligibility for third level or further education grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

The Third Level Student Support Schemes were extended to provide maintenance grants to eligible students pursuing approved full-time undergraduate courses of at least two years duration (pursued in a university or a third level institution which is maintained or assisted by recurrent grants from public funds) in other EU Member States with effect from the 1996/97 academic year.

The extension of the Schemes at that time did not include courses at postgraduate level or to courses outside the EU and, accordingly, there is no grant aid available under the schemes for students pursuing studies outside of the EU. Any extension to the scope of the maintenance grants schemes, can be considered only in the light of

available resources and in the context of competing demands within the education sector.

I would like to make the Deputy aware of the Endeavour Programme, an internationally competitive, merit-based scholarship programme that forms part of the Australian Government's \$1.4 billion Australian Scholarships Initiative. Further details of the initiative are available from the Australian Department of Education, Science and Training website: www.dest.gov.au/International/Awards/endeavour/htm

State Examinations.

844. **Mr. Perry** asked the Minister for Education and Science if her attention has been drawn to the circumstances outlined in correspondence (details supplied); if she will intervene and have a favourable decision made; and if she will make a statement on the matter. [14467/07]

Minister for Education and Science (Ms Hanafin): Coláiste Mhuire, Marino were contracted by my Department to provide the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge (SCG) examination in 2006, 2007 and 2008 on the basis of holding a main examination each year followed by a repeat examination. Changes to the prose and poetry syllabus of the SCG came into effect for the 2006/07 academic year and these changes were examinable for the first time at the Easter, 2007 SCG examination. These changes were implemented on foot of a recommendation by the SCG Review Body, which was set up by the then Minister for Education, and which reported in February, 2004.

Advance notification of the changes was communicated to prospective SCG candidates. Documentation, which included a cover letter, a brochure and an advertisement, was issued to every primary school in the country during the first week of September, 2006. The brochure alerted readers to the new literature programme in prose and poetry.

In order to assist prospective candidates, a new prose and poetry programme entitled *Leoithne Ghaoithe* was published by my Department's Inspectorate in 2006. In addition, a new SCG course content book entitled *Cóir Ghaoithe*, which contains comprehensive notes and information on each of the 10 specific poems and each of the 6 prose passages on the new prose and poetry syllabus, was published by Marino Institute of Education in September, 2006.

SCG courses began at Education Centres throughout the country in late September/early October, 2006. Courses are given by tutors who had attended training at Coláiste Mhuire, Marino during September, 2006. The tutors received specific training, guidance and instruction in regard to the new prose and poetry syllabus and courses at Education Centres nationwide reflected these changes.

I do not propose to make any intervention in this case. To do so would compromise the integrity of an examination system which operates with a considerable degree of autonomy. In my view, the replacement of elements of the poetry and prose syllabus should not jeopardise any candidate's chances of passing the examination, if they were already studying the prose and poetry on the previous syllabus. Any course in literature will require study of literary devices, knowledge and concepts that apply to prose and poetry generally, regardless of the individual poems or passages of prose on the syllabus. There would be considerable transfer of knowledge, therefore, to the study of the revised syllabus.

The process in place for SCG examinations is open and transparent. Candidates may review their scripts and the mark they received and discuss them with the course tutors. Candidates may appeal the marks they received for any aspect of the examination.

Special Educational Needs.

845. **Ms Shortall** asked the Minister for Education and Science the details including locations and number of the applications currently under consideration by her Department for inclusion in the ABA pilot scheme. [14472/07]

846. **Ms Shortall** asked the Minister for Education and Science the study, report or research which informs her Department's view on the demand for education services for children with autism; and if she will provide a breakdown of that demand for special classes for children with autism attached to special and mainstream schools, for special classes for children with Asperger's syndrome, for pre-school classes to facilitate the demand for early intervention provision for children on the autistic spectrum and for stand alone facilities providing an applied behavioural analysis specific methodology. [14473/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 845 and 846 together.

The Department's approach and policy is based on advice received from international experts on autism; NEPS; the Inspectorate; an analysis of research including that supplied by the IAA; and the report of the Irish Task Force on Autism. Advice was sought from international experts on research provided by the Irish Autism Action group and other research on educational interventions for children with autistic spectrum disorders and it is clear that this research does not support the exclusive usage of ABA or indeed the exclusive use of any other approach, as a basis for national educational provision for ASD children. It is for this reason that the Department's preferred policy is for a child centred approach where the approach to be taken

is based on the individual child's needs. It is also important to bear in mind that school-based provision is being put in place throughout the country that will be in a position to provide for future cohorts of children and respond to their individual needs. My Department remains willing to review and consider any further research as and when it becomes available.

The Deputy will be aware of my commitment to ensuring that all children, including those with autism, receive an education appropriate to their needs.

My Department's preferred approach to the provision of appropriate education for children with autism, is through the primary and post primary school network, whether through placement in mainstream classes, in special classes or in special schools. My Department supports a multi-skills approach in regard to the education of children with autism where a range of teaching methods are available e.g. Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH), ABA (Applied Behavioural Analysis), Picture Exchange Communication System (PECS). The National Council for Special Education (NCSE) has a key role in the delivery of services and operates through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents. The role of the SENOs includes the processing of applications from schools to establish special classes for autism. The NCSE will continue to establish classes for children with autism as and where required. My Department does not keep records in relation to the number of applications being processed by the NCSE.

In this regard the following specialist education classes for children on the autistic spectrum have been established across the country:

- 188 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 methodologies on a pilot basis — 2 of these facilities have yet to be established.

My Department has received 11 applications from groups wishing to provide ABA-only intervention for children with autism as follows: 2 in Dublin, 1 in Limerick, 1 in Clare, 1 in Cork, 1 in Louth, 1 in Meath, 1 in Kerry, 1 in Mayo, 1 in Roscommon, 1 in Wicklow.

847. **Mr. Ferris** asked the Minister for Education and Science if a person (details supplied) will be provided with adequate educational facili-

[Mr. Ferris.]

ties once they complete their current term at a school. [14488/07]

Minister for Education and Science (Ms Hanafin): I can confirm that my Department has received correspondence from the school in question on behalf of this student and a response will issue to the school as quickly as possible.

Higher Education Grants.

848. **Mr. F. McGrath** asked the Minister for Education and Science if assistance and advice will be given to a person (details supplied) in Dublin 3 to attend a third level college. [14494/07]

Minister for Education and Science (Ms Hanafin): 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. Under the Free Fees Initiative, my Department meets the tuition fees of eligible students attending full-time undergraduate courses, which must generally be of at least two years duration.

Generally speaking, students who are entering approved courses at undergraduate or postgraduate level for the first time are eligible for maintenance grants where they satisfy the relevant conditions as to age, residence, means and nationality. The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. Details of the 2006 maintenance grant schemes are currently available on the Department's webs at www.education.ie. The 2007 schemes, for the 2007/08 academic year, will be placed on the website in the near future.

Schools Building Projects.

849. **Mr. Crawford** asked the Minister for Education and Science the progress being made in relation to funding towards the reconstruction and improvements of a school (details supplied) in County Cavan; if the funding will be available for such repairs in 2007; and if she will make a statement on the matter. [14529/07]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the deputy is at an early stage of architectural planning. The School Planning Section of my Department is currently re-examining the Long Term Projected Enrolments on which the accommodation needs will be based. When the long-term projected enrolment has been finalised and agreed with the school authorities, my Department will draw up schedules of accommodation for the extension. The project will then be progressed in the context of the multi-annual School Building and Modernisation Programme.

850. **Mr. Kehoe** asked the Minister for Education and Science if she will confirm the band rating assigned to a school (details supplied) in County Wexford; and if she will make a statement on the matter. [14530/07]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that the school to which he refers has applied to the Department for capital funding for a Resource Room and a General Purpose Room. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a Band 3 rating. Progress on the project is being considered in the context of the multiannual School Building and Modernisation Programme.

Educational Disadvantage.

851. **Mr. Crowe** asked the Minister for Education and Science if and when the statutory committee on educational disadvantage will be re-established. [14570/07]

Minister for Education and Science (Ms Hanafin): The role of the Educational Disadvantage Committee is to advise on policies and strategies to be adopted to identify and correct educational disadvantage. My Department wrote to the education and social partners seeking their views on the composition and future work of the committee. Following on full consideration of these views, the members of the new committee will be appointed as provided for under section 32 of the Education Act, 1998. Under section 32 (3) of the Act, up to half of the membership of the committee shall be appointed from nominees of such voluntary and other bodies which have objects that are considered relevant to the work of the committee.

Higher Education Grants.

852. **Mr. J. O'Keeffe** asked the Minister for Education and Science her views on whether it is unfair to exclude mature students from the maintenance grant scheme for those attending post-leaving certificate courses in a situation where such students have attended such courses years ago and wish to retrain and improve their skills; and if she will examine in particular in this regard the case of a person (details supplied) in Cork South West. [14590/07]

Minister for Education and Science (Ms Hanafin): The Maintenance Grant Scheme for Students attending Post Leaving Certificate courses is administered by the Vocational Education Committees on behalf of my Department. The application for grant assistance for the candidate referred to by the Deputy must be assessed under the terms of my Department's Maintenance Grant Scheme for Students Attending Post Leaving Certificate Courses 2006. Clause 3.2 of

the PLC Scheme sets out the condition under which a candidate is deemed to be ineligible to apply for funding, it states that:- “Candidates are ineligible if they already hold a FETAC Level 5 qualification (formerly known as a FETAC (NCVA) Level 2 qualification), a FETAC Level 6 qualification (formerly known as a FETAC (NCVA) Level 3 qualification) or a third level qualification at Level 6 or higher. However, notwithstanding this condition candidates who already hold a qualification no higher than FETAC Level 5 (formerly known as a FETAC (NCVA) Level 2) and are now pursuing a course that offers progression may be deemed eligible for grant aid.”

Under this provision, students holding a qualification no higher than a FETAC Level 5 (formally known as a FETAC (NCVA) Level 2 qualification) may receive grant assistance in respect of an approved PLC course which offers progression.

I understand from officials in my Department that the candidate referred to by the Deputy has previously pursued a PLC course at FETAC level 5 in Scoil Eoin Naofa and is currently pursuing a second course at the same level at Coláiste Stíofáin Naofa. I regret that under the above provisions of the PLC Scheme the candidate in question is ineligible to receive any funding for the current course.

Site Acquisitions.

853. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the provision of a new school at Listellick, Tralee, County Kerry; and if she will make a statement on the matter. [14596/07]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of a new school on a green-field site has been received from the school authority of Listellick National School. The application has been assessed and the long-term projected staffing figure on which accommodation needs will be based has been determined and notified to the school.

The Office of Public Works, which acts on behalf of the Department in relation to site acquisitions generally, has been requested to investigate the acquisition of a suitable site. Once the acquisition is finalised the building project required to deliver the school’s accommodation needs will be considered for progression in the context of the School Building and Modernisation Programme.

Higher Education Grants.

854. **Mr. McGuinness** asked the Minister for Education and Science the grants available to complete a legal practice course in the UK; and if financial assistance is available towards the

course cost of €20,000 or towards accommodation. [14609/07]

Minister for Education and Science (Ms Hanafin): The Third Level Student Support Schemes were extended to provide maintenance grants to eligible students pursuing approved full-time undergraduate courses of at least two years duration (pursued in a university or a third level institution which is maintained or assisted by recurrent grants from public funds) in other EU Member States with effect from the 1996/97 academic year. The extension of the Schemes at that time did not include courses at postgraduate level and, accordingly, there is no grant aid available under the schemes for students pursuing postgraduate studies outside of Ireland.

Any extension of the current arrangements to provide for students pursuing postgraduate courses outside of Ireland could only be considered in the light of available resources and other competing demands within the education sector. At present, there are no plans, to expand the provisions in the grant schemes in relation to postgraduate study abroad.

However, Section 473A, Taxes Consolidation Act, 1997, provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in E.U. Member States and in non EU countries.

The application form (I.T. 31 Form) to claim tax relief on tuition fees is available from the Revenue Commissioners. Further information is available from your Local Tax Office or alternatively from Revenue’s Internet site at www.revenue.ie.

Special Educational Needs.

855. **Mr. Durkan** asked the Minister for Education and Science when provision can or will be made for special educational needs offices for children attending a school (details supplied) in County Kildare; and if she will make a statement on the matter. [14610/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education (NCSE) was established under the Education for Persons with Special Needs Act (EPSN) to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. Since it was established in 2005 NCSE is responsible for allocating resources for children with special educational needs. The Council has a key role in the delivery of services and operates through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents.

[Ms Hanafin.]

A pilot scheme funded directly through my Department has facilitated the establishment a number of stand-alone autism units using the Applied Behaviour Analysis (ABA) methodology. The unit referred to by the Deputy is participating in this scheme. SENOs do however provide a service to parents of children attending such units as they can provide information to parents on a range of issues including appropriate educational placements available on completion of a period in the ABA units.

Schools Building Projects.

856. **Mr. Durkan** asked the Minister for Education and Science if funding can or will be made available to a school (details supplied) for the provision of school hall, assembly and physical education facilities; and if she will make a statement on the matter. [14611/07]

Minister for Education and Science (Ms Hanafin): My Department has not received an application for capital funding from the school to which the Deputy refers. I understand, however, that the school authority is in the process of preparing such an application. When received, the application will be assessed in accordance with the published prioritisation criteria for large scale building projects and progress on the project will be considered in the context of the multi-annual School Building and Modernisation programme.

Commercial Marketing in Schools.

857. **Mr. J. Higgins** asked the Minister for Education and Science if she will ban the presence of vending machines selling unhealthy sugary snacks and drinks from all schools, including those where facilities are managed under public private partnership arrangements. [14612/07]

Minister for Education and Science (Ms Hanafin): Schools are privately managed institutions which, although funded by the State, enjoy a large degree of autonomy. It is, therefore, primarily a matter for each school to devise guidelines around the types of food that is available on the school premises and such policies should be driven by the needs and welfare of the pupils. I know that many schools have developed healthy eating policies in co-operation with their parents' associations and I would encourage others to do so.

In the case of the existing five PPP schools while the Operator is responsible for the vending machines the location, content and availability of the machines were agreed between the Operator and the School Authorities concerned. For instance, timers are fitted to all of the vending machines to ensure that students only have access to the machines at the times agreed by the school management. Under my Department's current

PPP programme announced in 2005 the school management authorities will have final say in the location, content and availability of any vending machines being provided.

Site Acquisitions.

858. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 896 of 20 March 2007, the status of the application for funding; when a decision will be made on the provision of a new greenfield site or a site extension for the school; and if she will make a statement on the matter. [14613/07]

Minister for Education and Science (Ms Hanafin): An application for capital funding has been received from the school to which the Deputy refers. This application is currently being assessed with reference to current and projected enrolments, on-going and planned housing developments and other demographic factors. As part of the assessment process Department officials recently met with the school authorities. The final determination of the long term accommodation needs of the school will help inform a decision as to whether a new greenfield site or a site extension is required for the proposed project.

Special Educational Needs.

859. **Mr. Perry** asked the Minister for Education and Science if she will intervene in order to have correspondence (details supplied) to the National Council for Special Education answered in order that a reply may be issued to a person. [14614/07]

Minister for Education and Science (Ms Hanafin): I understand that National Council for Special Education will make direct contact with the Deputy shortly.

Higher Education Grants.

860. **Mr. Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that County Wexford VEC has refused a higher education grant to a person (details supplied) in County Wexford on the basis that they are unable to provide a utility bill to vouch that they reside independently of their parents; if her attention has further been drawn to the fact that it is commonplace for a rented house shared by several people to have utility bills in the name of one tenant only; if in such circumstances written confirmation from a landlord will suffice as evidence of tenancy for grant purposes; the way she will ensure that her Department's rules do not disadvantage legitimate applicants who cannot comply with the utility bill requirement; and if she will make a statement on the matter. [14665/07]

Minister for Education and Science (Ms Hanafin): The Higher Education Grants Scheme operates under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. These Acts define a mature student to mean a person “of not less than 23 years of age, or such other age as may stand specified for the time being in regulations made by the Minister with the consent of the Minister for Finance, who have secured places in approved institutions and have reached that age on the 1st day of January, or such other date as may be prescribed from time to time by the Minister with the consent of the Minister for Finance, in the year of entry to such institutions”.

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined to mean a mature student who was not ordinarily resident at home with his/her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents’ income or address.

In order to establish that a candidate is an independent mature student documentary evidence is required as proof of a candidate’s ordinary/ permanent address from the 1st October of the year preceding entry to college. Examples of the type of documentary evidence, which would establish residence, are as follows:

- (i) Utility bills such as telephone, gas, E.S.B.
- (ii) Evidence of registration with the Private Residential Tenancies Board (P.R.T.B.)
- (iii) Official Documentation from any Government Department e.g. Social Welfare or Revenue (if any).

The awarding authorities are obliged to satisfy themselves beyond doubt that an acceptable degree of proof is submitted by the grant applicant in establishing eligibility under all aspects of the Schemes. To-date the evidence submitted, by the student referred to by the Deputy, to confirm independent status did not satisfy the requirements of the awarding authority.

Disadvantaged Status.

861. **Ms Harkin** asked the Minister for Education and Science if a review of an application for inclusion in the new school support programme under DEIS can be carried out for a school (details supplied) in County Leitrim. [14666/07]

Minister for Education and Science (Ms Hanafin): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing inter-

ventions in schools with a concentrated level of disadvantage.

The process of identifying primary and second-level schools for participation in the SSP was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department’s regional offices and the Inspectorate. As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools.

A review mechanism was put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regarded themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. The review process operated under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review.

An application for review was received from the school referred to by the Deputy and was thoroughly examined by the Review Group. In accordance with the recommendations of the Review Group, the school has not been identified for inclusion in the School Support Programme and the Principal was informed by letter on 4th August 2006. Unsuccessful schools were advised at an early stage that they would be allowed to keep the supports that they have under pre-existing schemes for the current school year. I have also given a commitment that my Department will, for the duration of the DEIS action plan, continue to support these schools in their efforts to deal with educational disadvantage among their students.

The school to which the Deputy refers will continue to receive grant assistance for the duration of the DEIS action plan to assist it with its level of dispersed disadvantage. I am satisfied that not only has this Government provided for a major increase in supports to our most disadvantaged schools through DEIS, but we have addressed the concerns of schools that did not qualify for the new initiative.

Third Level Fees.

862. **Mr. Crowe** asked the Minister for Education and Science the amount it would cost to abolish part-time fees for those workers earning less than the average industrial wage. [14667/07]

Minister for Education and Science (Ms Hanafin): The cost would depend on the number of part-time students who earn less than the average industrial wage. My Department does not collect income data from part-time students at present.

Adult Education.

863. **Mr. Crowe** asked the Minister for Education and Science the most recent figure as a percentage of adult population in this State who are participating in lifelong learning; and the way she will increase this figure. [14668/07]

Minister of State at the Department of Education and Science (Mr. Haughey): I am not in a position to indicate the exact percentage of the adult population who are participating in lifelong

learning. My Department has put the resources and supports in place to ensure that there is a wide range of course options available in the Further and Higher Education sectors for people who wish to continue their studies after second-level and for people returning to education later in life.

The priority target group of Further Education programmes generally is those who are educationally disadvantaged and who lack basic skills. The level of participation in Further Education Programmes in 2005 was as follows:

	Number
<i>Full-time programmes</i>	
Post Leaving Certificate courses	30,188
Vocational Training Opportunities Scheme (VTOS)	5,384
Youthreach and Senior Traveller Training	3,837
<i>Part time programmes</i>	
Back to Education Initiative	7,000 places (20,000 + participants)
Community Education	30,000
Adult Literacy:	35,738
Self-funded part-time adult education in schools	150,000

The aim of Adult and Further Education in the coming years will be in:

- Prioritising adult literacy in the area of adult education, including workplace literacy. The proportion of the population aged 16-64 with restricted literacy will be reduced to between 10%-15% by 2016, from the level of 25% found in 1997. Vocational Education Committees will provide an additional 7,000 places in literacy by 2009, from the current level of 35,000 participants annually. There will be a particular focus on increasing the number of migrants receiving an English language service;
- The provision of an additional 1,000 Youthreach places by 2009. €574 m. is being made available for Youthreach over the period 2007-2013;
- The provision of guidance/counselling to literacy and language learners;
- The Back To Education Initiative (BTEI), which will be expanded by 2,000 places to 10,000 by 2009;
- Maximising the opportunities for older people to participate in education, employment and other aspects of economic and social life;
- The Post-Leaving Certificate sector, where a total of €1 billion will be invested over the period 2007-2013 to provide participants with specific vocational skills to enhance their prospects of securing

employment and support progression to other studies;

The social partnership agreement “Towards 2016” contains a commitment to increasing participation in Lifelong Learning in particular among the workforce categorised as low-skilled/low paid by enhancing opportunities to access education and training, the development of new skills, the acquisition of recognised qualifications and progression to higher level qualifications to equip all individuals with the skills, capacity and potential to participate fully in the knowledge-based society and progress to better quality jobs. Adult and Further Education policy will continue to work towards achieving these aims.

Youth Services.

864. **Mr. Ring** asked the Minister for Education and Science if she will provide funding for the ongoing work that is being carried out in relation to a group (details supplied) in County Mayo. [14745/07]

Minister of State at the Department of Education and Science (Mr. Haughey): The Youth Affairs Section of my Department received a request for funding under the Special Projects for Youth Scheme on behalf of the Ballinrobe Youth Development Project. It was not possible to accede to this request due to the high level of existing commitments in the youth sector and the large number of new applications received this year, eighty three (83) in total.

Having regard also to the finances available in 2007 and the year-on-year costs of sanctioning

new projects it was decided to sanction a maximum of three (3) new one-worker projects. The projects selected were Remember Us Youth Project, Co. Dublin, Belvedere Youth Project in Dublin City and the Curragh Youth Project, Co. Kildare.

School Staffing.

865. **Mr. Aylward** asked the Minister for Education and Science if she will review the position of a person (details supplied) in County Waterford who has held a job sharing post for the past three years; and if she will consider approving this post for a further period. [14753/07]

Minister for Education and Science (Ms Hanafin): The decision to approve an application for job-sharing is a matter for the authorities of the school concerned. In the case of schools that have over-quota teachers, applications for job-sharing may be considered by the authorities of the schools concerned in the normal way i.e. applications will be assessed and approved, in the first instance, by the school managerial authority. It is then open to the school authority to apply to my Department for additional teaching hours to fill the resultant vacancy and each such application is considered on its merits.

As the school in question has over quota teachers an application for replacement hours was submitted in respect of job-sharing for the teacher referred to by the Deputy on 28th February 2007. My Department notified the school of its decision on 13th April 2007.

Decentralisation Programme.

866. **Mr. Penrose** asked the Minister for Education and Science if, during the course of the decentralisation of 300 personnel from her Department to Mullingar there will be provision for people with disabilities; and if she will make a statement on the matter. [14755/07]

Minister for Education and Science (Ms Hanafin): At present my Department provides any supports required by members of staff with disabilities in all of its locations in so far as this is possible. In general it is possible to provide any supports requested. This practice will be continued in respect of the 300 posts to decentralise to Mullingar. My Department must comply with the provisions of Part 5 of the Disability Act, 2005 in relation to the employment of persons with disabilities, as defined in the Act.

The provision of office space in Mullingar is a matter for the OPW. However, both Part M of the Building Regulations 1997 and the Disability Act 2005 regulate a minimum level of provision to be made within the office space for persons with disabilities.

School Placement.

867. **Mr. Stagg** asked the Minister for Edu-

cation and Science if her attention has been drawn to the fact that up to 60 qualified children in Celbridge, County Kildare, have failed to receive an enrolment place in any of the five national schools in the town; if her attention has further been drawn to the overcrowding in the existing schools and the proposals in the M4/N4 corridor study; if she has plans to build a new national school in Celbridge to cater for the children who cannot obtain access to existing schools; if so, if she will use the lands zoned for educational use by Kildare County Council in 2002; and the expected timescale for completion of this new school. [14757/07]

875. **Ms C. Murphy** asked the Minister for Education and Science if she has received a request for a new school (details supplied); if so, her views on whether there is a need for such additional provision; the process that will be followed to provide a school; the timeframe in relation to same; and if she will make a statement on the matter. [14834/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 867 and 875 together.

I can confirm that an application was made to the New Schools Advisory Committee (NSCA) to establish a new primary school in Celbridge to commence operation next September. This is considerably earlier than suggested in the Area Development Plan for the N4/M4 corridor. However, the demographics and current demand for pupil places supports the application. I will be announcing the successful applicants on foot of the NSAC's Report in this matter shortly.

Teachers' Remuneration.

868. **Mr. P. Breen** asked the Minister for Education and Science further to Parliamentary Question No. 285 of 21 February 2007, when an application for incremental credit will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [14772/07]

Minister for Education and Science (Ms Hanafin): The application in question was received in my Department on the 19th February 2007. My Department subsequently wrote to the applicant, on the 2nd April 2007, seeking further information. When this further information is received, the application will be processed further.

Grant Payments.

869. **Mr. Gormley** asked the Minister for Education and Science the reason there has been no increase in grant aid for the secondary education committee in 15 years; and if she will make a statement on the matter. [14802/07]

Minister for Education and Science (Ms Hanafin): I understand that the Deputy is referring to the Protestant Block Grant. There are 55 fee-charging second level schools in the country, of which 21 are Protestant. The latter schools receive funding by way of the Protestant Block Grant, which has its origins in the desire of the State to enable students of the Protestant persuasion to attend schools, which reflect their denominational ethos.

The Block Grant is payable to the Secondary Education Committee for distribution among qualifying Protestant children to enable them attend a Protestant secondary school, all of which charge fees. The method of calculation is broadly similar to the per capita grants payable to schools under the Free Education Scheme and the Block Grant has increased accordingly over the years in line with per capita increases.

870. **Mr. McGuinness** asked the Minister for Education and Science if she will facilitate an appeal in the case of a school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [14808/07]

Minister for Education and Science (Ms Hanafin): The appeal from the school to which the Deputy refers is under consideration and contact will be made with the school management authority directly as soon as a decision is taken.

School Transport.

871. **Mr. P. Breen** asked the Minister for Education and Science the reason a person (details supplied) in County Clare is not facilitated with school transport; and if she will make a statement on the matter. [14813/07]

Minister of State at the Department of Education and Science (Mr. Haughey): My Department has requested the Transport Liaison Officer for County Clare to examine the situation regarding school transport for the pupil referred to by the Deputy in the details supplied. The Transport Liaison Officer will contact the family when this examination is completed.

School Accommodation.

872. **Mr. Ring** asked the Minister for Education and Science the progress on the provision of funding towards new facilities for a primary school (details supplied) in County Mayo. [14816/07]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy originally applied in 1999 for an extension and refurbishment to provide for improved ancillary accommodation. A design team was appointed to the project and it was progressed to the early stages of architectural planning. Funding of

€25,831 has been paid to date for professional and associated fees.

Subsequently, the school submitted an application under the Small Schools Scheme 2007 for additional accommodation including mainstream classrooms. On 5 March 2007, I announced details of the schools to receive funding under this Scheme. Due to the volume of applications received in the Department it was not possible to allocate funding to all proposed projects and the school referred to by the Deputy was not successful in this instance. The Department recently received an appeal from the school in relation to the initial decision which will be considered further.

Special Educational Needs.

873. **Mr. Durkan** asked the Minister for Education and Science if her attention has been drawn to the children with autism currently requiring teaching facilities throughout County Kildare; her plans to meet such requirements in full in view of the availability of resources; and if she will make a statement on the matter. [14820/07]

960. **Mr. Durkan** asked the Minister for Education and Science the full extent of educational requirements and places for children with autism or similar educational needs throughout north Kildare; the extent to which the full placement requirement is expected to be met in the near future; and if she will make a statement on the matter. [15348/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 873 and 960 together.

The Deputy will be aware of my commitment to ensuring that all children, including those with autism, receive an education appropriate to their needs. My Department's preferred approach to the provision of appropriate education for children with autism, is through the primary and post primary school network, whether through placement in mainstream classes, in special classes or in special schools, a view that is supported by the findings of the Task Force Report on Autism. My Department supports a multi-skills approach in regard to the education of children with autism where a range of teaching methods are available e.g. Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH), ABA (Applied Behavioural Analysis), Picture Exchange Communication System (PECS).

In this regard my Department has established:

- 188 special classes for children with autism, attached to special and mainstream schools, 19 of which are located in the Kildare 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 methodologies on a pilot basis, one of which is located in the Kildare area — 2 of these facilities have yet to be established.

As the Deputy is aware the National Council for Special Education (NCSE) was established under the Education for Persons with Special Needs (EPSEN) Act to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. The NCSE has a key role in the delivery of services and operates through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents. The role of the SENO includes the processing of applications from schools to establish special classes for autism. The NCSE will continue to establish classes for children with autism as and where required.

874. **Mr. Durkan** asked the Minister for Education and Science if there are facilities, opportunities or assistance available or in place to assist parents in County Kildare who have gifted children; her plans to address this issue in early date; and if she will make a statement on the matter. [14828/07]

Minister for Education and Science (Ms Hanafin): Under the terms of the Education Act, 1998 it is a function of the Board of Management of each school, including those in Co Kildare, to publish the policy of the school relating to participation by students with special educational needs, including students who are exceptionally able. The measures the school take in this regard are required to be stated in the school plan. It is the duty of the board of management to ensure that appropriate education services are made available to such students.

In recent years, new syllabi and curricula have been devised for second-level schools. These have been designed in such a way that the differing needs of a wide range of pupil ability can be catered for by their teachers. The revised primary curriculum, which has been supplied to every primary teacher, recognises the importance of developing the full potential of the child and caters for pupil diversity, including meeting the needs of exceptionally able pupils.

While content is outlined in the curricula at both levels, process is also heavily emphasised. Enabling children to learn how to learn is stressed and facilitated. The development of language skills, investigatory and problem solving skills, higher-order thinking skills and working individually and as a member of a group are all encour-

aged at both levels. While the use of information and communication technologies and the use of class and school libraries are of benefit in project work with all pupils, they have a special importance for pupils who are exceptionally able.

Of particular significance at second level are the International Olympiads in the science subjects, in information technology and in mathematics, in which the exceptionally able and highest achieving pupils compete. There is also an increase in the number of teachers who are adopting approaches to teaching thinking skills such as de Bono's programme, Feuerstein's Instrumental Enrichment and Lipman's Philosophy for Children.

In general, schools at both primary and second level attempt to use strategies such as curriculum differentiation, curriculum enrichment and acceleration to facilitate the development of pupils who are exceptionally able. The National Centre for Curriculum and Assessment is currently developing guidelines for teachers of exceptionally able students which will be available later this year.

In addition, my Department provides annual funding to the Centre for Talented Youth at Dublin City University to support its work in delivering programmes, which are designed specifically for exceptionally able children of first and second level age. The grant amounted to €95,000 in 2006 and provision has been made for a €97,000 grant in 2007.

Question No. 875 answered with Question No. 867.

Higher Education Grants.

876. **Mr. Penrose** asked the Minister for Education and Science the position in relation to a person who undertook a business studies course between September 2004 and May 2005, and who obtained a maintenance grant in respect of same, but did not complete the two year course and is now undertaking a course in general nursing in England; if their grant for undertaking such a nursing course will be clarified; if they will be eligible for the said grant from September 2007; and if she will make a statement on the matter. [14837/07]

932. **Mr. Penrose** asked the Minister for Education and Science the position, in relation to a person who undertook a business studies course between September 2004 and May 2005, and who obtained a maintenance grant in respect of same, but did not complete the two year course and is now undertaking a course in general nursing in England; if in relation to their grant, the undertaking for such a nursing course will be clarified; and if they will be eligible for the said grant from September 2007; and if she will make a statement on the matter. [15111/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 876 and 932 together.

Under the terms of my Departments Higher Education Grants Scheme, candidates who have previously pursued an undergraduate course approved for the purposes of the Higher Education Grants Scheme, the Vocational Education Committees' Scholarship Scheme or the Third Level Maintenance Grants Scheme for Trainees (formerly ESF Scheme) shall not receive a grant under this scheme until they have completed an equivalent period of study at undergraduate level, irrespective of whether or not a grant was paid previously. Similarly tuition fees under the Free Fees Initiative, are not payable in respect of a second period of college attendance on a course at the same level. This provision can only be waived in exceptional circumstances such as certified serious illness. The Free Fees Initiative does not extend to study outside of Ireland.

My Department understands, from the information provided on the candidate referred to by the Deputy, that the candidate has already pursued one year of a two-year business studies course and is now pursuing first year of a course in general nursing in England. Unfortunately, the candidate will be ineligible for funding until s/he has completed the equivalent period of study on the general nursing course. When the equivalent period of study is completed the candidate will become eligible to apply, and be assessed, for funding for the second course.

Question No. 877 withdrawn.

School Accommodation.

878. **Mr. Carey** asked the Minister for Education and Science if her Department is in discussions with the patrons of a school (details supplied) in Dublin 11 with a view to securing more suitable accommodation; and if she will make a statement on the matter. [14843/07]

Minister for Education and Science (Ms Hanafin): The Department is aware of the need to re-locate the school to which the Deputy refers. Possible accommodation solutions are currently under consideration and when a decision has been taken the school authority will be contacted directly in the matter.

Teaching Qualifications.

879. **Mr. Carey** asked the Minister for Education and Science the conversion courses available to teachers, who are employed in special projects or schools and can only teach in those projects or schools, to qualify to teach in mainstream primary schools; and if she will make a statement on the matter. [14844/07]

Minister for Education and Science (Ms Hanafin): The position is that at present, the

courses run in the State, which allow for appointment to a permanent post in a primary school, are the Bachelor of Education degree and the 18-month post-graduate diploma in primary teaching. Both of these courses are run in the Colleges of Education, which specialise in the training of primary teachers. The 18 month Graduate Diploma course is a full-time course run to enable third level graduates to train as primary teachers.

There is also an on-line Graduate Diploma in Primary Education, provided by Hibernia College. This is a privately run course which has been accredited by the Higher Education and Training Awards Council (HETAC). The Graduate Diploma conferred at the end of this course, is recognised by my Department for the purposes of primary teaching.

Post-Leaving Certificate Courses.

880. **Mr. Aylward** asked the Minister for Education and Science if she has considered the applications from a PLC college (details supplied) in County Kilkenny to lift the cap on enrolments to allow this college develop additional courses for introduction in 2007; and if she will make a statement on the matter. [14845/07]

Minister of State at the Department of Education and Science (Mr. Haughey): Applications for PLC provision for 2007/ 2008 have been received from all 33 Vocational Education Committees. These applications are being reviewed at present. Approval for new courses is dependent on the providers forwarding documentary evidence of a demand for such courses in the locality and, in addition to this, all aspects of each course will have to meet with the Conditions of Approval as set out in the criteria of the programme.

A total of 30,188 places are allocated each year to the PLC programme nationally. My Department endeavours to assist providers in developing the variety of courses available to best suit the learners, the economy and the community. My Department monitors enrolment figures to see where these places can be utilised to achieve the greatest results. In making a decision on applications for existing and additional courses and the support of these, my Department will review all the relevant information before making a final decision.

School Staffing.

881. **Ms Burton** asked the Minister for Education and Science the number of additional English language support teachers that have been allocated to schools in the Dublin 15 area; the number of teachers full-time and equivalent allocated to each primary school and each post-primary school following her recent announcement; the duration for which these teachers are appointed; if they are permanent appointments;

and if she will make a statement on the matter. [14846/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that I recently announced the allocation of 200 extra language support posts to schools, bringing the total number of language support teachers in our schools to 1,450. These new resources are intended for schools with large numbers of pupils who do not have English as a first language. Under the revised arrangements, depending on the number of eligible pupils enrolled, schools now have between one and six language support teachers. In addition, the limit of two years' support for an individual pupil no longer applies.

The additional 200 teachers are part of the Government's commitment in Towards 2016 to provide an extra 550 language support teachers by 2009 and to reform the limit of two teachers

per school. It is intended that a further 350 language support teachers will be provided between 2008 and 2009. The primary schools and post-primary schools in Dublin that were allocated additional language support posts following my recent announcement are included in the table. All language support posts are sanctioned on a temporary basis for the duration of one school year by my Department.

In order to ensure that schools can accurately and objectively assess the language requirement of children, my Department will be sending to schools assessment materials which have been developed by Integrate Ireland Language and Training (IILT). The assessment materials will enable schools to ensure that the specific language requirements of children needing support are met in a targeted way. The IILT materials will also enable accurate initial and on-going assessment of the language proficiency of the child and his or her need for continued language support.

Details of Primary Schools Allocated Extra Language Support

Roll No.	School Name		County
19769W	Scoil Thomais	Laurel Lodge, Castleknock, Dublin 15	Dublin
19545A	Corduff N S	Corduff, Blanchardstown, Dublin 15	Dublin
19390U	St Marks Sen Ns	Springfield, Tallaght, Dublin 24	Dublin
19850F	Ladyswell N S	Ladyswell, Mulhuddart, Dublin 15	Dublin
20202A	Balbriggan Educate Together Ns	Hamlet Lane, Moylaragh, Co Dublin	Dublin
20201V	Tyrrelstown Educate Together	Powerstown Road, Tyrrelstown, Dublin15	Dublin
20137P	Mary Mother Of Hope Ns	Littlepace, Castaheany, Dublin 15	Dublin
19644C	St Ciarans N S	Hartstown, Dublin 15	Dublin
19472W	St Marks Junior N S	Springfield, Tallaght, Dublin 24	Dublin
18047C	Scoil Bride C	Blanchardstown, Dublin 15	Dublin
20130B	St Patricks Ns	C/O St Mochtass Ns, Porterstown Road, Clonsilla, Dublin 15	Dublin
19755L	Sacred Heart N S	Huntstown, Mulhuddart, Dublin 15	Dublin
19456B	St Cronan	Brackenstown, Swords, Co Dublin	Dublin
19707A	St Ronans N S	Deansrath, Clondalkin, Dublin 22	Dublin
19605P	Scoil Nais Mhuire Sois	Blakestown, Mulhuddart, Dublin 15	Dublin
12448N	Gardiner Street Convent	Gardiner Street, Dublin 1	Dublin
18778S	S N Naomh Mochta	Clonsilla, Dublin 15	Dublin
19782O	St Brigids N S	Brookfield, Tallaght, Dublin 24	Dublin
09932B	Stanhope St Convent	Stanhope Street, Dublin 7	Dublin
13611D	Presentation Primary School	Blackpitts, Dublin 8	Dublin
18046A	Scoil Bride B	Blanchardstown, Dublin 15	Dublin
19799I	Sacred Heart N S	Sruleen, Clondalkin, Dublin 22	Dublin
20187H	Archbishop Ryan Senior N S	Balgaddy, Lucan, Co Dublin	Dublin
18977B	S N Cholmille C	Swords, Co Dublin	Dublin
19601H	St Philip The Apostle Junior N S	Mountview, Blanchardstown, Dublin 15	Dublin
19661C	St Gabriels Ns	Dominican Campus, Ballyfermot, Dublin 10	Dublin
17055T	S N Naomh Mhuire	Saggart, Co Dublin	Dublin
18976W	S N Cholmille B	Swords, Co Dublin	Dublin
18602E	Scoil Mhuire	Clondalkin, Dublin 22	Dublin
19878E	Ballycragh N S	Ballycragh, Firhouse, Tallaght, Dublin 24	Dublin
13447Q	Scoil Mhuire	Lucan, Co Dublin	Dublin
00743W	Mater Dei Primary School	Basin Lane, James Street, Dublin 8	Dublin

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Roll No.	School Name		County
19509T	Scoil Nano Nagle	Bawnoge, Clondalkin, Dublin 22	Dublin
17899C	Scoil Carmel	Teach Giuise, Tallaght, Dublin 24, 124	Dublin
19220S	Scoil Naomh Ide	Clondalkin, Dublin 22	Dublin
17210F	Clochar Lughaidh Cailin	Williams Park, Rathmines, Dublin 6	Dublin
17954H	Scoil Caoimhin Naofa	Mount Merrion, Blackrock, Co Dublin, 134	Dublin
19662E	St Michaels Ns	Dominican Convent, Ballyfermot, Dublin 10	Dublin
19904C	Holy Cross N S	Upper Kilmacud Road, Dundrum, Dublin 14	Dublin
20231H	St Benedicts National School	Littlepace, Dublin 15	Dublin
19837N	Drimnagh Castle Cbs N S	Drimnagh Castle, Dublin 12	Dublin
19865S	Archbishop Ryan J N S	Balgaddy, Lucan, Co Dublin	Dublin
19542R	St Thomas Junior National School	St Thomas Ns, Esker, Lucan, Co Dublin	Dublin
19643A	St Philips Senior N S	Mountview, Clonsilla, Dublin 15	Dublin
20186F	Castaheany Educate Together Ns	Littlepace, Dublin 15	Dublin
19721R	Holy Family Junior N S	Forest Fields, Swords, Co Dublin	Dublin
19435Q	St Francis Xavier J N S	Roselawn Road, Castleknock, Dublin 15	Dublin
19949B	Islamic National School	19 Roebuck Road, Clonskeagh, Dublin 14	Dublin
16972E	S N Peadar Agus Pol N	Balbriggan, Co Dublin	Dublin
16567S	St Brigids Convent N S	Haddington Road, Dublin 4, 104	Dublin
20035H	St Gabriels N S	Cowper Street, Dublin 7	Dublin
17961E	S N Lusca	Lusk, Co Dublin, 133	Dublin
05933G	Georges Hill Convent	Georges Hill, Dublin 7	Dublin
17211H	Clochar Lughaidh Naoidh	Williams Park, Rathmines, Dublin 6, 106	Dublin

Details of Post-Primary Schools Allocated Extra Language Support

Roll No.	School Name		County
60264A	Colaiste Phadraig	Roselawn, Lucan, Co. Dublin	Dublin
60731F	St. Domnics College	Cabra, Dublin 7	Dublin
70010V	Balbriggan Community College	Chapel St., Balbriggan, Co. Dublin	Dublin
70042L	St. Kevins Community College	Fonthill Road, Clondalkin, Dublin 22	Dublin
70081V	Riversdale Community College	Blanchardstown Rd. North, Dublin 15	Dublin
70120F	St. Finians Community College	Swords, Co. Dublin	Dublin
70121H	Fingal Community College	Seatown Rd. Swords, Co. Dublin	Dublin
70140L	Firhouse Community College	Firhouse Rd, Dublin 24	Dublin
76062B	Castleknock Community College	Carpenterstown Rd., Castleknock, Dublin 15	Dublin
91315O	Coolmine C.S.	Cluain Saileach, Dublin 15	Dublin
91316Q	Blakestown Community College	Blanchardstown, Dublin 15	Dublin
91339F	Hartstown Community College	Hartstown, Clonsilla, Dublin 15	Dublin
60440R	O'Connell School	North Richmond Street, Dublin 1	Dublin

School Placement.

882. **Ms Burton** asked the Minister for Education and Science the position of a number of children who meet all the criteria of living locally and have siblings in the school but have been refused a place in a school (details supplied) in Dublin 15; the action she will take in view of the fact that there have been repeated requests for additional accommodation, particularly the gym which has not been supplied by her Department; and if she will make a statement on the matter. [14847/07]

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.

Currently, under Section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of this Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student. Otherwise, the National Educational Welfare Board (NEWB) 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 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 current demand, even though every pupil may not secure a place in the school of first choice.

With regard to the provision of a PE Hall for the school referred to by the Deputy, I am pleased to be able to inform the Deputy that the Department has given approval for this project to proceed.

Pupil-Teacher Ratio.

883. **Ms Burton** asked the Minister for Education and Science if she will supply the information previously requested in relation to specific schools in Dublin 15 with regard to class sizes (details supplied); and if she will make a statement on the matter. [14848/07]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available. As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now 5,000 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 year (2007/2008 school year) this is being reduced to 27 children per classroom teacher.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

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.

Teachers' Remuneration.

884. **Ms Hctor** asked the Minister for Education and Science if a resolution will be reached in relation to a person (details supplied) in County Tipperary who has an outstanding issue with her Department regarding a benchmarking award to be applied to wages; and if she will make a statement on the matter. [14861/07]

Minister of State at the Department of Education and Science (Mr. Haughey): The terms and conditions of employment are a matter between the employee and the employer, the VEC in this case. The person in question should address any further queries in relation to their entitlements to the VEC.

Schools Building Projects.

885. **Ms Burton** asked the Minister for Education and Science the progress of the planning

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application in relation to the proposed permanent site in Ongar for schools (details supplied) in Dublin 15; when building works are expected to begin on the new buildings; and if she will make a statement on the matter. [14868/07]

Minister for Education and Science (Ms Hanafin): The site has been secured for the schools referred to by the Deputy. The process of appointing a design team to the building project for the first named school is well underway and will be completed shortly. Architectural planning of the new building will begin immediately thereafter. The planning application refers to the second named school and a decision on this revised application is due in the next fortnight. Assuming there are no difficulties with the revised application, building works on the new school building will commence early this summer.

School Accommodation.

886. **Ms Burton** asked the Minister for Education and Science if her attention has been drawn to the fact that the existing site (details supplied) is grossly overcrowded; if this site will be significantly extended; and if she will make a statement on the matter. [14869/07]

Minister for Education and Science (Ms Hanafin): As the Deputy is probably aware there are currently three schools on the site in question. Two of these schools, however, are using the site on a temporary basis only and it is planned to ultimately permanently locate them on a site Ongar. The site itself at Littlepace will then accommodate two 16 classroom schools with a shared community facility. One of the school buildings has already been delivered and a project to provide the other is ahead of its target delivery date of September 2007. The completion of this building project will alleviate accommodation issues on the site.

Schools Building Projects.

887. **Ms Burton** asked the Minister for Education and Science the progress of the planned school (details supplied); if a date has been set for the completion of temporary accommodation and the opening of the school in temporary buildings; and if she will make a statement on the matter. [14870/07]

953. **Mr. Sargent** asked the Minister for Education and Science the progress made towards opening a new secondary school in the Phibblestown/Ongar area; when such a school will be built; when such a school will open; and if she will make a statement on the matter. [15273/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 887 and 953 together.

I have given the go ahead for a new 1,000 pupil post-primary school in Phibblestown, Co. Dublin. This new school will be delivered along with new schools in Donabate, Co Dublin and Laytown, Co. Meath 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.

My Department has appointed Project Managers to oversee the delivery of these projects and they are currently arranging for the sites to be surveyed. 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. My Department is working closely with County Dublin Vocational Education Committee on the delivery of the Phibblestown project. Assuming there are no delays during the design and planning permission phases, it is envisaged that the school will be completed as close as possible to the 2009/2010 school year. The provision of temporary accommodation to enable the school to open at an earlier date is currently under consideration.

School Placement.

888. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this child and provide reassurance to the parents that their child will receive a place in the school; and if she will make a statement on the matter. [14879/07]

890. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school; her proposals to address the need of this child and provide reassurance to the parents that their child will receive a place in the school; and if she will make a statement on the matter. [14881/07]

891. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this child and provide reassurance to the parents that their child will receive a place in the school; and if she will make a statement on the matter. [14882/07]

892. **Ms Burton** asked the Minister for Education and Science the position in relation to a

person (details supplied) who to date is without a place for primary school; her proposals to address the need of this child and provide reassurance to the parents that their child will receive a place in the school; and if she will make a statement on the matter. [14883/07]

893. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at four primary schools in the Dublin 15 area; her proposals to address the need of this child and provide reassurance to the parents that their child will receive a place in the school; and if she will make a statement on the matter. [14884/07]

927. **Ms Burton** asked the Minister for Education and Science the position in relation to persons (details supplied) who to date are without a place for primary school having sought a place at their local primary school; her proposals to address the need of these persons and give some reassurance to the parents that the persons will get a place in the school; and if she will make a statement on the matter. [15105/07]

928. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this person and give some reassurance to the parents that the person will get a place in the school; and if she will make a statement on the matter. [15106/07]

929. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this person and give some reassurance to the parents that the person will get a place in the school; and if she will make a statement on the matter. [15107/07]

930. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this person and give some reassurance to the parents that the person will get a place in the school; and if she will make a statement on the matter. [15108/07]

931. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this person and give some

reassurance to the parents that the person will get a place in the school; and if she will make a statement on the matter. [15109/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 888, 890, 891, 892, 893, 927, 928, 929, 930 and 931 together.

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.

Currently, under Section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of this Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student. Otherwise, the National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child.

I am conscious that there is considerable pressure for school places in the Dublin 15 area in general. Adding to this pressure is the fact that a number of parents have enrolled their children in more than one school. This has the result of inflating the number of children apparently seeking places. Officials in the School Planning Section of the Department are liaising with school principals in the area with a view to ensuring that all eligible pupils seeking places for 2007 will have access to them.

889. **Ms Burton** asked the Minister for Education and Science the position in relation to a person (details supplied) who to date is without a place for primary school having sought a place at their local primary school; her proposals to address the need of this child and provide

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reassurance to the parents that their child will receive a place in the school; and if she will make a statement on the matter. [14880/07]

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.

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Questions Nos. 890 to 893, inclusive, answered with Question No. 888.

Question No. 894 answered with Question No. 808.

Higher Education Grants.

895. **Mr. Noonan** asked the Minister for Edu-

cation and Science if funding is available to a person who is doing an Open University degree course in the United Kingdom from their home here; and if she will make a statement on the matter. [14902/07]

Minister for Education and Science (Ms Hanafin): The statutory framework for the maintenance grants scheme, as set out in the Local Authorities (Higher Education Grants) Acts, 1969 to 1992, provides for means-tested higher education grants in order to assist students to attend full-time third level education. An approved course, for the purposes of the Higher Education Grants Scheme is, generally speaking, a full-time undergraduate course of not less than two years duration or a full-time postgraduate course of not less than one-year duration pursued in an approved third-level institution. The institutions approved under the Scheme, are, generally speaking, publicly funded third level colleges offering full-time courses at undergraduate and postgraduate level.

Similarly under the terms of the Free Fees Initiative, whereby the State meets the tuition costs of eligible students, an approved course is defined as a full-time undergraduate course of a minimum duration of two years in an approved third level institution. Courses provided by the Open University are not approved courses under the terms of the Maintenance Grant Schemes or the Free Fees Initiative.

However, Section 473A, Taxes Consolidation Act, 1997, provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU Member States and postgraduate courses in non-EU countries. Tax relief at undergraduate level extends to approved full/part-time courses in both private and publicly funded third level colleges in the State and any other EU Member State and approved full/part-time courses operated by Colleges in any EU Member State providing distance education in the State. Approved undergraduate courses must be of at least two years duration, and both the college and the course must satisfy the Codes of Standards as laid down by the my Department. Further details and conditions in relation to this tax relief are available from the candidate's local Tax Office.

An extension of the scope of the Free Fees Initiative or the Maintenance Grant Schemes to provide for students pursuing distance education courses, on a similar basis as currently exists for full-time students, could only be considered having regard to overall resource constraints and other competing demands in the education sector.

Schools Building Projects.

896. **Mr. Kenny** asked the Minister for Education and Science if she will publish the pro-

jected building programme for 2007, 2008, 2009 and 2010 for all primary school buildings here in the expectation of being able to cater for 4,000 extra primary teachers; and if she will make a statement on the matter. [14904/07]

Minister for Education and Science (Ms Hanafin): I make regular announcements throughout the year, rather than on an annual basis, regarding school building projects to commence architectural planning, progress through the design stages and proceed to tender and construction. This is done in the context of my Department's structured School building and Modernisation Programme in a planned way to ensure a continuous flow of projects entering construction.

As the Deputy will be aware, the National Development Plan 2007-2013 provides approximately €4.5 billion for school buildings. This record level of investment will ensure that extra classrooms and extra schools can be provided where and when they are needed.

Teacher Training.

897. **Mr. Kenny** asked the Minister for Education and Science the projected input of trainee teachers for primary school purposes in each of the training college facilities for 2007/08, 2008/09 and 2009/10; the estimated number of trainee teachers to be trained in each such facility for each academic year; the number of trained teachers available at the end of each training year period; and if she will make a statement on the matter. [14905/07]

Minister for Education and Science (Ms Hanafin): The level of student intake to the Colleges of Education is determined annually by my Department and it takes account of the supply of, and demand for, primary teachers. The number of students expected to graduate from the 2006/2007 academic year, from the Colleges of Education are as follows:

Colleges of Education	Number
Church of Ireland College of Education, Rathmines	33
Colaiste Mhuire, Marino	162
Froebel College of Education, Blackrock	85
St. Patrick's College, Drumcondra	495
Mary Immaculate College, Limerick	508

In addition to the above it is estimated that there will be in the region of 500 graduates from the Hibernia College.

The intake into the Colleges of Education in future years will continue to be kept under review by my Department to ensure that there is an adequate supply of teachers.

School Staffing.

898. **Mr. Kenny** asked the Minister for Education and Science the number of language support teachers appointed to schools in respect of international children who require language support since her decision to abolish the two year cap and the two teacher rule; the schools to which extra language support teachers have been appointed since her decision; the number of international children in each such named school; and if she will make a statement on the matter. [14906/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that I recently announced the allocation of 200 extra language support posts to schools, bringing the total number of language support teachers in our schools to 1,450. These new resources are intended for schools with large numbers of pupils who do not have English as a first language. Under the revised arrangements, depending on the number of eligible pupils enrolled, schools now have between one and six language support teachers. In addition, the limit of two years' support for an individual pupil no longer applies.

The additional 200 teachers are part of the Government's commitment in Towards 2016 to provide an extra 550 language support teachers by 2009 and to reform the limit of two teachers per school. It is intended that a further 350 language support teachers will be provided between 2008 and 2009. The primary schools and post-primary schools which were allocated additional language support following my recent announcement are included in the table. The number of international pupils in each of the schools is not readily available in my Department.

In order to ensure that schools can accurately and objectively assess the language requirement of children, my Department will be sending to schools assessment materials which have been developed by Integrate Ireland Language and Training (IILT). The assessment materials will enable schools to ensure that the specific language requirements of children needing support are met in a targeted way. The IILT materials will also enable accurate initial and on-going assessment of the language proficiency of the child and his or her need for continued language support.

[Ms Hanafin.]

Details of Primary Schools Allocated Extra Language Support

Roll No.	School Name		County
19769W	Scoil Thomais	Laurel Lodge, Castleknock, Dublin 15	Dublin
19545A	Corduff N S	Corduff, Blanchardstown, Dublin 15	Dublin
18288B	Scoil Mhichil Naofa	Athy, Co Kildare	Kildare
19390U	St Marks Sen Ns	Springfield, Tallaght, Dublin 24	Dublin
19850F	Ladyswell N S	Ladyswell, Mulhuddart, Dublin 15	Dublin
20202A	Balbriggan Educate Together Ns	Hamlet Lane, Moylaragh, Co Dublin	Dublin
20201V	Tyrrelstown Educate Together	Powerstown Road, Tyrrelstown, Dublin 15	Dublin
19673J	St Josephs N S	Avenue Road, Dundalk, Co Louth	Louth
17969U	S N Mhuire	An Uaimh, Co Na Mi	Meath
19336O	Scoil Phoil Naofa	Dooradoyle, Limerick	Limerick
00934G	Presentation Convent (Jnr)	Mullingar, Co Westmeath	Westmeath
00512D	Middleton Convent N S	Middleton, Co Cork	
20137P	Mary Mother Of Hope Ns	Littlepace, Castaheany, Dublin 15	Dublin
19644C	St Ciarans N S	Hartstown, Dublin 15	Dublin
19472W	St Marks Junior N S	Springfield, Tallaght, Dublin 24	Dublin
18047C	Scoil Bride C	Blanchardstown, Dublin 15	Dublin
20130B	St Patricks Ns	C/O St Mochtass Ns, Porterstown Road, Clonsilla, Dublin 15	Dublin
19755L	Sacred Heart N S	Huntstown, Mulhuddart, Dublin 15	Dublin
19456B	St Cronan	Brackenstown, Swords, Co Dublin	Dublin
19707A	St Ronans N S	Deansrath, Clondalkin, Dublin 22	Dublin
19605P	Scoil Nais Mhuire Sois	Blakestown, Mulhuddart, Dublin 15	Dublin
12448N	Gardiner Street Convent	Gardiner Street, Dublin 1	Dublin
18778S	S N Naomh Mochta	Clonsilla, Dublin 15	Dublin
19782O	St Brigids N S	Brookfield, Tallaght, Dublin 24	Dublin
09932B	Stanhope St Convent	Stanhope Street, Dublin 7	Dublin
19226H	Scoil Na Trionoide Naofa	Muirbheach, Gaillimh	Galway
13365O	Scoil Mhuire	Oranmore, Co Galway	Galway
18247K	S N Mhuire Na Mbraithre	Tralee, Co Kerry	Kerry
19512I	St Olivers Ns	Ballycasheen, Killarney, Co Kerry	Kerry
20018H	Maria King Presentation Primary	Sexton Street, Limerick	Limerick
19598V	Muire Na Ngeal Ns	Bay Estate, Dundalk, Co Louth	Louth
19479N	Rathmullan N S	Rathmullen, Drogheda, Co Louth	Louth
00851C	Presentation Convent	Ballymakenny Road, Drogheda, Co Louth	Louth
08052M	Scoil Mhuire Fatima	Dublin Road, Drogheda, Co Louth	Louth
16100Q	Mercy Convent N S	Navan, Co Meath	Meath
18057F	Scoil Mhuire	Tullamore, Co Offaly	Offaly
15083O	St Marys Convent N S	Roscommon, Co Roscommon	Roscommon
20073P	St Marys Ns	Gracepark Rd, Athlone, Co Westmeath	Westmeath
19477J	Holy Family B N S	Askea, Carlow, Co Carlow	Carlow
19958C	S.N. Naomh Fhiach	Graiguecullen, Co Carlow	Carlow
19552U	Naomh Tola	Shannon, Co Clare	Clare
17957N	Ennis Convent Inf N S	Ennis, Co Clare	Clare
15042A	Ennis N S	Ennis, Co Clare	Clare
20086B	Ennis Educate Together Ns	Gort Road, Ennis, Co Clare	Clare
19771J	Scoil Barra	Innishmore, Baile An Chollaigh, Co Chorcaí	Cork
20106E	Scoil Nioclais	Frankfield, Grange, Cork	Cork
05508O	St Columbas N.S	Dughlas, Corcaigh	Cork
13828F	Douglas B N S	Douglas, Cork	Cork
17868O	Scoil Freastogail Muire	Fermoy, Co Cork	Cork

Roll No.	School Name		County
10047I	Macroom Convent N S	Macroom, Co Cork	Cork
14000C	Scoil Naomh Mhuire	N Mhuire An Oileain, Sharman Crawford St, Cork	Cork
19927O	Scoil Mhuire B & C	Stranorlar, Co Donegal	Donegal
18625Q	Scoil Choilmille	Convent Road, Letterkenny, Co Donegal	Donegal
13611D	Presentation Primary School	Blackpitts, Dublin 8	Dublin
18046A	Scoil Bride B	Blanchardstown, Dublin 15	Dublin
19799I	Sacred Heart N S	Sruleen, Clondalkin, Dublin 22	Dublin
20187H	Archbishop Ryan Senior N S	Balgaddy, Lucan, Co Dublin	Dublin
18977B	S N Cholmille C	Swords, Co Dublin	Dublin
19601H	St Philip The Apostle Junior N S	Mountview, Blanchardstown, Dublin 15	Dublin
19661C	St Gabriels Ns	Dominican Campus, Ballyfermot, Dublin 10	Dublin
17055T	S N Naomh Mhuire	Saggart, Co Dublin	Dublin
18976W	S N Cholmille B	Swords, Co Dublin	Dublin
18602E	Scoil Mhuire	Clondalkin, Dublin 22	Dublin
19878E	Ballycragh N S	Ballycragh, Firhouse, Tallaght, Dublin 24	Dublin
13447Q	Scoil Mhuire	Lucan, Co Dublin	Dublin
00743W	Mater Dei Primary School	Basin Lane, James Street, Dublin 8	Dublin
19509T	Scoil Nano Nagle	Bawnoge, Clondalkin, Dublin 22	Dublin
17899C	Scoil Carmel	Teach Giuise, Tallaght, Dublin 24	Dublin
19220S	Scoil Naomh Ide	Clondalkin, Dublin 22	Dublin
17210F	Clochar Lughaidh Cailin	Williams Park, Rathmines, Dublin 6	Dublin
17954H	Scoil Caoimhin Naofa	Mount Merrion, Blackrock, Co Dublin	Dublin
19662E	St Michaels Ns	Dominican Convent, Ballyfermot, Dublin 10	Dublin
19904C	Holy Cross N S	Upper Kilmacud Road, Dundrum, Dublin 14	Dublin
20231H	St Benedicts National School	Littlepace, Dublin 15	Dublin
19837N	Drimnagh Castle Cbs N S	Drimnagh Castle, Dublin 12	Dublin
19865S	Archbishop Ryan J N S	Balgaddy, Lucan, Co Dublin	Dublin
19542R	St Thomas Junior National School	St Thomas Ns, Esker, Lucan, Co Dublin	Dublin
19643A	St Philips Senior N S	Mountview, Clonsilla, Dublin 15	Dublin
20186F	Castaheany Educate Together Ns	Littlepace, Dublin 15	Dublin
19721R	Holy Family Junior N S	Forest Fields, Swords, Co Dublin	Dublin
19435Q	St Francis Xavier J N S	Roselawn Road, Castleknock, Dublin 15	Dublin
19949B	Islamic National School	19 Roebuck Road, Clonskeagh, Dublin 14	Dublin
16972E	S N Peadar Agus Pol N	Balbriggan, Co Dublin	Dublin
16567S	St Brigids Convent N S	Haddington Road, Dublin 4	Dublin
20035H	St Gabriels N S	Cowper Street, Dublin 7	Dublin
17961E	S N Lusca	Lusk, Co Dublin	Dublin
05933G	Georges Hill Convent	Georges Hill, Dublin 7	Dublin
17211H	Clochar Lughaidh Naoidh	Williams Park, Rathmines, Dublin 6	Dublin
17782E	S N Bride Naofa	Sean Tallamh, Gaillimh	Galway
01013N	Scoil Croi Iosa	Presentation Road, Galway	Galway
16943U	Niochlas N S	An Cladach, An Gaillimh	Galway
19241D	Dominican Convent	Taylor Hill, Galway	Galway
19401W	S N Caitriona Sois	Renmore, Co Galway	Galway
04515G	Scoil An Linbh Iosa	St Francis St, Galway	Galway
19487M	Holy Cross Mercy School	Killarney, Co Kerry	Kerry
13530D	Scoil Mhuire	Tobar Mui Doire, Trailli, Co Chiarrai	Kerry
19536W	Holy Family	Holy Family Ns, Balloonagh, Tralee, Co Kerry	Kerry
20114D	Scoil Brid	Oldtown, Naas, Co Kildare	Kildare
15599D	St Brigids Primary School	Kildare, Co Kildare	Kildare
15040T	Mercy Convent Primary School	Naas, Co Kildare	Kildare
19653D	San Carlo Junior Ns	Leixlip, Co Kildare	Kildare

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Roll No.	School Name		County
16705E	Scoil Phadraig Naofa	Ath-I, Co Chill Dara	Kildare
19597T	An Linbh Iosa	Ballycane, Naas, Co Kildare	Kildare
18551N	Scoil Na Mainistreach	Oldtown Road, Celbridge, Co Kildare	Kildare
18828H	St. Pauls Primary School	Borris Road, Portlaoise, Co Laois	Laois
17906T	Marist G N S	Cara Droma Ruisc, Co Leitrim	Leitrim
17937H	Scoil Moin A Lin	Castleroy, Limerick	Limerick
18178R	St Josephs Convent	Longford, Co Longford	Longford
20124G	St Marysn.S	Edgeworthstown, Edgeworthstown, Co Longford	Longford
17195M	C.B.S. Primary	Chapel Street, Dundalk, Co Louth	Louth
17059E	Scoil Na Mbraithre Sn	Geata An Domhnaigh, Droichead Atha, Co Lui	Louth
19215C	S N Ard Mhuire C	Ballsgrrove, Drogheda, Co Louth	Louth
15259C	S N N Maolmhaodhagh C	Dundalk, Co Louth	Louth
15260K	S N N Maolmhaodhagh N	Dundalk, Co Louth	Louth
18098T	S N Bhríde C	Bothar Brugha, Drogheda, Co Louth	Louth
18347O	S N San Nioclas	Nicholas St, Dundalk, Co Louth	Louth
17949O	S N Pádraig Naofa B	Bothar Brugha, Drogheda, Co Louth	Louth
16469S	St Nicholas Monastery Ns	Philip Street, Dundalk, Co Louth	Louth
18694M	Convent Of Mercy N S	Castlebar, Co Mayo	Mayo
19476H	St Oliver Plunkett Ns	Navan, Co Meath	Meath
20179I	St Stephens Ns	C/O St Marthas College, Johnstown, Co Meath	Meath
20180Q	Scoil Naomh Eoin	Windtown, Navan, Co Meath	Meath
19486K	Scoil Nais Deaglain	Ashbourne, Co Meath	Meath
00359V	St. Louis Girls National School	Park Road, Monaghan Town	Monaghan
19980S	St Attractas N S	Ballagherreen, Co Roscommon	Roscommon
20188J	Mullingar Educate Together	Cullion, Mullingar, Co Westmeath	Westmeath
18405C	S N Phoil Naofa	Athlone, Co Westmeath	Westmeath
16145P	Loreto Primary School	Gorey, Co Wexford	Wexford
17181B	St Josephs N S	Templeraíne, Arklow, Co Wicklow	Wicklow
17091A	S N Muire	Blessington, Co Wicklow	Wicklow

Details of Post-Primary Schools Allocated Extra Language Support

Roll No.	School Name		County
71400Q	Galway Community College	Wellpark, Galway	Galway
71761C	St. Oliver's Community College	Drogheda, Co. Louth	Louth
70830N	Ennis Community College	Ennis, Co. Clare	Clare
72010I	Beaufort College	Trim Road, Navan, Co. Meath	Meath
60264A	Coláiste Phádraig CBS	Roselawn, Lucan, Co. Dublin	Dublin
60731F	St. Dominic's College	Cabra, Dublin 7	Dublin
61141M	Presentation College	Askea, Carlow	Carlow
70010V	Balbriggan Community College	Chapel St., Balbriggan, Co. Dublin	Dublin
70042L	St. Kevin's Community College	Fonthill Road, Clondalkin, Dublin 22	Dublin
70081V	Riversdale Community College	Blanchardstown Rd. North, Dublin 15	Dublin
70120F	St. Finian's Community College	Swords, Co. Dublin	Dublin
70121H	Fingal Community College	Seatown Road, Swords, Co. Dublin	Dublin
70140L	Firhouse Community College	Firhouse Road, Dublin 24	Dublin
70420R	Carlow Vocational School	Kilkenny Road, Carlow	Carlow
76062B	Castleknock Community College	Carpenterstown Road, Castleknock, Dublin 15	Dublin

Roll No.	School Name		County
91315O	Coolmine C.S.	Cluain Saileach, Dublin 15	Dublin
91316Q	Blakestown Community School	Blanchardstown, Dublin 15	Dublin
91339F	Hartstown Community School	Hartstown, Clonsilla, Dublin 15	Dublin
64220A	St. Clements College	South Circular Road, Limerick	Limerick
70710D	St. Patrick's Community College	Limerick Road, Naas, Co. Kildare	Kildare
60440R	O'Connell School	North Richmond St., Dublin 1	Dublin

School Accommodation.

899. **Mr. Kenny** asked the Minister for Education and Science the reason a new school has not been provided at Midfield, Swinford, County Mayo which was promised seven years ago; the reason for such delay; and if she will make a statement on the matter. [14907/07]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy originally applied for an extension and refurbishment to provide for improved ancillary accommodation. The project proposed initially did not include additional mainstream classrooms and having regard to competing demands on the building programme the application was at that time afforded a lower priority rating.

The school submitted an application under the Small Schools Scheme 2007 for additional accommodation including mainstream classrooms. On 5 March 2007, I announced details of the schools to receive funding under this Scheme. Due to the volume of applications received in the Department it was not possible to allocate funding to all proposed projects and the school referred to by the Deputy was not successful in this instance. The Department recently received an appeal from the school in relation to the initial decision which will be considered further.

Departmental Expenditure.

900. **Mr. Kenny** asked the Minister for Education and Science the annual rent paid by her Department for prefab buildings at primary schools here; and if she will make a statement on the matter. [14908/07]

Minister for Education and Science (Ms Hanafin): The provision of rented accommodation provides an immediate solution to a deficit of school accommodation, and is often the only available option where extra accommodation is needed at short notice. The demand for additional accommodation in schools has risen significantly over the last number of years mainly due to the rapid expansion in teacher numbers particularly in the area of special needs, the growth in the school-going population in rapidly developing areas and the demands to cater for diversity through the recognition of new Gael-scoileanna and Educate Together schools. The provision of rented accommodation is demand

led and accordingly the number of schools in rented temporary accommodation can change on a daily basis.

The total amount spent on temporary accommodation, including prefabricated accommodation, in 2006 was €24.51m. The total capital expenditure at primary and post-primary level in 2006 was €524.68m, therefore, the expenditure on rental of temporary school accommodation for the same period represents only 4.67% as a % of the total capital expenditure.

School Accommodation.

901. **Mr. Kenny** asked the Minister for Education and Science her proposals to increase accommodation at a primary school (details supplied) in County Mayo in view of the expansion of housing built in the area; and if she will make a statement on the matter. [14909/07]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy applied and was approved for funding under the devolved Permanent Accommodation Scheme for 2007. The school has recently forwarded correspondence to the School Planning Section of the Department regarding increased funding for the project. The matter is under consideration and a decision will be conveyed to school management shortly.

Special Educational Needs.

902. **Mr. Deasy** asked the Minister for Education and Science if her attention has been drawn to the limited support services available for autistic children in the Waterford and Trawmore areas; her views on whether it is essential that autistic children receive such services on a sustained basis before they are five years old; if she will provide funding to ensure that dedicated ongoing services are provided to autistic children in Waterford city and county in the areas of psychological services, speech therapy and occupational therapy; and if she will make a statement on the matter. [14941/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of my commitment to ensuring that all children, including those with autism, receive an education appropriate to their needs and in this regard the following specialist education classes for children on the

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autistic spectrum have been established across the country:

- 188 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; in this regard my Department has established:
- 188 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 methodologies on a pilot basis — 2 of these facilities have yet to be established.

I have requested that NEPS update me with regard to the level of psychological support available in the region referred to by the Deputy. As the Deputy will be aware, the provision of therapy services including speech therapy and occupational therapy is a matter for the Health Services Executive (HSE) and funding is provided to the HSE for such purposes.

Schools Building Projects.

903. **Mr. Naughten** asked the Minister for Education and Science the status of the application for the construction of a new community school in Ballinamore, County Leitrim; her plans to progress the project; and if she will make a statement on the matter. [14947/07]

904. **Mr. Naughten** asked the Minister for Education and Science if she will appoint a design team and architect for a project (details supplied); and if she will make a statement on the matter. [14948/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 903 and 904 together.

The Department recognises the need for a new Community School in Ballinamore. The Office of Public Works (OPW) are acting on behalf of the Department in relation to the acquisition of a site for the project and the acquisition of same is currently at contract/conveyancing stages. On completion of the site acquisition process the project will progress in the context of the Department's multi-annual School Building and Modernisation Programme.

School Staffing.

905. **Mr. Hayes** asked the Minister for Education and Science if she will address the long time lag between when a school (details supplied) becomes eligible for an additional teacher and when it is permitted to hire an additional teacher. [14950/07]

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 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year. My Department has no plans to change this.

Data submitted to the Department by the Board of Management of the school referred to by the Deputy indicate that the enrolment in the school on 30th September 2005 was 246 pupils. In accordance with the staffing schedule (Circular 0023/2006), which is available on the Department's website at www.education.ie, the mainstream staffing in the school for the 2006/07 school year is a Principal and 9 mainstream class teachers.

According to data submitted to the Department by the Board of Management of the school, the enrolment in the school on 30th September 2006 was 244 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on the Department's website at www.education.ie and a hard copy of which has issued to all primary schools, the mainstream staffing in the school for the 2007/08 school year will be a Principal and 9 mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

Schools Building Projects.

906. **Ms Burton** asked the Minister for Education and Science if in view of the demand for secondary school places in the Dublin 15 area she will instruct or give permission to the County Dublin Vocational Educational Committee to initiate the proposed secondary school at Phibbestown; if she will appoint or instruct the VEC to appoint a board of management and a principal and have the school commenced for September 2007; and if she will make a statement on the matter. [14951/07]

Minister for Education and Science (Ms Hanafin): My Department is committed to providing a permanent building for the new post-primary school in Phibblestown as soon as possible. The school will be delivered along with new schools in Donabate, Co Dublin and Laytown, Co. Meath under a design and build contract that is aimed at delivering 3,000 school places for these rapidly developing areas. The Department has appointed a Project Manager to oversee the delivery of these projects. 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 County Dublin Vocational Education Committee on the delivery of the Phibblestown project. Assuming there are no delays during the design and planning permission phases, it is envisaged that the school will be completed as close as possible to the 2009/2010 school year. The provision of temporary accommodation to enable the school to open at an earlier date is currently under consideration.

907. **Ms Burton** asked the Minister for Education and Science if she proposes to initiate a new primary school for the Luttrellstown Diswellstown Clonsilla area in view of the number of children without school places for the area; if the school will be a further parish school or if the school will be under the patronage of the County Dublin Vocational Educational Committee as previously suggested in press statements by her; the location where the school will be located on a temporary and on a permanent basis; when enrolments for the school will commence; when parents will be advised on the matter; and if she will make a statement on the primary school places crisis for this area in Dublin 15. [14952/07]

912. **Mr. J. Higgins** asked the Minister for Education and Science if the vocational educational committee sponsored primary school recently flagged for Dublin 15 will open in a temporary site in September 2007 in view of the crisis of children excluded from starting school in many primary schools in Dublin 15. [14972/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 907 and 912 together.

As the Deputy will be aware, last February I announced a new additional model of primary school patronage which will be introduced, on a pilot basis in September 2008, in Diswellstown, Dublin 15. This school will operate under the administrative framework of the County Dublin Vocational Education Committee. The Department has commenced a process of consultation with the relevant education partners to explore the detailed implementation measures that will

need to be put in place prior to the opening of the new school. A location for the new school is under consideration.

I am conscious that there is considerable pressure for school places in the Dublin 15 area in general. Adding to this pressure is the fact that a number of parents have enrolled their children in more than one school. This has the result of inflating the number of children apparently seeking places. Officials in the School Planning Section of the Department are liaising with school principals in the area with a view to ensuring that all eligible pupils seeking places for 2007 will have access to them.

908. **Ms Burton** asked the Minister for Education and Science the discussion her Department has had with the Dublin archdiocese of the Catholic Church and the County Dublin Vocational Educational Committee with regard to providing additional school accommodation and schools for the Dublin 15 area at primary and secondary area; and if she will make a statement on the matter. [14953/07]

Minister for Education and Science (Ms Hanafin): The recognition of new primary schools is a matter for the New Schools Advisory Committee. It is open to any patron body to apply for the recognition of a new school through this body. Details of the application procedure and recognition criteria are available on the Department's website.

As the Deputy will be aware, last February I announced a new additional model of primary school patronage which will be introduced, on a pilot basis in September 2008, in Diswellstown, Dublin 15. This school will operate under the administrative framework of the County Dublin Vocational Education Committee. The Department has commenced a process of consultation with the relevant education partners to explore the detailed implementation measures that will need to be put in place prior to the opening of the new school. A location for the new school is under consideration.

As the Deputy will also be aware, I have given the go-ahead for the delivery of a new 1,000 pupil post-primary school in Phibblestown area of Dublin 15. The VEC applied for and received approval to act as Patron of this school. In the Tyrrelstown area of Dublin 15 the Department has reserved a site for a further post primary school and it is examining site possibilities for a new post primary school in the Castleknock area with the local authority. The educational reservation in the Hansfield SDZ allows for the development of a post primary school for up to 1,000 pupils. The Patronage of these schools will be decided at the appropriate time.

909. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the pro-

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vision of a new school at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [14958/07]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school to which he refers was included in a recent announcement of 56 large scale building projects countrywide which have been approved to progress under the School Building and Modernisation Programme. These will be progressed by way of the appointment of a design team.

Special Educational Needs.

910. **Mr. F. McGrath** asked the Minister for Education and Science if she will support Irish Autism Action in its efforts to improve autism services; and the improvement for 2007. [14961/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of my commitment to ensuring that all children, including those with autism, receive an education appropriate to their needs. Officials from my Department met recently with Irish Autism Action and a further meeting is planned.

However, my Department's preferred approach to the provision of appropriate education for children with autism, is through the primary and post primary school network, whether through placement in mainstream classes, in special classes or in special schools, a view that is supported by the findings of the Task Force Report on Autism. My Department supports a multi-skills approach in regard to the education of children with autism where a range of teaching methods are available e.g. Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH), ABA (Applied Behavioural Analysis), Picture Exchange Communication System (PECS).

In this regard my Department has established:

- 188 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 methodologies on a pilot basis — 2 of these facilities have yet to be established.

Schools Building Projects.

911. **Mr. McEllistrim** asked the Minister for Education and Science the position regarding the urgently needed new building for a school (details supplied) in County Kerry. [14971/07]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school building project to which he refers was included in my recent announcement of 56 large scale building projects countrywide which I have approved to enter architectural planning. As a first step in the process a Design Team will be appointed as soon as possible. The project will subsequently be considered for further progression in the context of the multi-annual School Building and Modernisation Programme.

Question No. 912 answered with Question No. 907.

School Placement.

913. **Mr. J. Higgins** asked the Minister for Education and Science if her attention has been drawn to the number of children who cannot find places to begin their primary schooling in a school (details supplied) in Dublin 15; the number in relation to same; and the provision she will make to accommodate these children in their local school. [14973/07]

914. **Mr. J. Higgins** asked the Minister for Education and Science if her attention has been drawn to the number of children who cannot find places to begin their primary schooling in a school (details supplied) in Dublin 15; the number in relation to same; and the provision she will make to accommodate these children in their local school. [14974/07]

915. **Mr. J. Higgins** asked the Minister for Education and Science if her attention has been drawn to the number of children who cannot find places to begin their primary schooling in a school (details supplied) in Dublin 15; the number in relation to same; and the provision she will make to accommodate these children in their local school. [14975/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 913 to 915, inclusive, together.

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.

Currently, under Section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of this Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student. Otherwise, the National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child.

I am conscious that there is considerable pressure for school places in the Dublin 15 area in general. Adding to this pressure is the fact that a number of parents have enrolled their children in more than one school. This has the result of inflating the number of children apparently seeking places. Officials in the School Planning Section of the Department are liaising with school principals in the area with a view to ensuring that all eligible pupils seeking places for 2007 will have access to them.

Schools Building Projects.

916. **Mr. Ring** asked the Minister for Education and Science the position regarding funding for a school (details supplied) in County Mayo. [15022/07]

Minister for Education and Science (Ms Hanafin): A site has been secured for the school referred to by the Deputy. The long term projected staffing, on which the schools accommodation needs are based, is being considered in the Department at present. Once the long term projection has been determined and agreed with the school authorities, the building project will be considered in the context of the multi annual School Building and Modernisation programme.

917. **Mr. Ring** asked the Minister for Education and Science the progress made in relation to a new school (details supplied) in County Mayo; when the construction phase will be completed; and if she will make a statement on the matter. [15023/07]

Minister for Education and Science (Ms Hanafin): The new building for the school in question is one of 54 major primary school building projects which I announced last November to proceed to tender and construction over the next 12 to 15 months. This programme will provide over 10,000 permanent school places to be deliv-

ered in new schools and a further 5,900 pupils will see facilities modernised with major extension projects. My Department is in communication with Westport Town Council regarding planning permission for the building project.

Questions Nos. 918 to 920, inclusive, answered with Question No. 795.

State Examinations.

921. **Mr. Deasy** asked the Minister for Education and Science the structure and amount of fees payable by students who wish to complete the preliminary leaving certificate examinations and the leaving certificate examinations; and if she will make a statement on the matter. [15076/07]

Minister for Education and Science (Ms Hanafin): The 2007 examination fee for Leaving Certificate candidates is €96. The fee for school-based repeat Leaving Certificate candidates is €251. Examination fees generally cover only a fraction of the cost of running the examinations. The costs associated with the certificate examinations have been spiralling in recent years due to the introduction of new methods of assessment in various subjects and to continuing increases in special arrangements for students with special needs.

Special fees for repeat candidates were introduced in 1987 on the basis that it is not unreasonable to expect those who have already benefitted from the normal course of second level education, and who wish to take an extra year, to make a contribution towards the cost of providing the necessary resources. A course fee is also payable in respect of such candidates.

There is an alleviation scheme in place whereby current medical card holders and their dependants are exempt from the payment of fees. This exemption applies to approximately 30% of all examination candidates each year. This alleviation scheme also applies in the case of repeat candidates in respect of both the course fee and the repeat examination fee.

Mock examinations are not part of the State examinations system, and therefore my Department has no function in respect of the fees that are charged for these examinations.

Special Educational Needs.

922. **Mr. O'Dowd** asked the Minister for Education and Science if communication aids and psychological services will be provided for special needs children (details supplied) in a school in County Louth; if secondary school places will be provided for the special needs children; and if she will make a statement on the matter. [15081/07]

Minister for Education and Science (Ms Hanafin): As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the

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Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

Schools Building Projects.

923. **Mr. Noonan** asked the Minister for Education and Science if she will sanction a grant for a physical education hall for a school (details supplied) in County Tipperary; and if she will make a statement on the matter. [15082/07]

Minister for Education and Science (Ms Hanafin): I can confirm that the Department is in receipt of an application for major capital funding from the management authority of the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale works. Progress on the project is being considered in the context of the multi annual School Building and Modernisation Programme.

924. **Mr. Carey** asked the Minister for Education and Science if her attention has been drawn to the concern by the parents of a school (details supplied) in Dublin 9 at the uncertainty about the availability of their permanent building for the new school year; and if she will make a statement on the matter. [15102/07]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the Department intends to permanently accommodate the school to which he refers in a building which it expects to be vacated post an amalgamation of three schools in the immediate area. A technical inspection of the buildings concerned was recently carried out to determine the scope of works required to facilitate the amalgamation and to accommodate the school in question. The Department is anxious to resolve the accommodation issues at the schools in question as soon as possible.

Higher Education Grants.

925. **Mr. J. O'Keefe** asked the Minister for Education and Science the reason the number of

dependents is not taken into account in calculating entitlements for the special rate top up maintenance grant under the higher education grants scheme; and her views on whether this provision impacts adversely on large families, where the household income is relatively low. [15103/07]

Minister for Education and Science (Ms Hanafin): The Special Rate of Maintenance Grant is available to students in receipt of the ordinary maintenance grant under each of my Department's four maintenance grant schemes.

In order to qualify for the special rate of maintenance grant a candidate must meet a number of conditions, including the following:

1. An applicant must qualify for the ordinary maintenance grant.
2. Total reckonable income in the relevant tax year must not exceed the lower income limits as set out in the relevant Maintenance Grant Schemes and, where applicable, net of Child Dependent Increase payments
3. As at the prescribed date — i.e. 31st December each year — the source of income must include one of the eligible long-term Social Welfare payments.

The prescribed income limit for the special rate of maintenance grant for the academic year 2006/2007 is €16,748. While the number of dependants is not taken into account for the Special Rates of Maintenance Grant social welfare allowances in respect of dependants, i.e. the Child Dependent Increase, are excluded in the calculation of reckonable income. In addition, the following Social Welfare and Health Service Executive Payments are excluded in the calculation of reckonable income:-

- Child Benefit
- Family Income Supplement
- Disability Allowance (where paid to the candidate)
- Blind Pension (where paid to the candidate)
- Means Tested One Parent Family Payments
- Orphan's Pensions
- Back to Education Allowance
- Foster Care Allowance
- Domiciliary Care Allowance and
- Carer's Allowance

Schools Building Projects.

926. **Ms Burton** asked the Minister for Education and Science the cost of dismantling the two storey prefab at a school (details supplied) in Dublin 15 and re-erecting it for another school; the estimated cost of dismantling, transporting re-

erecting and re-installation of all services and commissioning at the new location; and if she will make a statement on the matter. [15104/07]

Minister for Education and Science (Ms Hanafin): The two storey prefab units in question comprise 12 mainstream classrooms, 2 special education rooms, 2 administration rooms, a large common area room together with other ancillary accommodation. The cost of dismantling and packing them for removal was €115,237. The cost of dismantling of the prefab units and packing for removal was €115,237. The cost of transportation of units to storage was €47,657. All figures are exclusive of VAT. The Department has not yet received figures for the cost of re-erecting the units on an alternative site but has engaged the services of a professional consultant to ensure that the Department obtains value for money for this part of the contract.

Questions Nos. 927 to 931, inclusive, answered with Question No. 888.

Question No. 932 answered with Question No. 876.

School Accommodation.

933. **Mr. McGinley** asked the Minister for Education and Science if there is an application in her Department for the extension and refurbishment of a school (details supplied) in County Donegal under the permanent accommodation scheme 2007; the details of the required extension and renovations; and when a grant will be approved in order that it can proceed with the necessary works. [15124/07]

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 for a learning Support Room, Parent Room, Pastoral Care Room, Technical Drawing/Graphics Room, Science Laboratory, Staff Room Extension. On Monday, 5 March 2007, I announced details of the schools to receive funding under the Permanent Accommodation Scheme 2007. However, this application was not successful, as the Department's evaluation of the project determined that a major building project would be more appropriate to address the school's accommodation needs into the future.

A major application for an extension at the school has been assessed and schedules of accommodation to meet the current and long term accommodation needs of the school have been drawn up by the Department. The further progression of this project will be considered in the context of the multi-annual School Building and Modernisation Programme.

Special Educational Needs.

934. **Mr. McGinley** asked the Minister for Education and Science if there are plans to provide an autistic unit in a school (details supplied) in County Donegal; when is it expected that a decision will be made on the application; and if she will make a statement on the matter. [15125/07]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports. This includes applications for the establishment of special classes for autism. Officials in my Department have been in contact with the NCSE regarding this issue and I have made arrangements for my officials to make direct contact with the Deputy in this regard.

Schools Refurbishment.

935. **Mr. McGinley** asked the Minister for Education and Science if she will review her decision to refuse a grant to a school (details supplied) in County Donegal under the summer works scheme 2007; and if she will make a statement on the matter. [15126/07]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy applied under the Summer Works Scheme 2007 for funding to install a security system to the external areas of the school property. On the 8 January 2007 I announced details of the schools to receive funding to improve facilities under the Summer Works Scheme 2007. However, due to the volume of applications received in the Department it was not possible to allocate funding to all proposed projects and the school referred to by the Deputy was not successful in this instance. It is open to the school authority to apply for funding under the 2008 scheme, details of which will be announced later this year.

School Staffing.

936. **Mr. Deasy** asked the Minister for Education and Science the funding she is making available to provide additional resources to cater for the large number of children of immigrants in schools in Tramore, County Waterford; if her attention has been drawn to the fact that many of these children are unable to speak English; if her attention has further been drawn to the fact that this situation is putting severe pressure on school authorities, teaching staff, pupils and parents in Tramore; and if she will make a statement on the matter. [15140/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that I recently announced the allocation of 200 extra language support posts to schools, bringing the total number of language support teachers in our schools to 1,450. These new resources are intended for schools with large numbers of pupils who do not have English as a first language. Under the revised arrangements, depending on the number of eligible pupils enrolled, schools now have between one and six language support teachers. In addition, the limit of two years' support for an individual pupil no longer applies.

The additional 200 teachers are part of the Government's commitment in *Towards 2016* to provide an extra 550 language support teachers by 2009 and to reform the limit of two teachers per school. It is intended that a further 350 language support teachers will be provided between 2008 and 2009.

In order to ensure that schools can accurately and objectively assess the language requirement of children, my Department will be sending to schools assessment materials which have been developed by Integrate Ireland Language and Training, IILT. The assessment materials will enable schools to ensure that the specific language requirements of children needing support are met in a targeted way. The IILT materials will also enable accurate initial and on-going assessment of the language proficiency of the child and his or her need for continued language support.

Schools Building Projects.

937. **Mr. Deasy** asked the Minister for Education and Science the status of the application for funding of the building programme at a school (details supplied) in County Waterford; and if she will make a statement on the matter. [15141/07]

Minister for Education and Science (Ms Hanafin): Tenders for the project referred to by the Deputy were submitted recently and a tender report is currently being prepared by the schools Design Team. As soon as a tender is approved the project will then proceed to construction without delay.

Student Support Schemes.

938. **Mr. Perry** asked the Minister for Education and Science if there is any financial assistance for this person (details supplied) to attend this course; and if she will make a statement on the matter. [15147/07]

Minister for Education and Science (Ms Hanafin): My Department funds four maintenance grant schemes for third level and further education students. These are the Higher Education Grants (HEG) Scheme, the Vocational Education Committees' (VEC) Scholarships Scheme, the Third Level Maintenance Grants

Scheme for Trainees (TLT) and the Maintenance Grants Scheme for Students attending Post Leaving Certificate Courses (PLC). The decision on eligibility for third level grants is a matter for the relevant local authority or VEC.

Generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. In order to qualify for financial assistance under the Third Level Student Support Schemes operated by my Department, a person must pursue a full-time undergraduate course, which must generally be of at least two years duration, at an approved third level institution.

Under the Free Fees Initiative, the Department meets the tuition fees of eligible students who are attending full-time undergraduate courses which must be of at least two years duration, at approved colleges.

Undergraduate course by distance learning are not regarded as full-time study, accordingly, students following such courses are ineligible for grant assistance under the Free Fees Initiative or the Third Level Student Support Schemes.

School Staffing.

939. **Mr. M. Higgins** asked the Minister for Education and Science the action she will take to assist the needs of individual students who have special needs, with specific reference to the pressing need to effect changes to their school system and to reduce the average number of children per class; and if she will comment on the case of a person (details supplied) in County Galway. [15163/07]

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 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Data submitted to the Department by the Board of Management of the school referred to by the Deputy indicate that the enrolment in the school on 30th September 2005 was 49 pupils. In accordance with the staffing schedule (Circular 0023/2006), which is available on the Department's website at www.education.ie, the mainstream staffing in the school for the 2006/07 school year is a Principal and 2 mainstream class teachers.

According to data submitted to the Department by the Board of Management of the school, the enrolment in the school on 30th September 2006 was 44 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on the Department's website at www.education.ie and by hard copy which issued to all

primary schools, the mainstream staffing in the school for the 2007/08 school year will be a Principal and 1 mainstream class teacher.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. They are also available in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on my Department's website. Hard copies of this circular will issue to primary schools as soon as possible.

It is proposed that the first meeting of the Appeal Board will be held in May, 2007. Further meetings will be held in July and October, 2007. The closing dates for receipt of appeals are 11 May, 22 June and 12 October respectively. Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from Primary Payments Section or on the Department's website. The Appeal Board operates independently of the Minister and the Department and its decision is final. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent Appeal Board.

The Deputy will be aware that 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. I understand that the pupil referred to by the Deputy attending the school in question is in receipt of 5 hours resource teaching support and shared access to a special needs assistant (SNA). In addition to this my Department has recently approved funding to the school for assistive technology for this pupil.

Student Support Schemes.

940. **Mr. Connaughton** asked the Minister for Education and Science if there is financial assistance available from her Department to a person (details supplied) in County Galway who has been awarded a golfing scholarship to an

American university; and if she will make a statement on the matter. [15175/07]

Minister for Education and Science (Ms Hanafin): The Third Level Student Support Schemes, administered by the Local Authorities and Vocational Education Committees, on behalf of my Department does not extend to undergraduate study outside of the EU or postgraduate study outside of the island of Ireland. Any extension of the current arrangements to provide for students pursuing undergraduate study outside of the EU or postgraduate courses outside of the island of Ireland could only be considered in the light of available resources and other competing demands within the education section.

However, Section 473A, Taxes Consolidation Act, 1997, provides for tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in E.U. Member States and in non EU countries. Further details and application forms (I.T. 31 Form) to claim tax relief on tuition fees are available from the Revenue Commissioners Offices.

School Accommodation.

941. **Mr. McEllistrim** asked the Minister for Education and Science when a technical inspection will be carried out at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [15211/07]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension at the school to which the Deputy refers was received and assessed. The long term projected staffing, on which the future accommodation needs of the school will be based, has been determined and notified to the school authority.

In order to determine how best to provide for the school's accommodation needs into the future, it will be necessary to have a technical assessment of existing buildings carried out. Officials from the Department will be in contact with the school authority to arrange a date as soon as this is feasible.

Schools Building Projects.

942. **Mr. Stagg** asked the Minister for Education and Science if she has received the stage 1 and 2 submission in relation to the building of a school (details supplied) in County Kildare; and if she has sanctioned the advancement of the project to stage 3. [15215/07]

Minister for Education and Science (Ms Hanafin): The building project for the School referred to by the Deputy is at early stage of architectural planning. My Department wrote to the Design Team on the project on the 20th

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September 2006 requesting a stage 1/2 submission (Outline sketch scheme with costings) and this submission is expected in my Department by the end of April this year. When this stage 1/2 submission is received in my Department, my Officials will arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stages of architectural planning.

943. **Mr. Stagg** asked the Minister for Education and Science if she has received the stage 1 and 2 submission in relation to the building of the required extension to a school (details supplied) in County Kildare; and if she has sanctioned the advancement of the project to stage 3. [15220/07]

Minister for Education and Science (Ms Hanafin): A Design Team was appointed for the school project referred to by the Deputy on the 28th November last and the School Authorities were instructed to inform their Design Team to prepare a stage 1/2 submission (Outline sketch scheme with costings). The stage 1/2 documentation is now awaited and when this is received my Officials will arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stages of architectural planning. Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

944. **Mr. Stagg** asked the Minister for Education and Science if she has received the stage 3 submission in relation to the building of a school (details supplied) in County Kildare; and if she has sanctioned the further advancement of the project. [15221/07]

Minister for Education and Science (Ms Hanafin): The building project for the School referred to by the Deputy was one of the sixty two projects that I announced in January of 2006 to start the architectural planning process and to proceed to tender and construction as per my announcement of November 2006. The brief for the project consists of a 16 classroom Generic Repeat Design building with an additional bolt-on Special Education Tuition room. A Design Team was appointed on the project in July of last year and following a briefing seminar in my Department's Offices in Tullamore, the Design Team were instructed to proceed to stage 3 (detailed design with costings) of my Department's Design Team Procedures.

The stage 3 documentation is now awaited and when this is received in my Department, my Officials will, if necessary, arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. Once the stage 3 is approved, the new School building project will proceed, in accordance with the School Building and Modernisation Programme, to advanced design and subsequently to tender and construction.

Psychological Service.

945. **Mr. Stagg** asked the Minister for Education and Science if her Department has finalised the allocation of the additional 31 educational psychologists to different counties; and if she will provide details of same. [15228/07]

Minister for Education and Science (Ms Hanafin): As I have informed the Deputy previously the Public Appointments Commission is charged with recruiting the extra psychologists referred to and officials of my Department are in the process of prioritising the regions and locations where these new recruits will be based. Both elements are currently on-going in this regard.

Special Educational Needs.

946. **Mr. Stagg** asked the Minister for Education and Science if she has concluded her examination of the NCSE implementation report in relation to the Education for Persons with Special Educational Needs Act 2004. [15230/07]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education submitted its implementation report which sets out its views and recommendations on a plan for the implementation of the Education for Persons with Special Educational Needs Act, 2004. My Department has not yet concluded its consideration of this detailed report.

Schools Building Projects.

947. **Mr. Stagg** asked the Minister for Education and Science when a design team will be appointed for a school (details supplied) in County Kildare. [15231/07]

Minister for Education and Science (Ms Hanafin): Representatives of the Board of Management of the school to which the Deputy refers attended an Information Seminar in Tullamore on 13 December hosted by the School Building Section. The steps necessary to initiate the design phase of the eighty building projects announced by me in November were discussed at that meeting and all schools were advised that architectural design teams would be appointed to their projects over the coming months. My School Building

Section will begin advertising for these design teams shortly through the public procurement portal, www.etenders.gov.ie Progression of all projects to tender and construction will be considered in the context of the School Building and Modernisation Programme 2007-2013. Over €4.8 billion will be provided for school building infrastructure under the new NDP 2007-2013.

948. **Mr. Stagg** asked the Minister for Education and Science if there is an opening date set for the extension to a school (details supplied) in County Kildare. [15234/07]

Minister for Education and Science (Ms Hanafin): I wish to inform the Deputy that this project is substantially complete with the exception of some items such as landscaping and the installation of equipment in one room. It is expected that some of the new rooms will be ready for use in the coming days with the remainder in use within 2 weeks.

949. **Mr. Stagg** asked the Minister for Education and Science further to the Adjournment debate of 4 April 2007, in relation to a school (details supplied) in County Kildare, if she is saying that it is not possible to appoint a design team on a full-time basis to clear the planning stage of the new school and that it is not possible to find a contractor to build a new school in less than 18 months or if it is too costly to do it this way and that is the reason she has broken her repeated pledges to fast track the provision of the new school. [15237/07]

Minister for Education and Science (Ms Hanafin): In the adjournment debate referred to by the Deputy I clearly set out the approach taken on this project by my Department and the School Authority. It is clear that progress is being made in relation to appointing a design team and as the Deputy is no doubt aware, the matter of sourcing a contractor can only occur when the new school building has been fully designed by the design team and planning permission has been received from the Local Authority. Once again, I direct the Deputy's attention to the fact that my School Building Section has been in close contact with the School Authority throughout this process and understand that they are satisfied with the manner in which their project is being progressed.

With regard to the site issue the Office of Public Works, which acts on behalf of my Department generally on the acquisitions of sites for schools, has identified a suitable site for the proposed new school in Kill. Agreement on the site acquisition has been reached subject to contract. While draft contracts have been exchanged, I am advised that the conveyancing process continues to be delayed pending the outcome of a planning application by the vendor. In the meantime however, and subject to securing the site and as

a follow on from my announcement in November last, the architectural planning process for the school has commenced.

The first key step in this process is to appoint an architectural design team who will design and plan the works. To that end, an advertisement seeking design team consultants was placed on the public procurement portal, www.etenders.gov.ie, on Monday 26th March last, with the closing date for the receipt of Expressions of Interest being Friday 27th April. After these pre-qualification applications have been assessed by my School Building Section, further instructions will issue to all of the short-listed candidates seeking further submissions so that phase two of the appointment process (the Award Stage) can commence. I have been advised that the design team should be formally appointed in July.

Educational Disadvantage.

950. **Mr. Perry** asked the Minister for Education and Science the directive she has issued in relation to sanctioning funding under the dormant fund scheme for a school (details supplied) in County Sligo; if she will give a firm commitment that funding will be allocated; when it will be granted and the amount sanctioned as this school serves the thriving community of this region; and if she will make a statement on the matter. [15248/07]

Minister for Education and Science (Ms Hanafin): The application referred to by the Deputy is one of a large number of applications for the scheme received by the Midland Regional Office of my Department. These applications are currently being assessed on a phased basis by my officials. In keeping with the requirements of the Dormant Accounts Fund legislation, the assessed applications will be considered by the Inter-Departmental Committee on Educational Disadvantage, which will make recommendations to the Minister for Community, Rural and Gaeltacht Affairs. Minister Ó Cuív will then submit the list of recommendations to the Government for approval. Funding for approved projects will be channelled through my Department's Vote.

I cannot give an exact date of when the list of successful applicants under the first phase will be announced; however, I assure the deputy that my officials are processing the applications as quickly as possible.

School Accommodation.

951. **Mr. M. Higgins** asked the Minister for Education and Science the action she will take to tackle the ongoing phenomenon of overcrowding in classrooms nationwide; and her plans to tackle same in a school (details supplied) in County Galway. [15249/07]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. The assessment of the long term projected staffing, on which the schools accommodation needs are based is underway at present in the Department. Once the long term projection has been determined and agreed with the school authorities the building project will be considered in the context of the multi-annual Schools Building and Modernisation programme.

Third Level Fees.

952. **Mr. Timmins** asked the Minister for Education and Science the position in relation to pupils attending private colleges; if funding is available; and if not, her plans to provide funding to pupils who have to pay all the fees and need to attend; if not, if funding will be allocated; and if she will make a statement on the matter. [15269/07]

Minister for Education and Science (Ms Hanafin): Under my Department's Free Fees Initiative the Exchequer meets the tuition fees of eligible students who are attending approved third-level courses in the State. There are no plans to extend this initiative to cover third level private colleges. Section 473A of the Taxes Consolidation Act, 1997, provides for tax relief on tuition fees, at the standard rate in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in E.U. and non-E.U. Member States. Further details and application forms (I.T. 31 Form) to claim tax relief on tuition fees are available from the Revenue Commissioners.

Question No. 953 answered with Question No. 887.

Schools Building Projects.

954. **Mr. Sargent** asked the Minister for Education and Science the progress made towards opening a new secondary school in the Tyrrelstown area; if a site has been located; the stage negotiations for the purchase of such a site are at; and if she will make a statement on the matter. [15274/07]

955. **Mr. Sargent** asked the Minister for Education and Science the progress made towards opening a new secondary school in the Castleknock/Carpenterstown area; if a site has been located; the stage negotiations for the purchase of such a site are at; and if she will make a statement on the matter. [15275/07]

956. **Mr. Sargent** asked the Minister for Education and Science the stage the proposed new

secondary school for Hansfield is at; and if she will make a statement on the matter. [15276/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 954, 955 and 956 together.

Sites have been reserved for post primary schools in both Tyrrelstown and Hansfield and consideration is being given to the development of a further post primary school in Castleknock. The land where the reserved site in Tyrrelstown is located is the subject of a Local Area Plan. This plan will identify the exact location of the site. When this is known, the Department will be in a position to move to purchase.

The reserved site in Hansfield is governed by regulations attaching to the Hansfield SDZ. The Department has appointed a project manager to oversee the development of a Master Plan for the site in consultation with the local authority. When the Master Plan has been finalised to the satisfaction of all the parties concerned, the site acquisition can be progressed. The schools in Hansfield will be delivered commensurate with the phasing arrangements in the SDZ in the same manner as those for the Adamstown SDZ.

957. **Mr. Durkan** asked the Minister for Education and Science her most up to date proposals to make provision for primary, second and third level educational requirements along the M4/N4 corridor having particular regard to population requirements; and if she will make a statement on the matter. [15345/07]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the local area development plan for the N4/M4 corridor is the framework document for the Department's long-term educational strategy at both primary and post-primary level for the area concerned. Progress on the individual recommendations in the Plan are being considered in the context of the multiannual School Building and Modernisation Programme subject to the published prioritisation criteria for large scale building projects.

With regard to third level educational provision, in the State as a whole, there are over twenty publicly-funded higher education institutions — seven of which are universities and fourteen institutes of technology. In its review of Irish Higher Education published in 2004, the OECD observed that Irish Third Level Institutions were relatively small by international standards and that this posed particular challenges in terms of achieving critical mass for academic provision, infrastructure, research and support mechanisms.

958. **Mr. Durkan** asked the Minister for Education and Science her plans for the provision of primary, second and third level schools and educational facilities along the M7/M9 corridor having particular regard to population driven

requirements; and if she will make a statement on the matter. [15346/07]

Minister for Education and Science (Ms Hanafin): I am aware that areas located along the M7/M9 corridor continue to experience population growth, a position that almost inevitably places some strain on existing educational provision. However, a range of significant measures has been undertaken by the Department to address the current and future need for pupil places in these areas.

At primary level, an entire new school has been provided at Killashee, Naas. In addition, a brand new 16 classroom school has been provided for Naas together with the provision of temporary accommodation at Scoil Corbain, St. Conleth's & St. Mary's NS, St. Conleth's Naofa and Mercy Convent in Naas. A major building project is at Stage 3, of architectural planning, to provide Caragh NS, Naas, with an additional 12-classrooms and ancillary accommodation. Gaelscoil Nás na Riogh has recently been approved to commence architectural planning for the provision of a new 16-classroom school. On top of this, approval has been given for the provision of a new 32-classroom school for Kill.

Additionally, there are proposals to improve accommodation at St. David's National School and Two Mile House National School. The accommodation needs of the national schools at Ballycane, Convent of Mercy and Scoil Corbán in Naas and Scoil Pádraig in Johnstown are also currently being assessed. At Sallins National School, a seven classroom extension is completed and this extension has increased capacity from 9 classrooms to 16 classrooms. An extension to bring the school up to 24 classrooms has commenced architectural planning.

A new primary school will commence operation in Newbridge in September 2007 under Catholic Patronage. The VEC has agreed to use a portion of its existing school site for a temporary location for the school and planning permission is being sought for this accommodation solution. The Department is pursuing a reserved site for the permanent location for the school. A major building project is at Stage 4/5 of architectural planning for the provision of 16-classroom school for Newbridge Educate together. Also, Gaelscoil Cill Dara is also at Stage 4/5 of architectural planning for the provision of 4 additional classrooms. Additional permanent classroom accommodation is being provided at Ballymany Junior and Senior Schools under the Devolved 2007 Permanent Accommodation Scheme.

At post primary level, the management authority of St. Patrick's Post Primary School, Co. Kildare V.E.C., is currently progressing plans to re-locate the school and extend capacity to 1000 pupil places. Additionally, an extension project is completed at St. Mary's College, Naas which increases capacity at the school to 900 pupils. A

similar extension is recently completed at Meanscoil Iognaid Rís, Naas and a further extension at the school is currently in architectural planning. A new post-primary school to accommodate the amalgamation of the existing post-primary Schools in Kildare town is being delivered under the Public Private Partnership Scheme.

All of these initiatives represent huge capital investment and demonstrate my commitment to meeting the needs of the area concerned. The School Planning Section of the Department will keep the position under review to ensure that any additional emerging needs are met as expeditiously as possible.

959. **Mr. Durkan** asked the Minister for Education and Science the position and proposals in regard to the provision of the proposed new school on the new site at Kill, County Kildare; when works will commence; and if she will make a statement on the matter. [15347/07]

Minister for Education and Science (Ms Hanafin): Last November, I announced details of 72 primary schools and 8 post primary schools that were given the go ahead to proceed with major works such as new school building projects, extensions or refurbishments. The proposed new primary school in Kill was one of those listed.

In the first instance however a school site is required. In this regard the Office of Public Works, which acts on behalf of my Department generally on the acquisitions of sites for schools, has identified a suitable site for the proposed new school in Kill. Agreement on the site acquisition has been reached subject to contract. While draft contracts have been exchanged, I am advised that the conveyancing process continues to be delayed pending the outcome of a planning application by the vendor. In the meantime however, and subject to securing the site and as a follow on from my announcement in November last, the architectural planning process for the school has commenced.

The first key step in this process is to appoint an architectural design team who will design and plan the works. To that end, an advertisement seeking design team consultants was placed on the public procurement portal, www.etenders.gov.ie, on Monday 26th March last, with the closing date for the receipt of Expressions of Interest being Friday 27th April. After these pre-qualification applications have been assessed by my School Building Section, further instructions will issue to all of the short-listed candidates seeking further submissions so that phase two of the appointment process (the Award Stage) can commence. I have been advised that the design team should be formally appointed in July.

Officials from my School Planning and Building Section have been in regular contact with representatives of the School Authority since the November announcement and met with them

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again recently to discuss their interim accommodation needs. This consultative approach is working well and my Department is satisfied that the co-operative approach of the School Authority will ensure that all eligible pupils will have access to a place for next September.

Question No. 960 answered with Question No. 873.

School Accommodation.

961. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of permanent classroom accommodation at a school (details supplied) in County Kildare; if her Department has received stage three documentation from the school authorities; her plans to progress this matter in the next six months; and if she will make a statement on the matter. [15349/07]

Minister for Education and Science (Ms Hanafin): The building project for the School referred to by the Deputy was one of the sixty two projects that I announced to start the architectural planning process in January of 2006 and to proceed to tender and construction as per my announcement of November 2006. The brief for the project consists of a 16 classroom Generic Repeat Design with an additional bolt-on Special Education Tuition room. A Design Team was appointed on the project in July of this year and following a briefing seminar in my Department's Offices in Tullamore, the Design Team were instructed to proceed to stage 3 (detailed design with costings) of my Department's Design Team Procedures.

The stage 3 documentation is now awaited and when this is received my Officials will, if necessary, arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. Once the stage 3 is approved, the new School building project will proceed, in accordance with the School Building and Modernisation Programme, to advanced design and subsequently tender and construction.

Departmental Reports.

962. **Mr. Durkan** asked the Minister for Education and Science when the up to date report requested by her Department from the NCSE is expected to be received, regarding a school (details supplied) County Kildare; the expected time frame involved; and if she will make a statement on the matter. [15350/07]

Minister for Education and Science (Ms Hanafin): The NCSE has been in contact with my Department on this matter. I understand that the Board of Management of the school in question has scheduled a meeting for the 23rd of April and

that one of the items on the agenda is in relation to the special class.

Youth Services.

963. **Mr. O'Dowd** asked the Minister for Education and Science the position regarding an application for funding for a centre (details supplied) in County Louth; and if she will make a statement on the matter. [15356/07]

Minister of State at the Department of Education and Science (Mr. Haughey): The Youth Affairs Section of my Department provides grant-in-aid assistance to support the operation of 32 Youth Information Centres throughout the country whose purpose is to provide young people with information on a wide range of issues in a suitably conducive atmosphere.

An application for funding was received for a Youth Information Centre in County Louth but it has not been possible to provide funding for this centre because of finite financial resources and other commitments to the youth work sector. A consultant's review has recently been completed for my Department which will help inform the future direction of youth information provision. Future funding applications for proposed new centres will be examined having regard to the outcomes of this review process. I would like to assure the Deputy of my commitment to continued support of the youth work sector in Ireland and its work.

School Enrolments.

964. **Mr. O'Dowd** asked the Minister for Education and Science the criteria that apply for new entrants to a school (details supplied) in County Louth; the number of children refused places for the new school year; if extra accommodation will be provided as a matter of urgency for them; if not, the reason for same; and if she will make a statement on the matter. [15357/07]

Minister for Education and Science (Ms Hanafin): It is open to any school authority to apply to the Department for additional accommodation to meet its developing needs. I can confirm to the Deputy that no such application has been received from the school to which he refers.

Otherwise, 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 Edu-

cation 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.

Currently, under Section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of this Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student. Otherwise, the National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child.

Suíomhanna Scoile.

965. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta cathain a thabharfar cuairt ar an suíomh i dtaca leis an iarratas ar Mhórtionscnamh Tógála Ghaelscoil Philib Barúin (sonraí tugtha); agus an ndéanfaidh sí ráiteas ina thaobh. [15376/07]

Minister for Education and Science (Ms Hanafin): Tá iarratas ar scoil nua faoi bhráid na Roinne ag an scoil dá dtagrann an Teachta. Fuarthas suíomh oiriúnach agus rachfar chun cinn leis an tionscadal tógála (cuairt laithreán le h-áireamh) atá riachtanach chun an scoil nua a chur ar fáil i gcomhthéacs an Chlár Tógála agus Nuachóirithe Scoileanna.

Higher Education Grants.

966. **Mr. J. O'Keefe** asked the Minister for Education and Science the reason farm assist is not included in the list of social welfare payments which are excluded in calculation of reckonable income for the purpose of special rate top up maintenance grant under the higher education grants scheme; and her views on whether this approach militates against access to third level education by farm families on low income. [15377/07]

Minister for Education and Science (Ms Hanafin): The assessment of means under my Department's Third Level Student Maintenance Grant Schemes is based on gross income from all sources, with specified social welfare and health board payments being excluded from the calculation.

The following Social Welfare and Health Board Payments are excluded in the calculation of reckonable income:

- Child Benefit, — Family Income Supplement, — Disability Allowance (where paid to the candidate), — Blind Pension (where paid to the candidate),
- Means Tested One Parent Family Payments,
- Orphan's Pensions,
- Back to Education Allowance, — Foster Care Allowance,
- Domiciliary Care Allowance and
- Carer's Allowance;

Farm Assist is not excluded in the calculation of reckonable income. I have no plans at present to depart from the above practice in respect of the determination of income. However, Farm Assist is one of a list of social welfare payments identified for the purpose of qualifying for the special rate of maintenance grant.

To qualify for the special rate of maintenance grant all candidates must satisfy the following conditions:

1. Qualify for the ordinary maintenance grant in respect of the academic year 2006/07;
2. Total reckonable income limit in the tax year to 31 December 2005 must not exceed €16,748 (net of standard exclusions, as set out in the 2006 Maintenance Grants Schemes and net of Child Dependant increase (CDI) payments, where applicable);
3. As at 31 December 2005, the reckonable income of parent(s)/guardian(s), the candidate himself/herself, or the income of the spouse/partner, as the case may be, must include one of the eligible social welfare payments prescribed under the Scheme.

Qualification for the special rates of maintenance grant entitles a student to a further payment under the grant schemes in addition to the standard rate of grant. In the current academic year an addition grant of €2,860 is available to a student under the special rates of maintenance grant who qualifies for the non-adjacent rate of grant. Under the 2006 Schemes such students could benefit from a total of €5,970 in the 2006/07 academic year.

Industrial Relations.

967. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a pay claim (details supplied). [15380/07]

Minister for Education and Science (Ms Hanafin): The Teachers Union of Ireland sought to have a pay claim on behalf of the Directors of the Outdoor Education Centres raised at the

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Teachers Conciliation Council. The independent chairperson to the Council determined that it was not appropriate for issues concerning the Directors of these Centres to be considered in that forum.

Steps are currently being taken to amend the Industrial Relations Act, 1990, which would allow VEC staff, including the Directors of these Centres, access to the Labour Relations Commission and the Labour Court. The Department had agreed to allow the matter to be referred to the Labour Relations Commission on an *ad-hoc*

basis, but no agreement was reached during these discussions.

Ministerial Staff.

968. **Mr. Hogan** asked the Minister for Defence the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14202/07]

Minister for Defence (Mr. O'Dea): The details regarding appointments made are as follows.

Name	Derek Mooney
Title	Special Adviser / Political Adviser
Duties	To provide relevant advice to the Minister as necessary
Date of Appointment	19 October 2004
Salary Scale	€80,408-€99,457
Pension	€2,183.02
Name	Fergal O'Brien
Title	Personal Assistant
Duties	To provide administrative assistance to the Minister
Date of Appointment	30 September 2004
Salary Scale	€43,445-€55,147
Pension	€872.84
Name	Olive McNamara
Title	Personal Secretary
Duties	To provide secretarial services to the Minister
Date of Appointment	30 September 2004
Salary Scale	€21,635-€41,736
Pension	€631.72
Name	Suzanne Coogan
Title	Press Adviser
Duties	To provide press liaison services to the Minister
Date of Appointment	1 November 2004
Salary Scale	€80,408-€99,457
Pension	€2,140.96

Waste Disposal.

969. **Mr. Naughten** asked the Minister for Defence further to Parliamentary Question No. 507 of 5 April 2007, if any waste is disposed of by burning; if this method of disposal forms part of the waste management strategy; and if he will make a statement on the matter. [14735/07]

Minister for Defence (Mr. O'Dea): Further to Parliamentary Question No 507 of 5 April 2007 and the detailed response given to it, I would like to state that the burning of waste material is not part of the Defence Forces waste management strategy.

Defence Forces Training.

970. **Mr. N. O'Keefe** asked the Minister for

Defence if personnel of the Defence Forces who possess third level qualifications such as diplomas and degrees are debarred from applying for the ninth potential officers course if they do not possess the leaving certificate examination; and if so, if he will clarify the reasoning behind this decision on the grounds that third level qualifications such as degrees and diplomas are normally considered higher than the leaving certificate examination. [15135/07]

Minister for Defence (Mr. O'Dea): The minimum education qualification for entry to the recently announced potential officers course is grade D in any five (5) higher or ordinary level papers in a single sitting of the Leaving Certificate. This is to ensure that each candidate has attained a good general education. Candidates

with third level qualifications may be considered for this competition, eg. a HETAC qualification at level 7 or higher. The onus will be on the applicant to show that the qualification comes from a reputable source, is consistent with the requirement of having a good general education and is appropriate to the job description of an officer.

Air Corps Museum.

971. **Mr. Bruton** asked the Minister for Defence if he has given consideration to potentially moving the existing aerodrome museum in Baldonnell to Collins Barracks, as a means of ensuring that a greater number of people can see the exhibition; his plans to redevelop the existing museum at Baldonnell for outreach education purposes within the region; and if he will make a statement on the matter. [15214/07]

Minister for Defence (Mr. O’Dea): There are no plans to relocate the Air Corps Museum to the National Museum of Ireland facility at the former Collins Barracks on Benburb Street, Dublin 7, and no discussions have taken place in this regard.

The Air Corps retains a number of fixed wing and rotary wing aircraft for historical purposes in the Air Corps Museum at Casement Aerodrome, Baldonnell. The Air Corps museum receives visiting groups on tours subject to written application and approval by my Department. 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.

The Air Corps currently has two aircraft on loan to the National Museum of Ireland in Collins Barracks, which are presently on display as part of a major military exhibition being run by the National Museum.

Departmental Properties.

972. **Mr. Boyle** asked the Minister for Defence his plans for lands at Templebreedy, Crosshaven, County Cork. [15287/07]

Minister for Defence (Mr. O’Dea): The Department of Defence holds property at Fort Templebreedy, Crosshaven, Co. Cork comprising 37 acres approximately. Fort Templebreedy is no longer used for military purposes, save as a location for communications masts. Arising from concerns that the continued use of the former military Pitch and Putt Club facilities located on the property, which were held under Licence from the Department, would present serious health and safety hazards for members and visitors, it was decided to suspend further use of the facilities pending a complete safety assessment of the site and this decision was conveyed to the Club in March 2005. The assessment was completed and this confirmed the presence of serious safety hazards. As a result the facilities have not

been used in the interim. The matter, however, is currently under review.

973. **Mr. Boyle** asked the Minister for Defence the reason for the delay in transferring lands held by his Department at Ballincollig, County Cork to local sporting organisations. [15288/07]

Minister for Defence (Mr. O’Dea): As the Deputy is aware it was agreed at the time of the closure and sale of Murphy Barracks, Ballincollig that an area comprising approximately 27 acres of the property would be transferred by the Department of Defence to Cork County Council for community use. The Council will provide playing pitches for the local GAA and Soccer Clubs from within part of the area in question. The Department instructed the Chief State Solicitor’s Office in this regard in June, 2004 and the legal formalities in regard to the transfer are being progressed in consultation with that Office who are in communication with the Solicitor for Cork County Council in the matter. Cork County Council have been informed from the outset that the Department is most anxious to complete the transfer of these lands without delay.

Water Pollution.

974. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the measures of an interdepartmental nature, and the decisions involving inter-ministerial agreement that have been or will be taken in order to assure the future of Lough Corrib, threatened as it is by activities that fall for control by the Departments responsible for agriculture and food, environment and local government, forestry and fisheries, and tourism. [14175/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Statutory responsibility for protection and improvement of water quality is assigned primarily to local authorities acting under the general supervision of the EPA. Lough Corrib lies within the Western River Basin District as designated under the EU Water Framework Directive and Galway County Council is the coordinating local authority for this District.

A framework for coordination of water management actions by all relevant public authorities within each River Basin District has been established for the implementation of the Water Framework Directive. All relevant public authorities, including Government Departments, are participating in these arrangements which will lead to the adoption by 2009 of river basin management plans for each district, incorporating environmental objectives and a programme of measures to achieve those objectives. Work is currently underway on the preparation of an Overview Report for each District to be published in June 2007. The reports will outline the

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significant water management issues that have been identified for each District and the possible measures to be taken.

Lough Corrib is also a proposed candidate Special Area of Conservation (cSAC) and, as such, all landowners and relevant public authorities have responsibility in relation to its management and conservation. In particular, my Department has been working with the Forestry Service of the Department of Agriculture and Food on measures to protect the fresh water pearl mussel, which species has been identified in the rivers feeding into Lough Corrib.

These is continuing liaison and co-ordination between my Department and other relevant Departments as appropriate in relation to the co-ordination of policies and actions for water management in all areas. For example, the protection and improvement of water quality in the Lough Corrib basin is being significantly strengthened by the implementation of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations which came into effect in 2006 and give statutory support to the national Nitrates Action Programme. These Regulations were developed in close consultation with the Department of Agriculture and Food, and Teagasc, and are supported by an enhanced package of financial supports for farmers and cross-compliance systems operated by that Department.

Election Management System.

975. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if consideration will be given to correspondence (details supplied) from a students union; and if he will make a statement on the matter. [14275/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There is no restriction in law in relation to the day of the week which may be specified as polling day for a general election. All relevant factors will be taken into account in the determination of the polling day for the next general election. The Electoral Act 1997 provides that students pursuing a course of study on a full-time basis at an educational institution in the State, who are registered at, but living away from, home and cannot attend their polling station, may apply for entry in the postal voters list.

National Monuments.

976. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the status on the Drumanagh archaeological site in Loughshinney, County Dublin; if he will initiate the process for the acquisition or purchase of this ancient site by the Government; if he will arrange to have an archaeological dig to establish

and evaluate the full potential of the site; and if in the interim he will arrange for the necessary protection to be provided to safeguard the site from illegal and vandalising behaviour. [15138/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The promontory fort at Drumanagh, Loughshinney, County Dublin is a national monument in private ownership which is protected by Preservation Order No. 13 of 1977. The owners of such monuments have a responsibility to ensure they are secured and protected.

My Department has contacted the owner's representatives to request that improved protective measures be undertaken and the Gardaí have also been contacted about threats to the national monument. My Department continues to monitor the monument through regular site visits and is pursuing the question of improved protection with the relevant parties.

In view of the huge archaeological importance of this site the Department is reviewing all options in relation to the protection of the national monument, including acquisition or purchase. My Department has no proposals at present to excavate this site.

Housing Grants.

977. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the position regarding an application for funding in respect of an organisation (details supplied) in County Louth; and if he will make a statement on the matter. [15355/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department recently approved the invitation of tenders for this project, which will be carried out under the capital funding scheme for voluntary and co-operative housing projects. Drogheda Borough Council, which is responsible for the detailed administration of the scheme in their area, have been notified accordingly.

Fire Service.

978. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government when an interim injury allowance will be payable to a person (details supplied), as recommended by the Ombudsman, subject to review pending settlement of a claim for injury as a result of an occupational injury visited upon the person whilst on duty; and if he will make a statement on the matter. [15416/07]

1019. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he will examine the case of a person (details supplied) in County Waterford, an employee of

Waterford city fire brigade who was injured while travelling to a fire and who lost a lower limb as a result; and if he will make a statement on the matter. [14736/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 978 and 1019 together.

An application for sanction to pay an injury grant to the person concerned was received by my Department in February 2007. This has been examined, in consultation, as necessary, with the local authority and the Department of Social and Family Affairs, and I expect that a decision will be made within the next two weeks.

Water and Sewerage Schemes.

979. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government his decision arising from a meeting in Dáil Éireann on 24 January 2007 with members of a council (details supplied) in County Mayo in regard to the Crossboyne sewerage scheme; if his attention has been drawn to the urgency of this matter in view of his decision in informing the people that they would have the relevant information by the end of February 2007, which decision has not been communicated to them; and if he will make a statement on the matter. [15536/07]

1032. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when an application for funding (details supplied) was first lodged with his Department; the progress it has made to date; and the estimated cost of the works. [15020/07]

1033. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a sewerage scheme (details supplied) in County Mayo; if he met with the community council of that area; what happened at that meeting; and when funding will be approved for that scheme. [15021/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 979, 1032 and 1033 together.

The Mayo Towns and Villages Sewerage Scheme, which includes Ballyheane, Charlestown, Cross, Crossboyne and the Neale, is approved for funding in my Department's Water Services Investment Programme 2005-07 at an estimated cost of €6.07m.

Further consideration will be given to the Council's Preliminary Report for Ballyheane, Cross, Crossboyne and Neale, (which includes proposals to pump wastewater from Crossboyne to the Claremorris Wastewater Treatment Plant), on receipt of additional information requested from the Council last month. The Preliminary Report was under examination by my Depart-

ment when I met the deputation from Crossboyne in January last. The additional information requested from the Council in the meantime is required to demonstrate that all elements of the proposal are fully justified on economic and environmental criteria; this was a condition of my Department's 2004 approval of the Council's brief for the appointment of consultants to prepare the Preliminary Report.

The Preliminary Report for the Charlestown element of the scheme was received earlier this month and is being dealt with as quickly as possible.

Question No. 980 withdrawn.

981. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the concerns of the local community at Bawnogues, Straffan, County Kildare whose homes rely on septic tanks and who are anxious to be included in the proposed Straffan sewerage scheme; if he has had discussions with the relevant section of Kildare County Council with a view to ensuring the availability of facilities through the proposed scheme, thereby eliminating potential pollution threats in an area within the River Liffey catchment area; and if he will make a statement on the matter. [15781/07]

1038. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the various sewerage treatment or pipeline facilities throughout County Kildare in respect of which his Department directly or through Kildare County Council has received complaints of methane gas emissions; his proposals to address this issue with particular reference to the ongoing complaints in this regard at Main Street, Leixlip; when he expects these issues to be resolved; and if he will make a statement on the matter. [15061/07]

1054. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the need to meet the requirements of the existing residents at Bawnogues, Straffan, County Kildare in the context of proposals for the provision of a sewerage scheme which as proposed is only expected to meet the needs of proposed development; if his Department has had discussions with Kildare County Council in this matter with particular reference to the need to ensure the extension of the facilities to the existing community; and if he will make a statement on the matter. [15351/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 981, 1038 and 1054 together.

The Lower Liffey Valley Sewerage Scheme has been approved for funding in my Department's Water Services Investment Programme 2005-07

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at an estimated cost of €31 million. The scheme provides for the expansion of the Leixlip wastewater treatment plant under one contract and for the upgrading and improvement of the wastewater collection systems in Celbridge, Kilcock, Leixlip, Maynooth and Straffan under other contracts.

The works provided for in relation to Straffan were completed last year and my Department has no proposals from Kildare County Council for any further works in the Straffan area. In January of this year I approved Kildare County Council's contract documents for the network upgrading in the other locations and have also authorised the Council to prepare contract documents for the expansion of the Leixlip wastewater treatment plant. The works to the collection system in Leixlip include proposals to eliminate the odour problem in Main Street. My Department has received no complaints or submissions, either directly or through Kildare County Council, in relation to wastewater related odours at any other location in the county.

Social and Affordable Housing.

982. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government his views on reducing the means eligibility for applicants who wish to apply for the affordable housing scheme; and if he will make a statement on the matter. [14110/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Eligibility for the affordable housing schemes is determined on the basis that applicants are in need of housing and cannot afford to purchase a house on the open market. In the case of the shared ownership and 1999 affordable housing schemes, applicants must satisfy an income test. Under this income test single applicants are eligible for these schemes where their income in the previous tax year was €40,000 or under. In the case of a two income household, the income limit is based on the formula that $2\frac{1}{2}$ times the main income plus once the secondary income does not exceed €100,000.

In approving an affordable home purchase, local authorities must consider the ability of applicants to make the necessary mortgage payments and satisfy themselves that the borrower's income is sufficient to meet the financial commitments involved under the scheme. As such, I do not believe it is necessary to introduce means testing for the affordable schemes apart from the maximum household income criteria set for shared ownership and 1999 affordable housing schemes which ensures that these schemes remain targeted at a particular income category.

Water and Sewerage Schemes.

983. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government when his Department will give approval for the Caherdaniel sewerage scheme in County Kerry in order that contract documents can be prepared; and if he will make a statement on the matter. [14111/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Caherdaniel is approved for funding under Phase 1 of the Kerry Villages Waste Water Project in my Department's Water Services Investment Programme 2005-07, at an estimated cost of €8.5m. Kerry County Council's Preliminary Report for the scheme is being examined in my Department and is being dealt with as quickly as possible.

984. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the stage of development of the Ennis water treatment project; if the tenders have been received; when the contract will be awarded; when he expects the project to go to construction phase; the length of time he anticipates this construction phase will last; and if he will make a statement on the matter.

1012. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress being made in conjunction with Clare County Council in constructing and commissioning a water treatment plant for Ennis, County Clare; and if he will make a statement on the matter. [14616/07]

1050. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he will provide special funding to Ennis Town Council in order to subsidise bottled water following the recent outbreak of cryptosporidium parasite in Galway and the ongoing problem of the Ennis water supply and the fact that the boil notice has not been lifted for the elderly and the young until a permanent water treatment system is put into place; and if he will make a statement on the matter. [15251/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 984, 1012 and 1050 together.

The Ennis Town Water Supply Treatment Scheme, which will provide a new water treatment plant for Ennis, is approved for construction in my Department's Water Services Investment Programme 2005-07. Clare County Council's tender report and recommendation for the scheme, which envisages a 78 weeks construction period, were received in the Department earlier this month and are being examined as quickly as possible. Following approval, the

Council will be in a position to place the contract for the construction of the new plant.

My Department has been providing special assistance to Clare County Council under the Local Government Fund towards the operational cost of a temporary treatment plant that will provide potable water until the new permanent infrastructure becomes operational. As a result of the installation of the temporary plant, the Boil Water Notice was lifted for the generality of Ennis consumers with immediate effect on 15 December last. However, I understand that, as a precautionary measure, it continues to apply for the present to persons who are immuno-compromised, infants and pre-school children. It is a matter for Clare County Council, as the sanitary authority, to determine, in light of the likely duration of the limited precautionary boil water regime, whether further exceptional arrangements in relation to water supply are appropriate for those cases.

985. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the position regarding his Department's consideration of Clare County Council's water services pricing policy report for the Doolin, Ballyvaughan and Corofin sewerage schemes; when he expects approval to be given; the problems associ-

ated with the Doolin sewerage scheme; and if he will make a statement on the matter. [14190/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Doolin, Ballyvaughan and Corofin Sewerage scheme is approved for funding in my Department's Water Services Investment Programme 2005-07.

I expect that my Department's examination of Clare County Council's Water Services Pricing Policy and Economic Review Reports for the scheme will be completed shortly. The Council has also applied to the Department of Communications, Marine and Natural Resources for Fore-shore Licences for the Doolin and Ballyvaughan elements of the scheme. The application is being examined in consultation with my Department.

Ministerial Staff.

986. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the names, titles, duties and dates of appointment of each of the special advisers, political advisers, personal assistants and press officers appointed by him; the salary level of each appointee including payments in lieu of pension; and if he will make a statement on the matter. [14205/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is set out in the table.

Name	Title	Salary Level	Date of Appointment	Duties
David Grant*	Special Adviser	Principal Officer	January 2005	As set out in Section 11 of the Public Service Management Act 1997.
Stephen Kearon**	Special Adviser	Principal Officer	March 2006	As above.
Geraldine Cole	Personal Assistant	Higher Executive Officer	December 2004	Provision of administrative and secretarial support.
Sean Fitzpatrick	Press Officer	Principal Officer	November 2004	Responsible for all aspects of the Department's media related activities.

*Work sharing (4 days per week)

**Work sharing (1 day per week)

A total of €15,524.64 has been paid in lieu of pension to two of the above named officers who opted for this arrangement.

Social and Affordable Housing.

987. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the alleged irregularities in the Part 8 process for social and affordable housing on a former landfill site (details supplied) in County Dublin; and if he will make a statement on the matter. [14223/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): It is understood from Dún Laoghaire-Rathdown County Council that the Part 8 process for a twenty eight social and

affordable housing development at the site in question was completed in November 2006. My Department is not aware of any irregularities in relation to the Part 8 planning process in this instance.

Turbary Rights.

988. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when contracts will be executed on the purchase of bog (details supplied) in view of the fact that the contracts are with his Department since August 2004; and if he will make a statement on the matter. [14248/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Contracts in this case were received by my Department only on 4

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April last. These contracts are now with the Chief State Solicitor's Office which is examining them to ensure that they are in order. It is hoped to proceed with the transaction as soon as possible after this.

Water and Sewerage Schemes.

989. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government if, in view of the level of cryptosporidiosis of a human form arising, he will raise the level of grants for group sewerage schemes to encourage areas to move from septic tanks to group sewerage schemes to minimise the opportunities for leakage and contamination; and if he will make a statement on the matter. [14249/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is funding a pilot programme, proposed by the National Rural Water Monitoring Committee, to test a range of new, small-scale wastewater collection and treatment systems under Irish conditions. The objective of the pilot programme is to evaluate new approaches to meeting the wastewater collection and treatment needs of rural communities and to examine the potential role for group sewerage schemes in extending collection systems to households outside the catchment of new or existing sewerage schemes.

Construction of the pilot projects is currently underway and monitoring of the performance of the new infrastructure by the National Rural Water Monitoring Committee will commence immediately after commissioning takes place. I have asked the Committee to report on the results as they become available. I intend to review the grants for group sewerage schemes in light of the outcome of the pilot programme.

Turbary Rights.

990. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the designation attached to a bog (details supplied) in County Mayo; the restrictions for activity in respect of turbary rights on this particular bog; and if he will make a statement on the matter. [14290/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Derryloughan East bog, Newport, Co. Mayo is within Special Area of Conservation (SAC) 2144, part of the Newport River designation. Cutting turf on designated SACs is strictly limited in order to protect this internationally important type of habitat. A derogation was agreed in 1999 for turf cutting, for domestic use only, on less sensitive areas of bogs designated as SACs for a period of up to ten years — that is, until the end of 2008. At the same time my Department introduced a scheme for

compensation in relation to curtailment of turbary rights or purchase of these rights. The use of so-called 'sausage machines', cutting for commercial use or any other activity that could damage the integrity of listed areas is prohibited.

Water Services.

991. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government his plans to change the exorbitant costs of metered water on farms where there is more than one drinking trough per farm, with many fragmented farms having six to eight water troughs; the reason users should pay for water which they never get as a result of a pricing policy which charges for water pumped from source rather than water used at tap or trough; if there is an unfairness about the system; and if he will make a statement on the matter. [14303/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities are required to recover from non-domestic water consumers all costs incurred in the provision of water services to those consumers. The application of the polluter pays principle, as required by the EU Water Framework Directive, entails the metering of non-domestic consumers so that a volumetric charge can be applied, with the cost of meter installation being borne by the metered consumers. The cost recovery relates to water and waste water services supplied by local authorities to all non-domestic users.

In response to concerns expressed by farming representatives in relation to the cost of metering and following a pilot billing project in one local authority area, I arranged for my Department to issue billing guidance to local authorities in December 2006, including a request that authorities consider the necessity for special discounting arrangements in the case of necessary multiple water meters on fragmented small farm holdings. Furthermore, in response to the position of farmers with fragmented holdings, the guidance recommends that the total metering charge in such instances should not exceed 180% of the cost of the first connection, irrespective of the number of meters.

Planning Issues.

992. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government if, in view of the frequency with which decisions of An Bord Pleanála are in opposition to their own inspectors, there are instances in which An Bord Pleanála is answerable to him. [14310/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since the establishment of An Bord Pleanála in 1977, planning legislation has clearly assigned final responsibility for decisions on planning appeals to the Board

and not to inspectors making reports and recommendations to the Board.

Between 2000 and 2006, the percentage of cases where the Board have reversed the recommendation of the Inspector ranged from 9% to 14% of cases. This does not include the cases where the Board amended the Inspector's recommendation by attaching, deleting or amending conditions or reasons for decisions.

In considering an appeal, the Board must consider all submissions on the file, together with their own inspector's report and recommendation, and reach their own conclusion on the matter in line with the proper planning and sustainable development of the area. If they do not follow the recommendations of the inspector, the Board must be satisfied that the facts of the case support their decision. Under the Planning and Development Act 2000, the Board must also give the reasons for their decisions and must specify the various reasons for not accepting the Inspector's recommendations.

I am satisfied that the Board operates these provisions with appropriate transparency, for example, through the publication of Inspectors' reports and Boards decisions on its website and the publication of well documented annual reports.

Finally, I would point out that, the Minister for the Environment, Heritage and Local Government may only intervene in the planning process in respect of heritage matters, i.e., to comment on planning applications or appeals, or give expert advice to planning authorities or an Bord Pleanála, in relation to the protection of the built and natural heritage. In all other circumstances, the Minister is precluded, under section 30 of the Planning and Development Act, 2000, from exercising any power or control in relation to any individual planning application or appeal with which a planning authority or An Bord Pleanála is or may be concerned.

National Parks.

993. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of his Department's consideration of a wetland park in the north midlands (details supplied); and if he will make a statement on the matter. [14319/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 567 and 577 of 5 April 2007.

Local Authority Housing.

994. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if he will immediately approve an application for funding by Longford County Council for refurbishment works at a housing estate (details

supplied); and if he will make a statement on the matter. [14336/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In December 2006 my Department wrote to Longford County Council seeking further information in respect of the proposed works to the estate in question. Subsequently, my Department met with the Council as part of the Housing Action Plan process for 2007. My Department will give detailed consideration to this proposal when the further information sought has been supplied.

Grant Payments.

995. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding an application for a thatch grant for a person (details supplied) in County Limerick. [14371/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An application for a grant was recently received. My Department will arrange for an inspection of the property as soon as possible with a view to determining eligibility for a grant.

Turbary Rights.

996. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1848 of 31 January 2007, when the payment will be made; and if he will make a statement on the matter. [14384/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to as the indicated in reply to Question No. 1848 of 31 January 2007. My Department has now advised the Chief State Solicitor's Office that it is in order to proceed with this acquisition and with the extinguishment of the relevant turbary right.

Data Protection.

997. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the details of all bodies or organisations, public and private, who have access to the national driver file and the reason for such access; and if he will make a statement on the matter. [14410/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is contained in Section 60 of the Finance Act 1993 and Regulations made under this provision. The Finance Act 1993 (Section 60) Regulations 2005, a copy of which is available in the Oireachtas Library, specify the persons who

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may have access to the vehicle and driving licence records and the purposes of such access.

Turbary Agreements.

998. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when a decision will be made on an application by a person (details supplied); the reason for the delay in same; and if he will make a statement on the matter. [14418/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The vendor in this instance wished to sell a Turbary Agreement allotted to him by Bord na Mona. As this type of interest had not previously been purchased by my Department, it was necessary to obtain additional documentation from Bord na Mona. Following a review of that supporting documentation, a decision has now been made by my Department to purchase the of turbary interest concerned. A letter of offer to purchase will issue shortly.

Local Authority Funding.

999. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if he plans to give local authorities additional funding and resources to produce leaflets translated into different languages to recognise the many different nationalities currently living here, which in turn would help clear up misunderstandings and possible anti-social behaviour; and if he will make a statement on the matter. [14429/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The need for local authorities to respond to issues of multi-culturalism and migration is fully acknowledged. The major local authorities have already been arranging for the translation of relevant information and other material into different languages. Some of this work is supported with funding from my Department's Housing Management Initiative Grant Scheme.

Housing policy has been reviewed in the context of both general migration policy and the sustainable communities agenda. In line with this, my Department is also supporting a research initiative on issues arising for neighbourhood planning, housing provision and estate management policy from increased ethnic and cultural diversity.

The Government's recent policy statement Delivering Homes, Sustaining Communities is particularly focused on the building of sustainable communities. Ensuring the continued development and support of such communities and neighbourhoods will provide many benefits, including those of enhancing opportunities for migrants to satisfy their housing needs.

Anti-Social Behaviour.

1000. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if the Housing (Miscellaneous Provisions) Act 1997 does not cover nuisances which include noise, vandalism to property, children causing nuisance, obstruction caused by parking of vehicles, uncontrolled pets, late night drinking parties, and dumping of rubbish and littering, as this can cause an amount of stress and annoyance to residents; if the Act will be reviewed to include same and a law put in place to have noisy car exhausts banned as they are a cause of noise in estates at all hours of the day and night; and if he will make a statement on the matter. [14452/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Local authorities are responsible under the Housing Acts for the management and maintenance of their housing stock and the management of their estates, including taking appropriate measures in relation to anti social behaviour. Under the Housing (Miscellaneous Provisions) Act 1997 local authorities have powers to deal with anti-social behaviour which is defined to include either or both of the following:

(a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 and 1984),

(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 1997, or a housing estate in which the house is situate and, without prejudice to the foregoing, includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

In line with the Government's recently published Housing Policy Statement Delivering Homes, Sustaining Communities I propose to strengthen the powers of local authorities to deal with anti social behaviour in their estates. The necessary provisions will be included in the Social Housing (Miscellaneous Provisions) Bill 2006, the drafting of which is being advanced as quickly as possible with a view to publication by early summer.

Primary responsibility for dealing with law and order issues rests with the Garda Síochána and in this regard, the powers of the Gardaí in dealing with anti social behaviour were enhanced under the provisions of the Criminal Justice Act 2006. The Garda Síochána Act 2005 also supports these efforts and provides for the establishment of joint policing committees, representative of local auth-

orities, the Gardaí, other public bodies and community interests.

Social and Affordable Housing.

1001. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if it is open to a local authority to award priority to applicants within a defined local area when allocating affordable housing that was procured under Part V of the Planning and Development Acts. [14465/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Section 98 of the Planning and Development Acts 2000-2006 provides that local authorities must allocate affordable housing in accordance with a scheme to be determined by the elected members. The legislation sets out those matters that must be included in any scheme and which the local authority have to consider when prioritising eligible persons for the allocation of affordable housing. These include, inter alia, the duration of eligible persons' residence in the area of the development plan, the distance between the affordable housing and the places of employment of eligible persons and any other matters which the authority considers appropriate or as may be prescribed by regulations.

National Monuments.

1002. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if Dublin City Council wins the compulsory purchase order case, the ownership of 16 Moore Street will be relinquished by the people who owned it prior to the initiation of the CPO process, and transferred to the city council in compliance with the development plan, or if the ownership of 16 Moore Street will transfer to a person (details supplied) on foot of a secret contract which was made by them and the management of Dublin City Council in February 2004 which the membership of Dublin City Council, the 52 elected local government representatives, were unaware of for over two years. [14481/07]

1015. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if the Supreme Court rules in favour of Dublin City Council in relation to its CPO case regarding 16 Moore Street, his Department will actively seek to have the ownership of 16 Moore Street transferred to the city council in compliance with the development plan, or will the ownership transfer to a person (details supplied) as per a contract agreed with the management of Dublin City Council in February 2004, which was not disclosed to the elected members of Dublin City Council for over two years; and if he will make a statement on the matter. [14670/07]

1016. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the policy and procedures in place to ensure that number 16 Moore Street, a heritage site of historical significance as the 1916 leaders' last stand headquarters, is preserved for future generations and is owned and managed by a not for profit organisation charged with its protection and promotion. [14671/07]

1017. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if he will take positive action to ensure that the ownership of 16 Moore Street is taken into public hands, using whatever means are at the disposal of the State; and if he will make a statement on the matter. [14672/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 1002, 1015 to 1017, inclusive, together.

Number 16 Moore Street is listed on Dublin City Council's Record of Protected Structures and is also the subject of a Preservation Order under the National Monuments Acts. The maintenance and upkeep of protected structures or national monuments are the responsibility of the building's owner. The Planning and Development Act 2000 empowers the local authority to take action to secure the protection of protected buildings. The owner of a national monument the subject of a Preservation Order, or any person, is required under the National Monuments Acts to obtain the prior written consent the Minister for the Environment, Heritage and Local Government before undertaking any works affecting such a monument, including disturbance of the ground within, around or in proximity to it. Before giving such consent the Minister must consult with the Director of the National Museum of Ireland.

A person who contravenes this provision of the National Monuments Acts is guilty of an offence and liable, upon conviction, to substantial fines or terms of imprisonment. The Minister may take enforcement action to secure the protection of such monuments.

Private Rented Accommodation.

1003. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the options open to a landlord having completed all the necessary procedures and statutory notices, but where their tenant refuses to vacate the property. [14485/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Section 78(j) of the Residential Tenancies Act 2004 provides that a landlord may refer a dispute of this nature to the Private Residential Tenancies Board once the tenancy in

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question is registered with the Board. The Board may be contacted at Canal House, Canal Road, Ranelagh, Dublin 6 (Phone 01 8882960) and further information on their dispute resolution services is available on their website at www.prtb.ie. A landlord may pursue the matter through the Courts where the Board has confirmed to the landlord for this purpose that the Board has no jurisdiction in the matter. However, it remains an offence under the Residential Tenancies Act to fail to register a tenancy subject to a fine of up to €3,000.

Road Network.

1004. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if his Department has received information from Carlow County Council regarding the building of a new bridge in Tullow, County Carlow to alleviate the chronic and ever growing traffic problem in the area. [14493/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Responsibility for the provision of non-national roads and bridges in its area is a matter for each individual road authority to be funded from its own resources supplemented by State grants provided by my Department. My Department has allocated a specific grant of €750,000 to Carlow County Council this year for the Tullow Relief Road, which includes the provision of a new bridge in Tullow. Progress with the advancement of that project is now a matter for the local authority.

National Monuments.

1005. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government further to a previous parliamentary question, if he will provide further details in relation to a former monument in County Mayo (details supplied); and if he will make a statement on the matter. [14497/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in reply to Question No. 670 of 3 April 2007, under Section 12(3) of the National Monuments (Amendment) Act 1994 two months notification in writing of any works proposed at or in relation to a monument listed on the statutory Record of Monuments and Places is required to be given to the Minister for the Environment, Heritage and Local Government. Notification of quarrying works at the stated location was referred to my Department in November 2006 by Mayo County Council. Copies of the relevant documentation in this matter will be forwarded to the Deputy. The provision of planning documentation is a matter for the relevant planning authority.

Rural Water Programme.

1006. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position in relation to construction procedure, reform and delivery of the rural water programme for 2007, in particular the timescale for the introduction of reforms for conditions of engagement for construction contracts and circular letter 3306 from the Department of Finance indicating that training is essential before new forms are used and that this training will not be completed until September 2007. [14562/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Revised procurement arrangements for all publicly funded construction projects have been introduced by the Minister for Finance which have applied to the engagement of construction consultants from 1 January, 2007, and have introduced new Forms of Contract from 19 February, 2007. The strategic objective is to produce greater cost certainty at contract award stage, value for money and more efficient delivery of projects.

Under the training programme for local authorities in relation to the revised procurement procedures, priority is being given to key personnel involved in project delivery. I am satisfied that the training arrangements have been structured to ensure minimal, if any, disruption to the Rural Water Programme.

Local Authority Funding.

1007. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the way the local authorities can draw down the approved funds before the end of November 2007; and if he will make a statement on the matter. [14563/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities recoup expenditure incurred on approved programmes and projects from various subheads within my Department's Vote. Claims for payment are submitted at various intervals on foot of certified expenditure and payment is usually made by my Department within a short period in respect of all eligible claims. General Purpose Grants from the Local Government Fund, which amount to some €948m in 2007, are paid to local authorities quarterly in advance.

Public Procurement Guidelines.

1008. **Mr. J. Higgins** asked the Minister for the Environment, Heritage and Local Government if it is consistent with his Department's tendering guidelines for a company (details supplied) to tender for the management contract of a new leisure complex in Letterkenny, County Donegal, when this company is owned by the consultancy

company which drew up the business and marketing plan for the project. [14566/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): All public bodies, including local authorities, are subject to public procurement policy and guidelines as determined by the Minister for Finance in accordance with national and EU procurement guidelines. The relevant policy and guidance materials are published on-line at www.e-tenders.gov.ie.

My Department has no supervisory function in relation to this contract. Exchequer assistance towards the project is being managed by the Department of Arts, Sport and Tourism. The contracting authority in this case is Letterkenny Sports Complex Development Ltd. which is a company limited by guarantee under the auspices of Letterkenny Town Council.

Control of Dogs.

1009. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government the powers local authorities have which would be of assistance to residents who have to endure persistent barking of dogs from next door neighbours; and if he will make a statement on the matter. [14580/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The statutory framework for the control of dogs is contained in the Control of Dogs Acts 1986 and 1992 and the Control of Dogs Regulations 1998. Under the provisions of section 25 of the 1986 Act the District Court may act on a complaint by any person where a nuisance has been created by excessive barking by a dog.

While complaints in relation to barking dogs are largely dealt with under the provisions of the Control of Dogs Acts, the position in relation to noise nuisance generally is that a legal remedy has been provided under Section 108 of the Environmental Protection Agency Act 1992 (Noise) Regulations 1994. This allows an individual, a group of residents, a local authority or the Environmental Protection Agency to make a complaint to the District Court in respect of noise which gives reasonable cause for annoyance, for the purpose of obtaining an Order for the reduction, prevention or limitation of the noise. The defendant is obliged to comply with any such Order.

Water and Sewerage Schemes.

1010. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when funding was first applied for in respect of a project (details supplied) in County Mayo; the funding allocated to this project by stage; the funding that has been drawn down; the expected costs of the project on completion; the estimated

completion date for the project; and if he will make a statement on the matter. [14593/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The extension of the Lough Mask Regional Water Supply Scheme from Shraah to Westport and the upgrading of the Tourmakeady Water Treatment Plant are being funded under my Department's Water Services Investment Programme 2005-2007 at an estimated cost of €21.3 million.

Last January I approved Mayo County Council's Contract Documents for the scheme, subject to agreement between the Council and the Department in relation the Water Services Pricing Policy Report for the scheme. A revised Water Services Pricing Policy Report was received in my Department on 30 March 2007 and is being dealt with as quickly as possible with a view to allowing the Council to proceed to tender at an early date. Mayo County Council's first claim for recoupment of expenditure on the scheme was received in my Department on 5 March 2002 and payments totalling €1,238,094 have been made to the Council in the meantime.

1011. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if funding has been applied for in respect of a project (details supplied) in County Mayo; if so, when the application was lodged; and the projected costs of same. [14594/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Louisburgh Water Supply Scheme, which includes an extension of the Lough Mask Regional Water Supply Scheme to serve Louisburgh and Murrisk, is approved for funding under my Department's Water Services Investment Programme 2005-2007 at an estimated cost of €6.3 million. Mayo County Council's Contract Documents for the scheme are being dealt with as quickly as possible following receipt of additional information from the Council on 30 March last. The Council's first claim for recoupment of expenditure incurred on the scheme was submitted to my Department on 23 November 2005.

The Lough Mask Regional Water Supply Scheme extension to Newport and Mulranny was ranked twelfth in the list of water services schemes submitted by Mayo County Council in response to my Department's request to local authorities last year to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The priorities adopted by the members of Mayo County Council will be taken into account in the framing of the next phase of my Department's Water Services Investment Programme.

I understand that Kilmeena will be serviced by the Kilmeena Group Water Scheme which is

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being funded by Mayo County Council from its block grant allocation from my Department under the Rural Water Programme.

Question No. 1012 answered with Question No. 984.

Motor Taxation.

1013. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the reason a vehicle (details supplied) cannot be taxed as a commercial rather than a private vehicle; and if he will make a statement on the matter. [14617/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): To be taxed at the goods (commercial) rate, the vehicle must be constructed or adapted for use as a goods vehicle and used exclusively for the conveyance of goods or burden in the course of trade or business. Goods vehicles, which are used for private purposes must be taxed at the private car rate. Responsibility for the administration of motor tax and for determining the motor tax rate appropriate in individual cases is a matter for the local licensing authority.

Special Areas of Conservation.

1014. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government when an application by a person (details supplied) in County Galway to have some land reclassified from its current SAC status will be decided on; and if he will make a statement on the matter. [14669/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that the appellant was informed by letter dated 30 March 2007 of the decision in the case referred to. He was also advised of the possibility of referring the matter to the Appeal Advisory Board within a certain period.

Questions Nos. 1015 to 1017, inclusive, answered with Question No. 1002.

Environmental Policy.

1018. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if further towns are to be added to those with a ban on bituminous coal; the assessments being carried out to ensure that towns that may be in need are being considered; and if he will make a statement on the matter. [14674/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The ban on the marketing, sale and distribution of bituminous

coal currently applies in 16 urban areas nationally. The selection of these areas took account of air quality monitoring data and population size. In April 2006, my Department and the Solid Fuel Trade Group signed a new negotiated agreement concerning further reductions in the sulphur emissions of bituminous coal and petcoke, and the maintenance of existing limitations through smokeless zones on the marketing, sale and distribution of solid fuels.

The new agreement follows on from a previous agreement put in place in 2002 and runs until the end of the fuel season in April 2008. The new agreement locks in place the significant environmental gains achieved by the first agreement through ambitious limits on sulphur levels in bituminous coal and petcoke. The advantage of this approach is that it ensures that all solid fuel is cleaner, which should lessen the overall impact of such fuels on air quality.

Under the new agreement, there is at present a temporary moratorium on the designation of further coal ban areas during the life of the agreement, except where required to ensure adherence to air quality standards. My Department has requested local authorities to maintain a high level of vigilance with regard to air quality in their areas and to be notified immediately of any problems with local air quality which may be caused by the use of solid fuels.

Question No. 1019 answered with Question No. 978.

EU Directives.

1020. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the assistance available for participants in the farm plan scheme for designated areas and commonages, if they are instructed to build a farm shed as part of their plan; and if he will make a statement on the matter. [14796/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The National Parks and Wildlife Service Farm Plan Scheme for Designated Areas and Commonages provides for compensation to landowners or land users for actual losses of farming income that arise as a result of implementation of the EU Habitats Directive (92/43/EEC), the Birds Directive (79/409/EEC) and the Commonage Framework Plans.

The annual compensation payment is based on a calculation of the income foregone (e.g. the loss of the gross margin on destocked animals or reduced forage yield due to restricted fertiliser usage) and/or the cost of meeting the requirements of the particular plan (e.g. the erection of fencing). For specified habitats or species, an area-based rate of payment may apply. In very

exceptional circumstances, a lump sum may be payable for fixed capital expenditure, such as for the erection of animal housing, in circumstances where it may be necessary to exceed the standard required by Good Agricultural and Environmental Condition and Good Farming Practice.

Heritage Sites.

1021. **Mr. J. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the estimated cost to the taxpayer of the decisions in the High Court and Supreme Court arising out of the refusal by him to grant a licence to the owner of the *Lusitania* under section 3(5) of the National Monuments (Amendment) Act 1987; and if he will make a statement on the matter. [14803/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Legal costs in respect of the High Court and Supreme Court actions taken in relation to the wreck of the RMS *Lusitania* remain to be determined by the Courts and/or the Taxing Master.

Safety Certificates.

1022. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his plans to nominate a number of people to sign off on certificates of safety for travelling funfairs; the number of such certificates in force; and if he will make a statement on the matter. [14817/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Planning and Development (Certification of Fairground Equipment) Regulations 2003 put in place procedures and checks to ensure that funfair equipment cannot be operated in Ireland without a valid safety certificate. Under those Regulations, the requirement to have safety certificates came into force on 1 March 2004. Responsibility for obtaining a certificate lies with the organisers of funfairs and/or owners of fairground equipment.

Applications for certificates of safety must be made to an authorised person designated by the Minister and a separate application must be made for each piece of fairground equipment. Certificates are valid for a period of up to 14 months.

When the regulations came into force, three persons were authorised under the Regulations to carry out inspections and grant certificates of safety. These appointments resulted from expressions of interest being sought by my Department for suitably qualified and experienced personnel. My Department will shortly advertise seeking further expressions of interest with a view to appointing additional authorised persons.

The regulations provide that when a certificate of safety is granted by an authorised person, a

copy of the certificate is sent, inter alia, to my Department. In 2006 a total of 513 certificates of safety were received in my Department; none has been received to date in 2007.

Urban Renewal Schemes.

1023. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the reason a press statement released by his Department on 3 April 2007 failed to mention the boundary change in Moyross, Limerick; if his attention has been drawn to the fact that changes to the boundary of Moyross are critical in facilitating the intensive development and regeneration of the north city area in Limerick; if he will give a commitment to effect this change as a matter of urgency; the date at which this change will be effected; and if he will make a statement on the matter. [14864/07]

1024. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the dates on which the two area-based special purpose regeneration agencies, Limerick north-side regeneration and Limerick southside regeneration, will be established in order to address issues of social exclusion and regeneration in Moyross and other areas of Limerick City; the progress to date in respect of the establishment of these agencies; and if he will make a statement on the matter. [14865/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 1023 and 1024 together.

Last October, Mr. John Fitzgerald, former Dublin City Manager, was appointed by Government to lead an initiative to address social exclusion, crime and disorder in Moyross and other parts of Limerick City. Mr. Fitzgerald recently completed his report and the Government have agreed to implement its recommendations. Work is underway in my Department at present in drafting the necessary statutory instruments to establish the regeneration agencies proposed and these agencies will be set up as soon as possible.

My Department’s Press Statement included details of Mr Fitzgerald’s recommendation of a limited extension of the Limerick city boundary to support regeneration and investment. My Department will be following up on this recommendation with Limerick City and County Councils as part of the implementation of the report.

Housing Management Companies.

1025. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government his views on the ODCE consultation paper and

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draft guidance on the governance of apartment owners management companies published by the Office of the Director of Corporate Enforcement on 12 December 2006, and on the Law Reform Commission's consultation paper on multi-unit developments and management companies published on 19 December 2006; his views on the conclusion of both reports that new legislation is urgently required in this area; when he will bring legislation on management companies to Dáil Éireann; and if he will make a statement on the matter. [14872/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 1824 of 31 January 2007. I understand that the consultation period for the Office of Director of Corporate Enforcement's paper has since been extended to 30 April 2007, which is also in line with the Law Reform Commission's consultation period. The Department of Justice, Equality and Law Reform has convened the inter-departmental committee to consider legislative responses to issues generally relating to property management companies.

Waste Management.

1026. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if there is an obligation on local authorities to provide a waiver towards refuse service charges to people on low incomes, irrespective of whether their refuse collection is private or public service. [14901/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. The present legal framework, as determined by the Oireachtas, reflects this. In accordance with section 52 of the Protection of the Environment Act 2003, the determination of waste management charges, and any associated waiver scheme, is a matter for the relevant local authority, where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges.

Housing Grants.

1027. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of applications received from support groups seeking to provide refuge facilities for families suffering from domestic violence in each of the past five years; the amount of funding provided; the areas of application; the decisions in

relation to each area; and if he will make a statement on the matter. [14919/07]

1028. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of applications received by his Department for the provision of funding towards extensions of existing women's refuge centres in all areas for each of the past five years; the funding involved; the amount allocated; and if he will make a statement on the matter. [14920/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 1027 and 1028 together.

The Department of Justice, Equality and Law Reform, which chairs the National Steering Committee on Violence against Women, has overall responsibility for issues relating to violence against women. Capital funding is available through my Department's Capital Assistance Scheme to voluntary housing bodies providing accommodation to meet a range of special housing needs; these include accommodation for the homeless and victims of domestic violence. Given that the accommodation provided by voluntary housing bodies for victims of domestic violence may be multi-purpose or may not be categorised specifically, separate figures are not available for expenditure on accommodation for victims of domestic violence.

Decisions on funding for accommodation of victims of domestic violence, including refuges and transitional accommodation, are matters for the local authority in whose area the accommodation is situated.

Motor Taxation.

1029. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he will introduce a savings scheme for the payment of motor tax through the purchase of stamps, similar to that in operation in respect of the purchase of television licences; and if he will make a statement on the matter. [14936/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Easier and more prompt payment of motor tax for motorists is being facilitated through the on-line motor tax payment service which now handles over 40% of eligible motor tax business nationally and is extremely successful in this regard. There are no proposals to introduce a savings stamp scheme for motor tax.

Fire Stations.

1030. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government when funding will be provided for the provision

of a new fire station at Lismore, County Waterford; and if he will make a statement on the matter. [14937/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): A proposal for a new fire station at Lismore, County Waterford was received in my Department on 24 October 2006. While it was not possible to include this proposal in the 2007 fire services capital programme, funding has been provided for a range of priority projects which have been advanced in County Waterford in recent years. These include replacement stations and extensions or upgrading works at stations in Ardmore, Cappoquin, Dungarvan, Dunmore East and Tramore.

The provision of a station in the wider west Waterford area will be considered under future programmes having regard to the existing facilities, the level of activity, the proximity of other fire stations, the fire authority’s priorities and competing demands of for the available funding. In that connection, my Department has written to the fire authority requesting an appraisal in relation to fire cover in the wider west Waterford area, given the proximity of Lismore, Tallow and Cappoquin fire stations. The fire authority has also been requested to outline its priorities for replacement stations in the County.

EU Directives.

1031. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if she will ensure that implementation of the EU directive which requires water metering and charging for non-domestic users exempts non-profit organisations such as sports clubs and schools; and if he will make a statement on the matter. [14979/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Article 9.1 of the EU Water Framework Directive requires Member States to take account of the principle of water services cost recovery, including environmental and resource costs, in accordance with the polluter pays principle. The Directive is being implemented in Ireland in relation to the non-domestic sector on the basis of recovery of all non-domestic water services costs from non-domestic users of the services. This is being achieved by means of a meter based volumetric charge to ensure water charging of users according to actual consumption. Metering should also encourage water conservation. There is no provision for the exemption of any class of non-domestic user from water charges.

Questions Nos. 1032 and 1033 answered with Question No. 979.

Water Pollution.

1034. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of submissions he has received from Kildare County Council in view of recent concerns in regard to the quality of the domestic water supply for the upgrading of existing or provision of new waste water treatment facilities from the various local authorities throughout County Kildare in the past five years; the number of such instances in respect of which he has made a favourable response; the number outstanding; if his attention has been drawn to all such proposals; the number of plans or schemes, preliminary or otherwise, in respect of which he has provided funding in the five year period; the number outstanding; when he expects to meet the full requirements; and if he will make a statement on the matter. [15043/07]

1037. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of the various local authorities here that have been in contact with his Department in the past five years setting out their concerns in respect of the need for the upgrading of existing sewerage treatment systems or the provision of new schemes, with a view to meeting population requirements and averting potential pollution threats to the waterways including the domestic water supply; if he responded conclusively and favourably in each case; the number of cases outstanding; if he has approved all such plans and provided the necessary funding to facilitate these requirements; if he will examine all such outstanding issues with a view to preventing a repetition of pollution of the domestic water supply such as has happened in County Galway; his proposals to prevent such recurrences; and if he will make a statement on the matter. [15046/07]

1045. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the number of new and upgraded water treatment plants that have been approved by his Department over the past two years; the dates of same; the number of these approvals that have included equipment installation specifically designed to address the threat from cryptosporidium thereby ensuring a potable supply for all dependent consumers; and if he will make a statement on the matter. [15183/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 1034, 1037 and 1045 together.

Water and waste water schemes currently approved for funding by my Department are set out in the Water Services Investment Programme 2005-2007 which is available in the Oireachtas Library. Schemes included in the Programme are derived from regular assessments of needs under-

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taken by local authorities, at my Department's request, as an input to the overall strategy for meeting water supply and treatment requirements. Local authorities were required by my Department to undertake such assessments in 2003 and again in 2006. In carrying out their assessments, authorities take into account a number of factors, including relevant national and EU environmental, public health and water quality statutory requirements and standards.

Explicit requirements in relation to monitoring of drinking water for *clostridium perfringens* — an indicator of possible contamination of the water by cryptosporidium — have been in force since end 2003 under the Drinking Water Regulations 2000. Prior to that, in 1998, my Department circulated detailed guidelines to local authorities on minimising the risk of cryptosporidium in water supplies. The guidelines were prepared in consultation with the Department of Health and Children and the Environmental Protection Agency (EPA) and circulated to local authorities. The guidelines provided advice to local authorities on preventing cryptosporidium entering water supply systems and covered all aspects of water supply management, including source protection, monitoring, treatment processes, storage and distribution as well as responding to an outbreak.

In September 2004, the EPA produced a handbook for local authorities on implementation of the Drinking Water Regulations 2000. This updated and elaborated on the Department's earlier guidelines by including a cryptosporidium risk assessment methodology and further guidance on monitoring for cryptosporidium in light of the outcome of individual risk assessments. In November 2004, the National Disease Surveillance Centre (now the Health Protection Surveillance Centre) also published a report on water-borne cryptosporidiosis.

The EPA Handbook requested each authority to prepare risk assessments for each water source and supply, using the updated methodology. EPA has taken account of these risk factors in the recommendations that it addresses annually to local authorities for monitoring and improving drinking water quality. In some cases, the EPA recommendations may identify required improvement of infrastructure; in others, source protection and operational management may be the main issues. Earlier this month, the EPA asked all local authorities to update their risk assessments.

My Department's Water Services Investment Programme provides capital funding for improvements of the water infrastructure of local authorities. Identified deficiencies posing relatively greater risk to human health or the environment are prioritised in this context. The EPA has identified coagulation, followed by sedimentation and filtration, as one of the most effective processes

for removing cryptosporidium from water supplies. This is now the normal form of treatment provided in all new or upgraded water treatment infrastructure for supplies sourced from surface waters which are the most vulnerable to infection by cryptosporidium.

Greenhouse Gas Emissions.

1035. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the carbon sequestration capacity of one hectare of forestry; the most effective way to ensure the maximisation of such potential as a means of reducing carbon trading costs having regard to the availability of such forestry throughout the country; and if he will make a statement on the matter. [15044/07]

1036. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the carbon sequestration capacity of one hectare of bog land; the most effective way to ensure the maximisation of such potential as a means of reducing carbon trading costs having regard to the availability of such bog land throughout the country; and if he will make a statement on the matter. [15045/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 1035 and 1036 together.

The Kyoto Protocol allows Parties to offset carbon sequestered by forests against their greenhouse gas emissions. Article 3.3 allows Parties to count net carbon sequestration from afforestation and deforestation provided since 1990, arising over the period covered by the Protocol, 2008-2012.

Sequestered carbon must be accounted for in national inventories of greenhouse gas emissions in accordance with guidelines provided by the Intergovernmental Panel on Climate Change. Carbon sequestration associated with bog land in Ireland is not recorded for the purposes of compliance with Ireland's Kyoto Protocol commitments.

In order to calculate sequestration levels from forests, the area of and species composition of afforestation must be estimated for each year. COFORD, the National Council for Forest Research and Development, has developed a model to predict carbon sequestration based on net forest area and a number of other factors such as growth increment, wood density, carbon content and biomass expansion factor, based on Irish research and the Good Practice Guidance of the Intergovernmental Panel on Climate Change.

The COFORD model estimates that average annual sequestration over the period 2008-2012 will be 2.074 million tonnes of CO₂, based on an estimated 244,000 hectares of new forest planted over the period 1990 to date, and 14,000 hectares to be planted per annum between now and 2012.

Carbon sequestration in new forest is slow to begin with, but once the crop is fully established it rapidly increases year on year, to reach a peak over the period 10-30 years, depending on species and growth rate. On average, over that period, annual uptake, under Irish conditions, will be 10 tonnes of CO₂ per hectare per year.

The National Climate Change Strategy 2007-2012 sets out the measures being taken by the Government to maximise the sequestration potential of forestry. Grant aid for the establishment of forestry is provided under EU and State-funded afforestation schemes. In addition, the Forest Environment Protection Scheme, part of the Rural Development Programme 2007-2013, encourages farmers to combine the establishment of high nature-value woodland with their participation in the Rural Environment Protection Scheme (REPS). An indicative €906 million will be spend on afforestation over the period covered by the Rural Development Programme.

Question No. 1037 answered with Question No. 1034.

Question No. 1038 answered with Question No. 981.

Local Authority Housing.

1039. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if, in relation to the requirement in Part 5 of the Planning and Development Acts 2000 and 2002 he will confirm that housing developments in villages which do not have a development plan in place are exempt from the requirements of this provision; and if he will make a statement on the matter. [15070/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under Part V of the Planning and Development Acts 2000 to 2006, each planning authority is required to prepare a housing strategy to ensure that the authority's Development Plan, into which the strategy is incorporated, makes adequate provision for the housing requirements of the existing and future population of the area. The housing strategy also provides the basis for determining the percentage, up to 20%, of land zoned for residential development or for a mix of residential and other uses that the local authority may require to be reserved for social and affordable housing purposes under Part V.

Section 9(1) of the Act provides that all planning authorities must make a development plan every six years and that these relate to the whole functional area of the authority. The issue of village-specific development plans does not therefore arise in the implementation of Part V.

1040. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if it was the intention of Part 5 of the Planning and Development Acts 2000 and 2002 that villages in the greater Dublin area would be exempt from this requirement and hence would not have to provide social and affordable housing. [15071/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Part V of the Planning and Development Acts 2000-06 applies to all planning permissions for developments on land zoned for residential use or a mixture of residential and other uses where the developments are of 5 or more units or on land of 0.1 hectares or more. It does not apply to developments by voluntary housing bodies or to conversions of buildings where at least 50% of the external building is being retained or to housing on land which is not zoned for residential purposes. Accordingly, villages in the Greater Dublin Area are not exempt from Part V.

Turbary Rights.

1041. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 183 of 15 February 2007, the position regarding the issues raised; and if he will make a statement on the matter. [15079/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The issue regarding the grant of right of way has been resolved and the contracts for sale are now with the Chief State Solicitor's Office for execution.

Local Authority Housing.

1042. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that tenants of local authority dwellings here who wish to purchase their houses by tenant purchase scheme are finding it prohibitive, in view of the fact that the local authorities under the scheme are taking into consideration the current valuation on the houses; and his proposals to bring forward a more favourable tenant purchase scheme. [15088/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In line with the Government's recently published Housing Policy Statement *Delivering Homes, Sustaining Communities*, an enhanced scheme of tenant purchase will be introduced. The Government has approved the drafting of the Social Housing (Miscellaneous Provisions) Bill 2006, which provides, *inter alia*, for new tenant purchase arrangements. The drafting of the Bill is being advanced as quickly as

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possible with a view to publication by early summer.

Fire Services.

1043. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government his views on the case being made by the National Retained Firefighters Association for a national standard uniform for such firefighters; and if he will make a statement on the matter. [15181/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department accepted recommendations made by the Fire Services Council some 10 years ago in relation to the design and specification of uniforms for fire services personnel and these were forwarded to the fire authorities for consideration in regard to the purchasing and replacement of uniforms, where appropriate. However, provision of uniforms remains a matter for individual fire authorities.

1044. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government his views on the case made by the National Retained Firefighters Association for a compensation scheme for retained firefighters who are killed or injured in the course of their duties; and if he will make a statement on the matter. [15182/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to reply to Question No. 302 of 21 March, 2007. The position is unchanged.

Question No. 1045 answered with Question No. 1034.

National Monuments.

1046. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he has visited Maynooth Castle, Maynooth, County Kildare, in his capacity as Minister. [15225/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since my appointment as Minister I have not had an opportunity to visit Maynooth Castle in my official capacity and to review the €2 million restoration works which have been carried out there. As I advised the Deputy in reply to Question No. 568 of 5 April 2007, this consisted of a programme of conservation and adaptation works to the ground floor, the provision of access to the first floor and the provision of an exhibition and reception point. This has facilitated visitor access and the provision of a guide service. The site is now open to the public on a seasonal basis.

Local Authority Services.

1047. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government further to Question No. 1909 of 31 January 2007, if he will issue the regulations this side of the general election. [15227/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 1909 of 31 January 2007. I am continuing to keep this matter under review, while consolidating progress on quality customer service measures, with the aim of ensuring good accessible local government service delivery for all towns.

Local Authority Staff.

1048. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if, in view of his response to Question No. 570 of 5 April 2007, he will confirm that he has never written to the Minister for Finance seeking the lifting of the embargo on the recruitment of local authority staff in the greater Dublin area and other areas experiencing large population growth. [15229/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department wrote to the Department of Finance in October 2006 identifying a range of issues arising in relation to the current ceiling on local authority staff numbers, including increased servicing requirements in areas which have experienced high population growth. As indicated previously, I am continuing to keep the overall employment position in the local government sector under regular review, and my Department is maintaining appropriate contact with the Department of Finance in this regard.

Housing Grants.

1049. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the position in relation to the application by a women's refuge support group (details supplied) in County Kildare for funding under the capital assistance scheme. [15236/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Capital funding is available through my Department's Capital Assistance Scheme to approved voluntary housing bodies to provide accommodation to meet special housing needs, including accommodation for victims of domestic violence. My Department's involvement with the scheme relates primarily to the provision of funds. The administration of the scheme and the certification that particular projects comply with the terms of the scheme are the responsibility of the appropriate local authority. No appli-

cation for funding has been received from Kildare County Council to date in respect of the project detailed in the Question.

Question No. 1050 answered with Question No. 984.

County Development Boards.

1051. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the budget for each county development board in 2006 and 2007; if he is satisfied regarding the work being carried out by the respective boards; and his plans to change the functions and structures of the boards. [15271/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): County and City Development Boards (CDBs), led by local government, were established in early 2000 in each county and city area and are representative of local development bodies, State agencies and the social partners operating locally. A key function of the Boards is to bring about the more integrated delivery of public services at local level via their Strategies for Economic, Social and Cultural Development. The CDBs were given statutory recognition in the Local Government Act 2001. However, the Boards are not executive bodies and do not have a specific budget of their own. They are supported in the main by the relevant local authority and implementation of the Boards' Strategies is the responsibility of their member agencies, having regard to available resources.

In 2006, at my request, CDBs completed a review of their Strategies to ensure that they remain focused on key priorities over the following three years. In this context, I appointed independent consultants to examine the Strategy Reviews and bring forward recommendations to develop and strengthen the Boards in line with a commitment in Towards 2016. It is expected that the consultants will be submitting their final report shortly.

City Status.

1052. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if, in view of the significant increase in population in Drogheda, County Louth he will introduce legislation if necessary to grant Drogheda city status; and if he will make a statement on the matter. [15282/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 modernises the legislative framework, supports community involvement with local authorities in participative local democracy and underpins generally the programme of local government renewal including the position of county and city councils as the

primary units of local government. Under the Act, there are five city councils, and also five borough councils (including Drogheda) each of which is responsible for a significant range of legal and administrative functions in their respective areas as well as contributing to local development in co-operation with their respective county council.

The Act takes account of the recommendations of the 1996 Report of the Reorganisation Commission Towards Cohesive Local Government — Town and County regarding improved accessibility, interaction and linkages for all boroughs and towns with their local county council areas as the way forward. A modernised legal framework and structures at both regional and local level are now in place and these provide the necessary powers and flexibility to local authorities to work in partnership to co-ordinate the provision of integrated public services. In these circumstances I have no proposals for amending legislation, which would be necessary to establish new city councils.

Fire Stations.

1053. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Donegal; and when it is expected that a decision will be made to allow work to commence. [15283/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe): An application from Donegal County Council for the provision of a new fire station in Gaath Dobhair, County Donegal was received in my Department on 15 February 2006. The project was subsequently included in the 2006 Fire Services Capital Programme. The fire authority submitted detailed cost plans, as well as a report recommending acceptance of a tender, to my Department on 20 April 2007. The tender proposal is being examined and a response will issue shortly.

Question No. 1054 answered with Question No. 981.

Housing Management Companies.

1055. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he or his Department has been in contact with Kildare County Council regarding issues relating to management companies for houses in the county; if discussions have or will take place to accelerate taking estates in charge that are subject to management companies; and if he will make a statement on the matter. [15352/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Planning and Development Act 2000 sets out the statutory

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framework within which planning authorities must take in charge estates and may attach planning conditions relating to maintenance or management of a proposed development. In addition to the legal framework, my Department has also issued policy guidance to planning authorities on these issues.

In relation to the taking in charge of estates, my Department's circular letter PD 1/06 reminded planning authorities of their responsibilities in this area and asked them as a priority to establish a policy on taking in charge to be approved by the members of the authority, and reported on to those members on a regular basis or at least once annually. Section 34 of the Planning and Development Act recognised the practice of establishing management companies for apartment developments by including in the list of conditions which planning authorities may attach to planning permissions, specific conditions relating to the maintenance or management of the proposed development.

In late 2005 my Department contacted all planning authorities, including Kildare County Council, enquiring as to their policy regarding attaching planning conditions in relation to management companies to planning permissions for estates comprising apartments only, estates comprising a mix of apartments and houses and estates comprising houses only. Following on from the results of this survey my Department issued policy guidance in July 2006 in the form of circular letter PD 5/06. In that circular letter it was made clear to planning authorities that they should not require the establishment of a management company for a "traditional" housing estate other than in very specific instances, e.g. to maintain a facility which is for the sole use of residents.

The policy guidance did acknowledge, however, that the question of who should be responsible for the maintenance of certain shared facilities in the newer type of mixed estate needed further examination. Accordingly, my Department established a Working Group, representa-

tive of local authorities, architects, planners and consumer interests to consider this issue and other related issues around taking in charge of estates. The Group has now completed its work and it is intended to issue further guidance shortly to planning authorities based on the outcome of its deliberations.

Control of Dogs.

1056. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will introduce new regulations to provide greater protection to the public and animals from dog attacks; and if he will make a statement on the matter. [15358/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Control of Dogs Acts 1986 and 1992 place statutory responsibility for dog control and licensing services on local authorities. The implementation of the Acts is vested in local authorities who have power to appoint dog wardens, to provide shelters for stray and other dogs, to impose on-the-spot fines for a number of offences and to take prosecutions. Local authorities may also make by-laws in relation to the control of dogs within their functional areas.

The Control of Dogs Regulations 1998, made under the above Acts, place additional controls on ten breeds of dogs. The controls, which must be observed when the dog is in a public place, require that these dogs, or types and crosses thereof, must be kept on a short lead by a person over 16 years of age who is capable of controlling them and that they are securely muzzled. Furthermore, the Control of Dogs Act 1986 gives specific powers to the courts to order that a dog, which the court considers dangerous, must be kept under proper control or be destroyed. While these arrangements provide a workable regulatory framework for enforcement by local authorities, my Department is reviewing the control measures to consider, for example, whether the micro-chipping of dogs could bring benefits to dog control.