



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 26 April 2007.

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DÁIL ÉIREANN

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Déardaoin, 26 Aibreán 2007.
Thursday, 26 April 2007.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
 —————

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Hayes: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the arbitrary and inflexible criteria for teacher allocation numbers in primary schools, one example being Bansa national school which recently lost a teacher because of the Department's inflexible teacher allocation model and despite the fact that the village is set to grow in population due to new housing developments. There is an urgent need for a new model to be introduced where more wide-ranging factors than figures on a page determine the teacher allocation model in our schools and where the local authority is given greater input.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the discriminatory allocation of €114 million under the dairy investment fund because in making the allocations, the Minister for Agriculture and Food, Deputy Coughlan, has failed to take the opportunity to enhance the dairy industry in the north west where dairy interests sought funding for a joint cheddar cheese project. By her actions the Minister has acted against the policy of successive Governments to encourage joint projects and rationalisation in the industry and has further continued the Government's refusal to deliver fair treatment to the north west.

Mr. Costello: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the findings of the recent TNS-MRBI survey which concluded that 27% of female members of the Permanent Defence Force claimed they had been bullied or

harassed in the past year; and, second, the failure of the Government to take effective measures to increase female participation in the Permanent Defence Force which currently stands at only 5%.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, in light of the CSO finding that arrests for drug dealing are up 40%, indicating a major increase in drug-related crime, the urgent need for the Government to reinstate a full-time Minister with sole responsibility for the national drugs strategy; make adequate budgets available to both local drugs task forces and regional drugs task forces for the development of drug services to respond to the crises in both heroin and cocaine use; implement immediately the action plan on setting up local community policing fora; provide support for families to be involved as partners at local drugs task force and regional drugs task force level; and for the Minister to stop spinning statistics and concentrate on restructuring and re-targeting Garda resources at the drugs crisis and associated serious crime, as is his responsibility.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, that the Government provide adequate numbers of gardaí to work with the community to provide a proper policing service; that adequate manning levels are allocated to rural Garda stations such as Carlingford, Omeath and Ardee; and that necessary resources are given to the community restorative justice programmes to ensure a proper community-based policing service for all our people.

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

Mr. Sargent: Did the Ceann Comhairle not receive a request under Standing Order 31 in my name?

An Ceann Comhairle: No, Deputy.

Mr. Sargent: I was informed by the Ceann Comhairle's office that it did. How many offices has the Ceann Comhairle?

An Ceann Comhairle: I will hear the Deputy's request if he is satisfied it is cleared from the office.

Mr. Sargent: I am sorry about the confusion but I was led to believe there was no confusion.

I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, that the Minister for Arts, Sport and Tourism explain how the only cultural centre for traditional music in Fingal has been snubbed by the Government after Fingal County

[Mr. Sargent.]

Council, the fastest growing county area, applied for a €2.2 million grant as a contribution to the Seamus Ennis Centre in Naul, north County Dublin, with the undertaking of far greater matching funding from the local authority. Despite the Minister having visited the area, it seems the Government is turning its back on the people of Dublin North. I ask that this decision be reconsidered.

An Ceann Comhairle: Having considered that matter, it is not in order under Standing Order 31.

Order of Business.

Minister for Finance (Mr. Cowen): It is proposed to take No. 18a, motion re proposed approval by Dáil Éireann of the Risk Equalisation (Amendment) Scheme 2007; No. 18b, Child Care (Amendment) Bill 2006 [*Seanad*] — motion to instruct the committee; No. 24, Child Care (Amendment) Bill 2006 [*Seanad*] — Order for Report, Report and Final Stages; No. 25, Protection of Employment (Exceptional Collective Redundancies and Related Matters) Bill 2007 [*Seanad*] — Committee and Remaining Stages; No. 18c, motion re establishment of commission of investigation into matters relating to and surrounding the death of Mr. Gary Douch; and No. 18d, motion re establishment of commission of investigation into the management, operation and supervision of Leas Cross nursing home.

It is proposed, notwithstanding anything in Standing Orders that (1) the Dáil shall sit later than 4.45 p.m. today and business shall be interrupted at the conclusion of Oral Questions to the Minister for Enterprise, Trade and Employment; (2) the proceedings on No. 18a shall, if not previously concluded, be brought to a conclusion after 25 minutes and the following arrangements shall apply: (i) the speeches shall be confined to a Minister or 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, who may share their time and which shall not exceed five minutes in each case; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; (3) the proceedings on No. 18b 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 a Minister or 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, who may share their time and which shall not exceed 15 minutes in each case; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; (4) the Report and Final Stages of No. 24 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion

at 2.30 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health and Children; (5) Committee and Remaining Stages of No. 25 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 4 p.m. today by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Enterprise, Trade and Employment; (6) the proceedings on No. 18c 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 a Minister or 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, who may share their time and which shall not exceed 15 minutes in each case; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; (7) the proceedings on No. 18d shall, if not previously concluded, be brought to a conclusion after 25 minutes and the following arrangements shall apply: (i) the speeches shall be confined to a Minister or 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, who may share their time and which shall not exceed five minutes in each case; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; and (8) Question Time today shall be taken at the conclusion of No. 18d for 75 minutes and in the event of a Private Notice Question being allowed, it shall be taken after 45 minutes and the order shall not resume thereafter.

An Ceann Comhairle: There are eight proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with No. 18a, motion re Risk Equalisation (Amendment) Scheme 2007, agreed?

Mr. Bruton: No. The framework for health insurance established by the Government has been unravelling in recent months. That unravelling has been punctuated by legislation introduced on an emergency basis and passed without proper debate. Today, another item of legislation is being introduced at the 11th hour and only 25 minutes have been allocated for the debate on it. The legislation to which I refer is clearly the start of a process of dramatic change in the health insurance environment. That process could lead to significant increases in premiums and also to the end of the unified charge for people, regardless of age. The provision of a mere 25 minutes — with spokespersons being given only five minutes to make their views known on a matter of enormous significance to the way the health insurance system will work in

the long term — is inadequate. We do not support the proposal.

Ms McManus: This proposal is completely unacceptable to the Labour Party. It shows that the Government is possessed of such overweening arrogance that it believes it can introduce changes of such significance without being accountable to anyone. We are being asked to make five-minute contributions on issues relating to health insurance.

The legislation is being steamrolled through the House. The changes proposed by the Government will increase the costs for subscribers, particularly those who are members of the VHI. It is important to note that the steamroller is being driven by the Progressive Democrats. The latter party is determining health policy. It is all about profit now and is no longer about patient care. Proposals relating to private hospitals have been rammed through and changes relating to health insurance, which will ensure that people will, unnecessarily, be obliged to pay more, will also be rammed through. The change proposed by the Government undermines the case it won so handsomely in the courts in respect of risk equalisation. It will put at risk the position of the Government in respect of the appeal to the Supreme Court.

This Administration has lost all sense of being accountable to the people. It is important that a challenge should be offered in respect of these issues, which are being ideologically driven by the Progressive Democrats wing of the Government. We are concerned about the future of the VHI, about plans for privatisation and about the impact of the proposed changes on people who take out insurance with the company. If anything, we have been presented with the strongest argument yet that there should be a fundamental review of health insurance in order that a universal system might be introduced.

We are challenging——

An Ceann Comhairle: The Deputy is aware that only a brief comment is allowed.

Ms McManus: I am making a brief comment. I have a great deal more to say and I will not be able to say it during a five-minute contribution on the legislation.

An Ceann Comhairle: The Deputy will not be saying a great deal more now because the Chair is soon going to rule that she must resume her seat.

Ms McManus: I am about to conclude.

An Ceann Comhairle: A brief comment is all that is allowed at this stage.

Ms McManus: I promise the Ceann Comhairle that I am finishing my brief comment.

An Ceann Comhairle: The Deputy will have an opportunity to comment on the matter later.

Ms McManus: I am about to conclude. To say that five minutes per spokesperson is adequate to allow us to deal with this issue is an absolute and utter disgrace.

Mr. Sargent: This measure again highlights the fact that the Dáil is being changed from an accountable Parliament into a tokenistic talk shop. We cannot be expected to deal with legislation and changes of this nature in such an off-hand way and at the 11th hour of a Dáil term.

The measure is also a further indication of how the Government is facilitating the eclipse of health by health care. It has nothing to do with the health of the nation and is designed to make health into a commodity. The Government is losing the plot. We must learn why people are not healthy and we will not do so if this commodification of health and profiteering in respect of people's illnesses continues.

Caoimhghín Ó Caoláin: The passage of the proposed motion will have far-reaching implications for health funding in the State and for the many people who contribute to personal health insurance, be it through the VHI or any of its competitors. This amounts to a complete farce and represents an insult to the Dáil and to the people who elected us. The provision of 25 minutes to address a matter of such import is completely inadequate. I hope the Minister for Finance will heed the voices of Opposition Members and recognise that there must be an extension of the debate, particularly in light of what is being proposed.

I fail to understand how the fault in this regard can lie solely with the Progressive Democrats, particularly when the Government, of which Fianna Fáil is also a part, has put forward this proposition. I do not understand the Labour Party's exoneration of Fianna Fáil from responsibility in respect of what is being proposed.

An Ceann Comhairle: I must now put the question.

Mr. J. Higgins: Ceann Comhairle——

An Ceann Comhairle: Provision is only made for contributions from party spokespersons at this stage.

Mr. J. Higgins: ——this is the payback——

An Ceann Comhairle: I must put the question.

Mr. J. Higgins: ——for Quinn Direct bailing out the Government in respect of the BUPA mess earlier this year. What is happening is outrageous.

Question put: "That the proposal for dealing with No. 18a be agreed to."

The Dáil divided: Tá, 53; Níl, 36.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Brady, Johnny.
 Brady, Martin.
 Callanan, Joe.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Cooper-Flynn, Beverley.
 Cowen, Brian.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Gallagher, Pat The Cope.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.

Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kitt, Tom.
 Lenihan, Brian.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Ó Cuív, Eamon.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Smith, Michael.
 Wallace, Dan.
 Wallace, Mary.
 Woods, Michael.

Níl

Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Crawford, Seymour.
 Cuffe, Ciarán.
 Deasy, John.
 Durkan, Bernard J.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Harkin, Marian.
 Hayes, Tom.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.

Howlin, Brendan.
 Lynch, Kathleen.
 McGrath, Finian.
 McHugh, Paddy.
 McManus, Liz.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Quinn, Ruairí.
 Ring, Michael.
 Ryan, Eamon.
 Sargent, Trevor.
 Twomey, Liam.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 18*b*, motion to instruct the committee re the Child Care (Amendment) Bill 2006, agreed?

Caoimhghín Ó Caoláin: It is not agreed. The Child Care (Amendment) Bill 2006 has already passed through the Seanad and has gone through Second and Committee Stages, yet the Minister has brought forward very substantive amendments which in our view fundamentally alter the nature and purpose of the Bill. These amendments do not relate to the very specific and narrow original

purpose of the Bill, which was to address the issue of foster care.

An Ceann Comhairle: We are discussing a very simple procedural motion, No. 18*b*.

Caoimhghín Ó Caoláin: I am well aware of what we are discussing.

An Ceann Comhairle: It is a motion to instruct the committee.

Caoimhghín Ó Caoláin: Make no mistake about it—

An Ceann Comhairle: I ask the Deputy to listen to the Chair when the Chair is speaking. It

is a motion to instruct the committee on the Child Care (Amendment) Bill 2006. We are not discussing the taking of Report Stage, amendments or anything else. It is purely a procedural motion about allowing 65 minutes for the debate.

Caoimhghín Ó Caoláin: That is a bit disingenuous, with all respect. The reality is what this motion is preparing for with regard to Report and Final Stages, which are coming immediately afterwards. This motion is integral to what is intended and the introduction of the amendments I have already spoken of shows that the whole nature of this Bill has changed. This is a facilitation of that process and it is completely wrong.

The debate is being confined to a 65 minute opportunity, which is absolutely unacceptable given the reality that the Bill has fundamentally changed in its purpose and intent. I cannot accept the provision of time on the basis of what is before us.

Question, "That the proposal for dealing with No. 18*b*, motion to instruct the committee re the Child Care (Amendment) Bill 2006, be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 24, Report and Final Stages of the Child Care (Amendment) Bill 2006, agreed? Agreed. Is the proposal for dealing with No. 25, Committee and Remaining Stages of the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Bill 2007, agreed? Agreed.

Is the proposal for dealing with No. 18*c*, motion re investigation into the matters arising from the death of Mr. Gary Douch, agreed? Agreed. Is the proposal for dealing with No. 18*d*, motion re establishment of a commission of investigation into the management, operation and supervision of Leas Cross nursing Home, agreed? Agreed. Is the proposal for Question Time agreed? Agreed.

Mr. Bruton: When will we see in the Dáil the promised ethics Bill sponsored by the Department of Finance? We were promised the Bill at least five or six months ago and when the Tánaiste was questioned about it, we were told to relax and that it would definitely be passed before the end of the Dáil session. I would like an undertaking from the Minister for Finance that this legislation will be taken in this Dáil session and it will not be relegated to yet another broken promise.

Mr. Cowen: The Order for Second Stage is in the Seanad and was due to be taken this week. Owing to the untimely death of Senator Kate Walsh, it was decided by the Seanad to take it next week.

Mr. Bruton: The question relates to whether it will be taken in this House.

An Ceann Comhairle: That cannot be decided until it has concluded in the Seanad.

Mr. Bruton: May we have an undertaking that it will be taken?

An Ceann Comhairle: It is not an appropriate question for the Order of Business.

Mr. M. Higgins: I wish to raise an issue we had before on the Order of Business. In January 2006, I raised the matter of two treaties that had not been placed before the Dáil relating to agreements with the United States. On foot of that, the Department of Foreign Affairs began in March 2006 a trawl of all agreements not placed before the Houses.

The Order Paper from yesterday contained almost 280 different agreements, falling into three clear categories, and this issue affects the Order of Business. Some are simply administrative, some are possibly administrative and some involve charges. Therefore, under Article 29.5 of the Constitution, these require approval of the Dáil. For example, there are several relating to the European Bank for Reconstruction and Development and some relate to European treaties. Where they involve a charge, it is clear that under Article 29.5 they must not only be laid before the Houses but need the approval of the Houses.

I have two questions. Will we have an explanation of which of the matters laid in yesterday's Order Paper are clearly administrative, those for which Dáil approval by way of being laid before the Houses is being sought and those for which approval will be sought before the dissolution of this Dáil? What is the legal status of any of these in the event of the Dáil being dissolved? On a superficial reading, it would seem there would be a clear breach of Article 29.5 of the Constitution.

An Ceann Comhairle: The Deputy's last question might be more appropriate for the line Minister.

Mr. M. Higgins: Which of these will be made legally proper before the dissolution of the Dáil and what is their status in the event of time not being made available?

Mr. Cowen: The intention is that they will all be properly laid before the Houses of the Oireachtas in whatever way is required because of constitutional provisions, etc. The specific query raised by the Deputy can be clarified through the line Minister, who will contact him directly.

Mr. M. Higgins: On those agreements which involve a charge, the approval of the Houses is necessary. Will such approval be forthcoming for those in that category? If it is not forthcoming, what will be their status?

An Ceann Comhairle: Is legislation promised?

Mr. Howlin: It has nothing to do with legislation.

Mr. M. Higgins: For example, we have made appointments to bodies that flow—

An Ceann Comhairle: I ask the Deputy to allow the Minister to speak.

Mr. Cowen: The case under such circumstances is clear. I am not sure if any of them require approval of the House, although this contention is being made by the Deputy. If approval is required by the House it will be given in due course, although its timing will be a matter for the House to decide.

This has been a long-standing issue as many of these international agreements and instruments required updating. This has been done and we are in the process of bringing them into our domestic legislation. We have brought whatever administrative decisions are required to the Order Paper and I congratulate all of those who worked on these issues on bringing them to this stage. Those instruments not requiring the approval of the House are properly put to the House.

The Deputy is making a contention but I am unsure of the validity of his point. If there is any substance to the point the Deputy is making, the approval of the House will be required before some of these international agreements are properly enacted in legislation. I do not know whether the Deputy's point is correct, but he is certainly raising an issue. That many of these matters were mentioned on the Order Paper yesterday is an indication of the work that has been done to date.

Mr. Sargent: I would like to ask the Minister for Finance, who has worked in the Departments of Health and Children and Foreign Affairs, about the register of persons who are considered unsafe to work with children. The House has not since 2004 been given any indication of when the legislation providing for that register will be considered. It has gone completely. It is hoped that the institutions in the North will start to work after 8 May. We were told that the promised legislation I have mentioned was contingent on developments in the North.

An Ceann Comhairle: That question was answered when it was raised by the Deputy's colleague during the week.

Mr. Sargent: It is inexplicable and unforgivable that the legislation is not being introduced as a matter of urgency. The demonstrations outside this House during the statutory rape crisis should have reminded the Government that this matter cannot be dismissed.

An Ceann Comhairle: The Deputy is taking up the time of the House.

Mr. Sargent: I would like to know why the legislation is gone.

An Ceann Comhairle: The matter has already been debated this week.

Mr. Cowen: It is proposed to establish a register of persons who are considered unsafe to work with children to give effect to the recommendations of the joint working group on child protection.

Mr. Sargent: The legislation has gone off the list.

Mr. Cowen: I understand that issues relating to the legislation, which arises from the work of the North-South Ministerial Council, will be dealt with under the proposals for the upcoming children's referendum.

Mr. Costello: Can I ask the Minister whether the Roads Bill 2007, which provides for residents-only parking while major events are taking place, will be passed before the Dáil is dissolved? The legislation is needed, in the dying days of the Dáil, because many large-scale major events are to be held in our national stadium, Croke Park, over the summer.

Mr. Cowen: I understand that the Bill is included on next week's schedule.

Ms Lynch: Given that thousands of people throughout the country are waiting to buy their homes from local authorities, when will the social housing (miscellaneous provisions) Bill be published? Will it be introduced before the Dáil is dissolved?

Mr. Cowen: The Bill is due to be brought to the House during the course of this year. It is a matter for the Whips to decide whether it will be introduced in this Dáil.

Mr. Costello: How much of this Dáil is left?

Caoimhghín Ó Caoláin: It was indicated last autumn that the adoption (Hague Convention, adoption authority) Bill would be published during the spring session. I am not sure whether the spring session has concluded or is still ongoing. The current programme of promised legislation states that the Bill will be published in 2007. The publication of this important Bill, which relates to a matter that needs to be addressed by these Houses, has again been delayed. Can the Minister indicate with certainty that the Bill will be addressed in 2007? When does the Minister expect that to happen?

Mr. Cowen: It is due to be published during the course of this year. It will probably be enacted under the next Fianna Fáil-led Administration.

Caoimhghín Ó Caoláin: Does the Minister think so?

Mr. Sargent: The Bill is a long way away so.

Mr. Durkan: Given that energy issues are quite topical at present, and in view of the likely activity over the next few weeks, can the Minister indicate whether the minerals development Bill is likely to be discussed in the House as a matter of urgency before the general election? Perhaps the Minister will consult his colleague, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, who is present in the House and should have the information I am looking for.

Mr. Cowen: I find it interesting to note what is exercising the minds of Deputies this morning. It is expected that the minerals development Bill will be enacted during the course of the coming year. Perhaps Deputy Durkan will have an opportunity to contribute at that time.

Mr. Durkan: I hope we all do.

Ms Burton: I would like to ask about secondary legislation. The Minister is aware that section 100 of the Finance Act 2007 includes a specific provision that allows a charge to be imposed on stamp duty in certain circumstances involving licensing agreements. The Minister promised during the debate on that legislation that he would close a specific loophole. A commencement order is necessary if he is to do that. As other Deputies have said, we are in the twilight days of this Dáil. Where is the commencement order? The Minister promised to close this notorious loophole, which can be availed of by developers and rich people who wish to avoid stamp duty. The loophole does not benefit young couples who are buying houses. It seems that the provision that was promised and included in the Finance Act has been set aside, presumably to facilitate Fianna Fáil's developer friends once again. When will the commencement order that, under section 100 of the Finance Act 2007, is needed to close this loophole be introduced?

Mr. Cowen: As the Deputy said, I included in the Finance Act 2007 a proposal to deal with the issue in question. I said that I would enact certain provisions subject to the provision of a commencement order. I intend to consult the industry on how best that can be achieved in the months ahead.

Ms Burton: So it is gone.

Mr. Broughan: Is there any chance that the electricity (transfer of transmission assets) Bill will be published before the general election? Has the Department considered the implications, if any, of that legislation for the Exchequer? Has the Minister been asked to

approve the allocations of moneys to fund the establishment of a commission of investigation into the Stardust tragedy?

An Ceann Comhairle: The Deputy's first question is in order.

Mr. Cowen: I understand that the electricity legislation mentioned by the Deputy has to be enacted by the end of 2008. While we are proceeding with the preparations in that regard, we are not in a position to indicate precisely when it will be introduced. We understand that the incoming Government will have to adhere to the 2008 deadline.

Risk Equalisation (Amendment) Scheme 2007: Motion.

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

That Dáil Éireann approves the following regulations in draft:

Risk Equalisation (Amendment) Scheme, 2007,

copies of which have been laid in draft form before Dáil Éireann on 24 April 2007.

The changes being made in the scheme before the House give effect in the risk equalisation scheme to the legislation that was enacted last February to amend the Health Insurance Acts to protect our system of community rating. This country's policy of community rating means that no health insurer can set prices in a way that means people are unable to afford their premiums as they get older and more likely to need medical care. This fair and equitable approach eliminates the possibility of discrimination on the basis of age and health status.

Risk equalisation is a necessary feature in a community rated market. Prior to the enactment of the Health Insurance (Amendment) Act 2007, legislation allowed new entrants to the market, such as VIVAS Health, to avail of a three-year exemption from the obligation to make risk equalisation payments. The exemption was intended to give time to bona fide new entrants to establish themselves and build market share. When the original legislation was enacted, the Oireachtas intended that the exemption should be confined to new entrants which were coming into the market to build market share from scratch, using normal business practices. The risk equalisation scheme provided for such an exemption for new market entrants. The Government considers that the exemption has to be removed to protect the operation of the community rated market, which means that related changes have to be made to the risk equalisation scheme. Most of the changes set out in the explanatory memorandum are of a technical nature and reflect the legislative changes which have been made. As returns are made on a six-monthly basis, covering

[Mr. T. O'Malley.]

January to June and July to December of each year, it is necessary to make the changes before the next returns are compiled and returned to the Health Insurance Authority at the end of July.

I will briefly outline some of the main changes which are being made. The Government is satisfied that the reduction is appropriate, having regard to the removal of the exemption; its receipt of the reports on the market; its views on the exemption; the Health Insurance Authority's report, which proposed an extension of the phasing process at the end of the three-year exemption period for a further three years; the need to ensure there is proportionality in the scheme; and the decision to reduce the payments that arise to 80% of the current level.

The zero sum adjustment, a technical mathematical balancing of moneys within the scheme, is also being amended. While it was a minor feature in recent criticisms of the scheme, the opportunity is being taken to amend the formula so that payments by any contributors will be clearly based on their own claims costs.

The amendments in article 11(3) and related changes to the formula and data to be submitted are designed to ensure that reported claims data remain consistent in circumstances where an undertaking is running down its business. Some other minor technical amendments are addressed in the explanatory memorandum.

A primary intention of the amended scheme is to balance the twin objectives of promoting competition in the health insurance market whilst at the same time protecting the integrity of community rating, both of which are to the benefit of the consumer. The Government is satisfied that the changes being made to the scheme are in the best interests of consumers and the development of the market.

Dr. Twomey: This measure is another indication of the Government's failure. It has failed to deliver a consultants' contract, the Minister for Health and Children has spent the past month demonising nurses and, following the terrible recent tragedy in County Wexford, members of the Garda are expected to double as social workers at weekends. Neither the Minister nor the Minister of State has an understanding of the crisis in the mental health services. I am surprised the Minister of State has not issued a statement on this matter. One cannot expect general practitioners and ambulance drivers to do the job of a senior social worker and one would never contemplate not making an ambulance or a GP available. The Government, through its failure to resource the Health Service Executive properly, contributed to what happened in County Wexford.

The private insurance patient is being told to vote for Fianna Fáil or the Progressive Democrats. This is another opportunity to give patients a harsh dose of PD medicine. It is clear from the

Minister's press statement that the purpose of this measure is to privatise the VHI. It has nothing to do with mutualisation. That is a red herring intended to win over the VHI's 1.2 million subscribers. Mr. Seán Quinn places a value of €1 billion on the VHI. The company is owned by the State. If its status is changed, will it be loaded with a loan of €1 billion? How will the mutualised VHI raise a loan of €100 million so that its reserves can reach the percentage point expected by law when its derogation is removed within 18 months? How will the VHI repay that loan? The changes made by the Government to risk equalisation mean that the company's income will decrease. It will be necessary to raise private health insurance premiums, but the Government does not have the honesty to admit that people who have private health insurance are getting a raw deal. The Government does not know what it is doing.

Fine Gael accepts the need to change risk equalisation because competition and community rating are sacrosanct. The Government has done a U-turn from the nonsense it spouted when BUPA left the Irish market. It is now responding to some of the issues which drove BUPA out of the market. At that time the Government insisted that risk equalisation was perfect, did not need to be altered and would remain. It now admits that problems attach to risk equalisation as it is applied in Ireland. A measure such as this should not be taken on the eve of the fall of a Government. It should be properly discussed.

Not only is the Government falling behind with regard to risk equalisation, it is also altering community rating. Four months ago the Government promised that it would never change community rating. It was supposed to be sacrosanct. Now it is to be changed. I can understand and accept that younger people should pay lower premiums. However, the introduction of a yellow pack plan with community rating will mean that those who buy other plans, which will not have community rating, will be ripped off. Speaking on radio this morning, the Minister claimed she is looking after the interests of the ordinary patient. This is not the case. The ordinary patient will get the rawest deal of all.

The Minister of State claims to be pro-consumer. Nothing in this scheme is pro-consumer. The Minister, in her press statement, promised that the Health Insurance Authority will "initiate a process of consultation with the health insurance industry and private health care providers on defining the level of health insurance which should be subject to community rating". Her press statement contains no reference to consumer representation. The Government has no intention of including consumers in the choices to be made on their behalf by the Government and the private health insurance market, whose motivation is totally different from that of consumers.

The recent report by the Barrington group on the health insurance market acknowledges some uncertainty about private health insurance among policy makers. The report says politicians and civil servants have concerns about it. The group found this uncertainty particularly surprising in the context of the Government's strong support for the development of private hospitals. The report goes on to refer to universal health insurance and other changes in the private health insurance market.

Deputies are allowed only five minutes to discuss this important matter. The Government is deceiving private health insurance patients. Their premiums will be increased and will increase even further in the next couple of years. The Government will not engage in a proper debate with those private patients. It will rip them off as it has ripped off everyone else. The Government will get its warning in a few weeks time.

Ms McManus: I protest at the way this debate has been arranged. The Government did not intend to subject these changes to any debate whatsoever. The overweening arrogance of the members of the Government is such that they thought they could pass this measure without any debate. We have had a miserly concession of five minutes speaking time for each Deputy, which is not sufficient to deal with this very complex issue.

More than 52% of the population have health insurance, even though everyone has an entitlement to health care. The Minister for Health and Children continues to disregard this point when she talks about moving private patients out of public hospitals and into her super clinics. Everyone has an entitlement but because of the Government's failure to deliver the world-class health service it promised more and more people are turning to private health insurance to safeguard themselves and their families. That is the most damning indictment of the Government.

The principle of community rating and the balancing provision of risk equalisation have been a very important security within the health insurance area. I have great concerns about the shift being taken by the Government on community rating. This is all the more curious given that the Government fought for risk equalisation and won handsomely when it was challenged in court. The Government is now diluting the risk equalisation provisions in a way which is not necessary. This certainly relates to some kind of payback connected to BUPA's withdrawal from the Irish market.

This is a technical measure. Even the explanatory memorandum is opaque in certain parts. The formula devised to calculate risk equalisation is complex and may not be perfect. The Dáil cannot fulfil its responsibility to consider these changes if Members are allocated only five minutes to debate them. The removal of the exemption, which was forced through by the Minister and

with which we agreed, was necessary to prevent the sharp practice of turnover of ownership in order to avail of the exemption.

Regarding risk equalisation at it stands, the case has been made by independent experts that the full burden of risk is not dealt with. It may even be as low as 50%, but we are now told that a further reduction is recommended, with a change to 80% and 20%. One thing about which we are sure in all this is that premia will rise. There is an almost fetishistic determination on the part of the Progressive Democrats to drive their agenda of "private good, public bad", "for-profit good, not-for-profit bad". That is the real agenda. The Progressive Democrats are driving the steam roller to ensure that they can push through their agenda in the dying days of this Government. They know that they will be kicked out of office very shortly.

We therefore have a further dilution in risk equalisation and a commitment to the removal of the derogation on solvency requirements for VHI. That points in only one direction, that of the privatisation of VHI. There is nothing in these changes to demand greater efficiency from insurers or better health care. It is not about those issues, even though that is what we must see. The idea is that competition in the market is somehow being jeopardised by risk equalisation. Hitherto VHI has set the fees and BUPA has followed. Although it is very difficult to get accurate figures, we all know that, as a result, BUPA made enormous profits in Ireland compared with what it was making in Britain. However, there was not and is not real competition, and there is no guarantee that this will bring it about. On the other hand, it will lead to increased premia.

We must talk about health insurance and examine it fundamentally, considering how we might use it to bring about a fair and efficient health service. There should be an opportunity when one establishes an expert group. Unfortunately, the Barrington group seems to have been set up to deal with competition and provide something for competitors entering the market, but there is a much broader agenda that should be addressed. We need a framework for the future whereby we consider the benefits of insurance and a universal system that integrates public and private. I hope that we will have that opportunity if and when we form the alternative Government that the people so desperately need. I very much regret the approach and the ideology behind these proposals.

Caoimhghín Ó Caoláin: I propose to share time with Deputy Joe Higgins.

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

Caoimhghín Ó Caoláin: As I said this morning, the passage of this motion will have far-reaching implications for health funding in the State and

[Caoimhghín Ó Caoláin.]

the health insurance of hundreds of thousands of people. The 25 minutes provided for this debate represents an outrageous insult to this House and to the people.

The Government is presiding over a shambles in our health services. Its fundamentally flawed policies and gross mismanagement of those services have meant that more and more people have had to — I emphasise that — take out personal health insurance for themselves and their families. It would not be their first choice. Many of these people are on relatively low and moderate incomes and do not qualify for a medical card, and they are concerned that if they rely totally on the public system, they will face long waiting lists and poorer health care outcomes. That is a sad indictment of the Government's management of the health services for the past ten years. People are paying on the double — let there be no mistake about that — for health care through taxation and private health insurance. As we have said here time and again, many people fall between two stools; they do not qualify for a medical card and they cannot afford private health insurance. That is the reality.

This motion approving the Minister's regulations will further hamper the VHI in the first instance and will undoubtedly lead to higher premia for people who are doing their business with that company. The wider recommendations of the Barrington report must also be mentioned in this brief opportunity. They are even more alarming, with the prospect of people being penalised for taking out personal health insurance later in life. Older people, people on pensions and in other circumstances, from their 40s onwards, will find themselves bearing an even greater cost to access health care in this State.

The implications of all that is before us are complex and wide ranging, yet we are expected to rubber-stamp this motion in less than half an hour. I note that another Deputy has arrived in the House so I will conclude by stating that we should be going in a totally different direction, towards a fully public system that is accessible to all on the basis of need alone and it should be paid for through fair and progressive taxation. That is the way forward, not this proposal or the type of system that the Progressive Democrats and Fianna Fáil would wish to foist on us.

Mr. J. Higgins: This morning a consultant neurologist from St. James's Hospital, Dr. Colin Doherty, spoke on Pat Kenny's radio programme. While I do not believe that I ever met him, I was uplifted by his commitment to the public health system and his clinical analysis of the effect and consequences of this Fianna Fáil-Progressive Democrats Government's disastrous policies on the health service, namely, that the pushing of private hospitals and the thrust towards the privatisation of health care generally

will inflict further wounds on an already wounded and over-stretched public health service.

There should be no need for private health insurance. We should have a public health service to which each citizen is entitled and that is adequate. The deliberate failure of the Government to provide an excellent public health service has frightened people so much that they are forced to seek private insurance. Community rating was a small concession to equality in that system of private insurance. However, even that is now under attack from the Barrington proposals, as is only logical because if one appoints a capitalist to report on an aspect of the health service, the result will reflect a capitalist ethos, which above all caters to the need for profit for big business interests.

This proposal is about increasing the profits of QUINN-direct and other big business elements considering what pickings they might make from the health service. It is a payback to the Government by QUINN-direct for rescuing it from a difficult situation following BUPA's pull-out. The most serious allegations have recently been made against the Government regarding motor insurance and the methods that it has applied. An investigation is under way in that regard, having been ordered by the Minister for Health and Children's party leader, the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell.

An important aspect of health has once again been handed over to speculators and business interests, and the maximisation of their profits is crucial. Patients are being treated as if they were sacks of spuds, commodities to be traded on the market, rather than people to be cared for, whose health needs are provided for. This is a further disgusting proposal that compounds the Government's already flawed approach to the health service.

An Leas-Cheann Comhairle: I call the Minister of State.

Mr. Gormley: Will I not have a chance to speak?

An Leas-Cheann Comhairle: The five minutes have expired. There is an order of the Dáil with which the Chair is obliged to comply.

Mr. J. Higgins: Let us grant the Deputy a minute and a half by consent of the House.

Mr. Gormley: Perhaps I will have one minute or even 30 seconds to say that I agree with previous speakers.

Let us consider the situation when health insurance was first introduced. It was designed for the wealthiest 15% of society, it was not designed for 54%, as is now the case, because people have no confidence in the public health service which has been run down, especially by the Progressive

Democrats and Fianna Fáil. The plans to co-locate will exacerbate that situation. As a result of the proposal before us, and due to co-location, we will have severe hikes in premiums. Let there be no doubt about that. As premiums increase, more and more people will not be able to pay them, and they will be forced back into the public health service which has been run down.

This makes no sense. The Government's health policy is a shambles. People know it is a shambles and the Government will reap its reward next month when we have an election on 24 May. The Government will see its health policy is a priority for people who will give the Government the thumbs down.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I take issue with Deputy Twomey's remarks about the Minister for Health and Children, Deputy Harney, demonising the nurses. At no stage has the Minister ever demonised the nurses.

Dr. Twomey: She clearly did.

Mr. T. O'Malley: On the contrary, she has gone out of her way to say publicly that she admires the nurses and appreciates very much the services they provide to communities throughout the country.

Dr. Twomey: The Minister of State should read again the speech the Minister made on 3 April and he will know what I am talking about.

Mr. T. O'Malley: Unlike his other colleagues in Wexford, I am surprised Deputy Twomey got involved in the blame game over what happened there. When they raised the matter on the Adjournment on Tuesday night, Deputy Twomey's constituency colleagues, Deputies Howlin and Kehoe, were fair in their treatment of this awful tragedy both for Wexford, Donegal and the entire country.

Dr. Twomey: A Leas-Chathaoirligh, that is an appalling remark. I want it withdrawn.

An Leas-Cheann Comhairle: Order, please.

Mr. T. O'Malley: I did not interrupt Deputy Twomey.

Dr. Twomey: I want that remark withdrawn.

An Leas-Cheann Comhairle: Order, please.

Mr. T. O'Malley: Deputy Twomey started the blame game even before the people are buried.

Dr. Twomey: The blame game rests with the Minister of State—

An Leas-Cheann Comhairle: The Minister of State should confine himself to dealing with the business before the House.

Dr. Twomey: —not with anybody else in County Wexford.

Mr. T. O'Malley: May I continue?

Dr. Twomey: The blame game is clearly the Minister of State's problem. I wish that remark about the blame game to be withdrawn. If nothing else, the Minister of State should explain it.

An Leas-Cheann Comhairle: The Minister of State was not in order referring to that matter. It has no connection with the proposal before the House.

Mr. T. O'Malley: Deputy Twomey raised the matter.

An Leas-Cheann Comhairle: It has no connection with the proposal before the House.

Mr. T. O'Malley: I asked him to withdraw the matter.

Dr. Twomey: The Minister of State should explain whom I am blaming. I am blaming the Minister of State.

An Leas-Cheann Comhairle: Order.

Mr. T. O'Malley: May I continue? I withdraw the reference. It was Deputy Twomey who brought it up. I was replying to him. I accede to the Leas-Cheann Comhairle's request.

Dr. Twomey: I will not stand here and be abused.

An Leas-Cheann Comhairle: Deputy Twomey should resume his seat.

Dr. Twomey: The Minister of State has not withdrawn the remark.

Mr. T. O'Malley: I have withdrawn the remark.

Dr. Twomey: The Minister of State has not withdrawn the remark.

Mr. T. O'Malley: I said I withdrew the remark.

Dr. Twomey: The Minister of State did not.

Mr. T. O'Malley: I have acceded to the request of the Leas-Cheann Comhairle.

Dr. Twomey: Good.

Mr. T. O'Malley: May I continue? The purpose of the risk equalisation (amendment) scheme is to ensure there is more competition in the

[Mr. T. O'Malley.]

market. We want more health insurance companies in the market. We have been accused by the Opposition of not being interested in the consumer. On the contrary, we have more health insurance companies now than we ever had. We have also been trying to employ 1,000 extra consultants, which would have a serious effect on what we are talking about today. That would also increase competition and would have an effect on insurance costs for all the insurance companies.

Several speakers referred to young people in the health insurance market. It has not been decided yet, but the Government intends to incentivise young people to take out public health insurance. This should be welcomed by everyone.

The statement by Deputy McManus that the Progressive Democrats have an agenda of "private good, public bad" is totally untrue.

Mr. Gormley: It is true.

Mr. T. O'Malley: We want the best of private health care and we also want the best of public health care. We are trying to take the best of both systems and combine them to give the best service to our patients. The Government has been consistent in putting the patient first—

Mr. Gormley: The Government is falling between two stools.

An Leas-Cheann Comhairle: The Minister of State should be allowed to speak without interruption.

Mr. T. O'Malley: —and then making decisions to implement these priorities. We believe in public private partnerships and in putting the patient first. We will continue to make those decisions.

The scheme we are discussing today is not designed to enable any insurer to benefit financially; it is a measure to compensate insurers for having a disproportionate share of the market risk. Consumers in the Irish market benefit from a range of regulatory protection, namely, community rating and open and lifetime cover. These measures will continue to apply. The regulatory framework for the market has been subject to

scrutiny by the High Court which strongly endorsed the framework. The changes reflect the recommendations of the expert Barrington group and the Competition Authority.

The Government is fully committed to the principle of community rating and these changes endorse that and enforce this commitment. We are also ensuring the legitimate ambitions of all companies are taken into account in respect of what we are doing today. That 50% of the population has chosen to take out health insurance shows the regulatory framework supports the consumer. The changes made to the primary legislation are reflected in the amendments before this House. In addition—

Mr. J. Higgins: It does not; it shows the Government has not provided a proper health service.

An Leas-Cheann Comhairle: Order.

Mr. T. O'Malley: —they reflect the need to strike an appropriate balance between protecting the insured and facilitating the development of the market. No decision has been made to privatise the VHI.

Caoimhghín Ó Caoláin: What about developing the health service and never mind the market?

An Leas-Cheann Comhairle: Order.

Mr. T. O'Malley: The Government has brought forward a broad range of measures to protect those who do not have health insurance, including the waiting list initiative, the national treatment purchase fund, and also capacity expansion.

Dr. Twomey: There is no capacity.

Mr. T. O'Malley: The amendments are not aimed at giving advantage to any particular insurer, rather they are a proportionate response to market developments. On behalf of the Government, it gives me great pleasure to commend the motion to the House.

Question put.

The Dáil divided: Tá, 53; Níl, 36.

Tá

Ahern, Dermot.
Ahern, Michael.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cowen, Brian.
Cregan, John.

Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Fahey, Frank.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Grealish, Noel.
Haughey, Seán.
Jacob, Joe.

Tá—continued

Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Ó Cuív, Éamon.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.

O'Donoghue, John.
O'Donovan, Denis.
O'Keefe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Sexton, Mae.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Woods, Michael.

Níl

Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Durkan, Bernard J.
English, Damien.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Harkin, Marian.
Hayes, Tom.
Higgins, Joe.
Higgins, Michael D.

Hogan, Phil.
Howlin, Brendan.
Lynch, Kathleen.
McGrath, Finian.
McManus, Liz.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Neville, Dan.
Ó Caoláin, Caoimhghín.
O'Sullivan, Jan.
Pattison, Seamus.
Quinn, Ruairí.
Ring, Michael.
Ryan, Seán.
Sargent, Trevor.
Twomey, Liam.
Upton, Mary.

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

Question declared carried.

Child Care (Amendment) Bill 2006 [*Seanad*]:
Instruction to Committee.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I move:

That, pursuant to Standing Order 170, Standing Order 125 is modified to permit an instruction to the Committee to which the Child Care (Amendment) Bill 2006 [*Seanad*] may be recommitted in respect of certain amendments, for which it has power to make provision in the Bill in relation to—

(a) amending Part VII of the Child Care Act 1991 to enable regulations to be made which will allow school age childcare services to be brought within the terms of that Part on the same basis as preschool child care services thus enabling providers of school age childcare services to avail of a VAT exemption as currently is the case for providers of pre-school child care services,

(b) amending the Child Care Act 1991 to allow for the attendance at and reporting of child care proceedings which are held in private under that Act in specified circumstances and by specified classes of person, and

(c) amending the Children Act 2001

(i) to change the name of the Special Residential Services Board to the Children Acts Advisory Board and to broaden the functions of that Board to become an enhanced advisory and enabling body whose functions would include, inter alia, providing advice on request to the Ministers for Health and Children and Justice, Equality and Law Reform on policy issues relating to the co-ordinated delivery of services under the Child Care Act 1991 and the Children Act 2001, and

(ii) to provide that the use of family welfare conferences which arise in the context of juvenile justice cases is practicable.”

I thank the Ceann Comhairle and the House for allowing a debate on these issues, which are to be dealt with in the Child Care (Amendment) Bill 2006. I had intended to introduce these important amendments on Committee Stage but was advised that they were outside the Bill's scope although they arise from the same primary legislation. I propose to introduce the amendments at this Stage.

I wish to set out the background to the changes to Part VII of the Child Care Act 1991. The availability of information on school age child care use

12 o'clock

[Mr. B. Lenihan.]

in Ireland was greatly enhanced with the publication by the Central Statistics Office in July 2003 of its findings from the special module on child care conducted as part of the quarterly national household survey in late 2002. The survey showed that 67,500 families of primary school children were availing of non-parental child care for their children. Of these families, the mother or guardian in 62,600 families was in employment with only 1,100 mothers or guardians in education. On the basis of the data collated, it was estimated that approximately 125,000 primary school children receive non-parental child care. School age child care was identified as a priority under the EU co-funded Equal Opportunities Childcare Programme 2000-06 and continues to be a priority under the National Childcare Investment Programme 2006-10 under which a target has been set to create 5,000 additional after-school places.

Capital grant funding for child care facilities, formerly under the equal opportunities child care programme and now under the national child care investment programme, has been made available in a range of settings where school age child care is provided. These include full day care facilities which include out of school services as well as services that focus on out of school services. In many cases, school age services have been set up in the grounds of, or near to, local schools and, where spare capacity is identified within school premises, the grant funding can be used to renovate and upgrade these premises. The equal opportunities child care programme also provided staffing grants to child care services with a focus on disadvantage, including services providing school age services. Details of a new national child care investment programme staffing grant scheme, which will replace the equal opportunities child care programme from January 2008, are expected to be announced by mid 2007.

In order to ensure that child care services for school age children are exempt from VAT, the Revenue Commissioners and the Department of Finance advise that a regulatory framework should be created under legislation which would permit the VAT exemption that currently applies to preschool child care services to apply to school age child care services. The amendments I am introducing amend Part VII of the Child Care Act 1991 to bring school age child care services within the terms of the Part VII of the Act allowing for the making of regulations on the same basis under legislation as for preschool services.

These proposed Government amendments thus allow for the appropriate regulation of school age child care services and provide for a VAT exemption in providing that the Minister may make regulations as to school age services. These regulations may prescribe various specified requirements regarding premises, equipment and facilities so as to safeguard the well-being of children

attending the service as well as providing for enforcement by the Health Service Executive. The conferral of the power to make regulations ensures that these services will become exempt. My successor will consider the appropriate form of these regulations. There are no draft regulations and regulations would only be drawn up after substantial consultation.

Amendment No. 13 will amend section 49 of the Child Care Act to include definitions of school age child and school age child care. Amendment No. 14 will amend section 50 of the Child Care Act to provide that the Minister may make regulations as to school age services and that the regulations may prescribe various specified requirements regarding premises, equipment and facilities as well as providing for enforcement by the Health Service Executive and for annual fees to be paid. This section also provides that such regulations may make provision for persons taking care of not more than five children of different families, of whom not more than three may be preschool children, in that person's home.

Amendment No. 15 will amend section 51 of the primary Act to provide for school age services to notify the Health Service Executive that they are carrying on or proposing to carry on a service and that such notification is given in a prescribed manner. Amendment No. 16 will amend section 52 of the Child Care Act to provide that every person carrying on a school age service must take reasonable measures to safeguard the health, safety and welfare of school age children attending the service. Amendment No. 17 will amend section 53 of the Child Care Act to provide that the Health Service Executive will visit each school age service from time to time to ensure the service provider is fulfilling the duties imposed by section 52.

Amendment No. 18 will amend section 55 of the Child Care Act to provide that where the Health Service Executive has received notification of a service it will be entitled to enter the premises and, where notification has not been received, it has the power to apply to the court to exercise such powers.

Amendment No. 19 will amend section 56 of the Child Care Act to provide that the HSE may provide school age services and regulations may be made by the Minister in respect of such services. Amendment No. 20 will amend section 57 of the Child Care Act to provide for offences under this new regime. Amendment No. 21 will amend section 58 of the Child Care Act to provide for exemption from the requirements of the legislation in the case of a person caring for children of relatives or a sibling group of children and to provide for an exemption a person caring for not more than five children of different families, of whom not more than three may be preschool children, excluding that person's own children, in that person's home. That is the principal matter addressed by these amendments — the provision of VAT exemption for the providers of

school age child care and the establishment of regulations to facilitate it.

The second matter addressed relates to reporting on child care proceedings. Amendment No. 5 amends section 29 of the Child Care Act 1991. That section provides that proceedings under that Act are heard in private. The amendment provides that certain specified classes of persons, including barristers and solicitors, both representing and authorised in writing by the Children Acts advisory board, following consultation with the Minister and those specified in regulations made by the Minister in consultation with the Minister for Justice, Equality and Law Reform, may attend and have access to relevant documents and prepare a report for publication of child care proceedings under the Child Care Act 1991, subject to rules of court and any direction of the court hearing the case.

The attendance and publication of a report or a decision of proceedings is, however, subject to the report or decision containing no information which would enable a child to whom proceedings relate and any party to the proceedings to be identified. The court has a discretion where special circumstances apply in the particular case to direct for stated reasons that the person may not attend and report on the particular case. The section also provides that this is without prejudice to the other provisions of the 1991 Act.

This amendment will facilitate the compilation of reports on and analysis of child care proceedings. We need research in this area but cannot have any at present because of existing restrictions on the reporting and analysing of such cases. A similar provision was introduced for matrimonial proceedings under the Civil Liability and Courts Act 2004. An excellent report was compiled by Dr. Carol Coulter in connection with the area some months ago. The proposed amendment strikes the right balance between the rights of persons involved in child care proceedings and the need to ensure these proceedings are opened up to as much scrutiny as possible.

Deputies will agree that the exercise by the HSE of its powers in child care is fraught with controversy and difficulty and the courts must make difficult decisions in this area. As these powers are vested in the courts and because the cases are in private, there is currently no effective scrutiny in this regard. It is important that we legislate for objective, academic research into these cases. We are not proposing the details of cases would be disclosed; this is analogous to what was done in family law proceedings. I propose a legislative basis for academic research to take place into these proceedings. That is important because we need to be reassured that proceedings are consistent in their character.

The Children Act 2001 provides that a court hearing criminal proceedings against a child may, where the court considers a welfare issue arises in respect of the child that may involve the Health Service Executive exercising its powers under the

Act of 1991, apply for a care or supervision order to direct the executive to hold a family welfare conference in respect of the child for the executive to determine and to advise the court on what, if any, action the executive should take in respect of the child. The amendments provide that before a court directs the executive to hold a family welfare conference, the court must be satisfied in its view that it is practicable for the executive to hold such a conference having regard to the age of the child and his or her family or other circumstances.

The amendments also clarify that it will be for the Health Service Executive to apply for orders under the Child Care Act 1991 in respect of the child where this is appropriate following the family welfare conference. Amendment No. 23 will provide for the repeal of section 16 of the Children Act 2001 to the extent that it provides for the insertion of section 23D into the Child Care Act 1991.

These are the last outstanding provisions of the Children Act that have not been commenced and I intend, on the enactment of this legislation, to bring into operation these provisions so the entire Act will have been commenced by the conclusion in office of this Government.

The Special Residential Services Board was established on a statutory basis in November 2003. The board was set up because, when the 2001 Act was drawn up, the issue of who should take responsibility for the secure care and detention of children was dodged and divided between three Departments. As a result of amending legislation that I have introduced and commenced, there is a clear allocation of responsibility between the youth justice service and the HSE for the detention and securing of children. As a result, the Special Residential Services Board, which was established to co-ordinate the efforts of three Departments, no longer has such an important focus on that area. Nevertheless, it is valuable to have a board that advises on the Child Care Act 1991 and the Children Act 2001. This week's events reinforce the importance of having a board of specialists from all Departments who can advise the Minister on appropriate steps that must be taken.

The purpose of the amendments is to change the name, role and function of the board in line with overall Government policy on the formation and function of the office of the Minister of State with responsibility for children to be an enhanced advisory and enabling body. The various amendments, which are minor in character, change the name of the Special Residential Services Board to the Children Acts Advisory Board. The functions of the board under this amending provision will include advising the Ministers on policy issues relating to the co-ordinated delivery of services, including residential accommodation and support services to children; preparing and publishing criteria for the admission to a special care unit; publishing guidance on the qualifications, criteria for appointment, training and

[Mr. B. Lenihan.]

role of any guardian *ad litem* appointed for children under the Act of 1991; and promoting enhanced inter-agency co-operation, including sharing information, under the Acts.

I thank the House for considering these matters and ask that the amendments be discussed as part of the Bill.

Dr. Twomey: It is important this legislation is passed. Legislation often falls behind progress in society. Economic developments change society and we follow up with social legislation. Many people would never have imagined we would see most parents out working and 67,500 children would be in non-parental child care services. This is good legislation that continues the idea of child protection and children's rights, an ethos that we must develop even more if we are to keep up with social change. There was previously a dark side in how society looked after children and there were many scandals in the past.

We should wait for the independent report into this week's events in Wexford because it is not the idea to apportion blame. I am concerned, however, that no senior social worker was available to look at this case over the weekend. We would never contemplate a situation where there would be no GP available at night or on call or where the ambulance service would only be available from Monday to Friday. We cannot, therefore, contemplate an emergency service such as a senior social worker being unavailable to the gardaí on weekends.

Mental health services have changed dramatically. I hesitated to comment on the events because I work as a GP and have had many interactions with social workers. There are times when we do not want to take a hard line approach because going in with all guns blazing could cause even more problems. It is often better to see if it is possible to work with the family to resolve issues. We should wait for the facts to emerge to see if anything could have been done in Monageer. I do not want the Garda to respond in a hard line way in future because that could be counterproductive.

It is imperative that the HSE put in place a policy at senior level of ensuring that senior social workers are available throughout the country if they are needed. I, as a general practitioner, cannot make the call as to whether children should be taken from a family. The Garda Síochána does not want a situation in which a garda with no training can decide to take children out of the family home. There would be uproar if that were to happen. It must be somebody who is professionally trained and who can stand over such decisions. I can make decisions on treating a patient at night and stand over such decisions if they are questioned at a later date. Similarly, in the situation we are debating, we need professional people in place who can stand over decisions and be answerable if the wrong call is made. That is

the principle that will emerge from the independent report.

Legislation on the detention of people has changed quite dramatically. In the past it was too easy to sign what was called the pink form and have somebody admitted to a psychiatric institution against his or her will. The Mental Health Commission now allows patients to appeal committal orders within a two week period, and a number of committal orders have been overturned by the commission. There is another side to that coin. I have had the experience of having to wait a number of weeks before I could sign one of those forms even though there was serious concern about the patient. As the law stood it was not possible to sign the form in respect of involuntary admittance, although the form was eventually signed because the patient's condition deteriorated. In such situations there must be a balance. It is important, therefore, to have appropriate legislation. Bringing forward legislation is fine, but the Minister must also ensure there are people on the ground to carry out inspections of preschool and school facilities.

I wish to sound a note of caution. The people running these institutions will be informed to expect inspection by the HSE and that if they do not comply they could be fined or brought to court. It should be made clear also that they must ensure that the person carrying out the inspection has bona fide credentials, given that there have been attempts to abduct children from school yards or crèches. We must guard against such attempts by somebody impersonating a HSE inspector or a father who is no longer living with the family and wants to take the children away. One way of doing that would be to put in place a lo-call telephone number that the supervisor of the preschool or school facility can contact if there is any concern about the credentials of the person carrying out the inspection. In addition, anybody carrying out an inspection must inform the preschool or school supervisor what facilities are being inspected. Instead of being threatened with court or the Garda, a preschool or school supervisor who is not happy to allow somebody onto the premises could simply ring a designated number to confirm the person's authority to inspect the facility.

Politicians have no idea how family case conferences work. The Minister of State should give plenty of thought to this in the context of the child protection regime he is putting in place. Currently many case conferences do not fulfil their remit. In most cases the family's general practitioner does not turn up because such case conferences can take a long time or may be cancelled at short notice. Furthermore they are not accessible to the people who are most likely to have close interactions with the person involved. I have attended case conferences at which only administrative personnel from the health services were available to attend. The people on the ground, members of the Garda Síochána, school

teachers, doctors, public health nurses are often unable to attend case conferences because of their duties, so that a huge amount of expertise is missed out on.

In setting up case conferences, provision should be made for written submissions from the front-line people if they are unable to attend in person and due weight should be given to their recommendations. These cases can be extremely difficult. Having dealt with many over the past decade, I can tell the House that they are as complex as any court case and that there is no such thing as a black and white outcome. That needs to be taken into account and adequate resources provided to back up the legislation we are putting in place today.

Unlike other Ministers who are handed legislation by their staff as they come to House and often do not know what they are talking about, the Minister of State takes his job very seriously and is genuine in his approach to children's rights.

Mr. B. Lenihan: I may quote the Deputy during the general election campaign.

Dr. Twomey: I do not mind if the Minister of State quotes me. I give credit where credit is due. There is not a huge amount due to that side of the House but the Minister of State seems to have a clear commitment in the context of the legislation he brings forward in the House and that is to be commended. In any case, I wish him the best of luck in the general election.

Ms McManus: I start by also paying tribute to the Minister of State, Deputy Brian Lenihan. His brief is quite a difficult one in the sense that it straddles a number of different Departments — Justice, Equality and Law Reform; Health and Children; and Education and Science. He has focused very well on issues relating to children and has done an excellent job.

I was rather surprised to hear that Ministers of State in Ireland are paid approximately the same salary as Condoleezza Rice. It seems a very generous payment. I had not been aware this was the case. In this instance, I wish the Minister of State well. He can be proud of his contributions to protecting children.

We are all very conscious in this debate of the background of the terrible events in Monageer and the failure to protect two small children who, along with their parents, have lost their lives. I support the Government's proposal to establish an inquiry. It must be a fully independent inquiry and we must learn from what happened. One of the issues that has come up in this tragedy, and in others, is the issue of out-of-hours emergency cover to meet the needs of families in crisis. The HSE has a serious obligation in that regard to provide uniform cover across the country.

We are having this debate because the amendments being put forward by the Minister are outside the Bill and stray very far from the original

purpose of the Bill. There has been a tendency on the part of the Government to include matters at a very late stage. The Minister for Health and Children, Deputy Harney, has been known to do this. However, the Minister who takes prime place as a serial amender is the Tánaiste and Minister for Justice, Equality and Law Reform. In this instance, we at least have an opportunity to debate these issues of considerable importance.

Some progress has been made on preschooling and child care provision but it must be ensured that children are at the centre of child care policy. I do not believe this is the case. The drive in the Government has been to get mothers out to work. The cost of housing has also forced them back into the workplace. While I specify mothers, obviously fathers have a very important role to play in child rearing. Families should be able to make their own choices as to how they rear their children. That choice, however, is very limited when economic factors determine the pattern of child care.

My Labour Party colleague, Deputy Wall, told me of a client of his who woke up at 5 o'clock one morning to the sound of singing. She discovered that the family next door were singing "happy birthday" to their three-year old. Dawn was the only chance they could celebrate the child's birthday because by the time they got home from work the child would be in bed. That tells us something about what is happening. We must reconsider the changes to child care. Policy must be shifted to an approach that offers parental choice, extends parental leave, provides flexibility in the workplace, particularly for women, and ensures there are possibilities for many parents.

The Labour Party recognises that preschool education is a very important part of a child's social and personal development. It can ensure the inequity in society are ameliorated and children are given the best possible opportunity to live up to their potential. That is why the Labour Party leader has made the commitment to provide one year of free preschool education to every child, should we be returned to Government.

I note the Minister's amendment on child care facilities relates to VAT. One complaint I receive from child care facility providers concerns commercial rates charged on their premises. It is worth noting that Deputies' constituency offices are exempt from commercial rates. The beneficence of the former Minister for Finance, Charlie McCreevy, ensured this exemption. It seems a bit hard for people to understand why we should benefit and not child care facilities. I would be grateful if this could be clarified by the Minister of State.

Regulations and standards must be set to produce the best possible child care. However, it is rather bizarre that regulations apply to pre-schools when our primary schools, resourced by

[Ms McManus.]

the State, have children occupying overcrowded classrooms, often with high pupil-teacher ratios, in substandard accommodation that belongs more to the Third World. Another issue that needs to be taken into account with primary schools is the lack of sport and physical activity facilities. It is bizarre that at a time of such prosperity the notion that a child should not run in the schoolyard persists in many schools. We have only one chance at childhood. It is a great pity the Government has been so disappointing in providing decent facilities for every child, particularly when there is an epidemic of obesity among children which is already causing considerable health risks. This failure to protect children needs to be addressed.

The proposal to provide for scrutiny on child care proceedings that will enable academic research is very valuable. Family law cases can often give insights into undercurrents in society. The experience in court can give us much information about the direction of public policy. I welcome that this can be progressed through the legislation. I have a client, whose marriage has broken up, who looks after his children but is not in good accommodation because the family home is occupied by his wife. He wants to buy a house but cannot do so because he cannot get the case into court that would determine the issues of property and custody. I thought I had helped him in this regard because the case was due in court in February. However, because another case overran, his case was not heard and he is back in limbo. The prime reason for this is a shortage of judges. Children, as well as their parents, in such cases are left in limbo when there is failure to provide speedy court hearings.

The role of the father cannot be diluted, whether he was in a married or unmarried relationship. We must ensure that the bond is reinforced as far as possible and practicable. This was raised by Senator Tuffy when this legislation was debated in the Seanad. I pay tribute to foster parents. Up to 84% of children in care are in foster care. Having children reared in a family setting makes an enormous difference. It protects children in a way that did not happen in the past when they were institutionalised and exploited to horrific degrees in some cases. I welcome the acceptance by the Minister of my amendment regarding people with a bona fide interest in a child. Hilary Rodham Clinton used the phrase, "It takes a village to raise a child." We need to recognise that outside of the parental circle, family and a wider community of people have an input into a child's life. Their concerns can be included when considering the best future for a child.

The Taoiseach made great play at his recent Ard-Fheis when he promised a constitutional referendum on children's rights. I was very impressed and thought he meant it. I was not sure what purpose it would serve but I believed it was

a solid commitment. It seems to have disappeared like a will o' the wisp. The All-Party Committee on the Constitution made recommendations on the matter which the Labour Party supports. It will be up to another Government to deal with the issue of children's rights in the Constitution. If the Labour Party is in the next Government, I hope we will receive the same co-operation this Government received in developing a constitutional amendment on children's rights, as it is an important issue. I am not sure Fianna Fáil, in Opposition, has always done the right thing but I am sure with this new breed, we may see that change. I do not have much more to say on this other than to say we will support it.

Mr. B. Lenihan: Is the Deputy presuming the result of the election?

Ms McManus: No. I started with the word "if". It was a long paragraph and the Minister of State must have nodded off in the middle of it. I do not blame him for that as I have done the same on occasion.

Mr. B. Lenihan: It was conditional.

Ms McManus: Yes.

A terrible tragedy has just occurred and others will occur unless we change the way we provide protection for children and supports. It is about protecting against abuse and the effects of mental illness. The wider community must have an understanding of those risks and dangers. If anything comes out of this tragedy which leads to a greater understanding of, and more discussion in the public arena about, mental illness, then it will have had some benefit. The undertaker in this case acted correctly. However, that understanding about risk must be developed. We must also be aware of the things which are not true of mental illness because often people's fears are groundless. A much greater awareness in the community and in our schools of mental illness needs to be developed.

We also need to see professionals in place. We cannot rely on gardaí, who are not social workers, to fill the place of social workers. That is not the way forward. Let us remember that the HSE is now a closed system and is not accountable. It does not have the checks and balances which the old health boards had and that places a far greater onus on all of us to ensure the lessons learned are applied.

Mr. Gormley: I welcome the provisions of this legislation and the amendments. Amendment No. 5 which will amend section 29 of the Child Care Act 1991 is very welcome. We require accurate data if we are to deal with the situation. Even in other sectors of the health service, we do not have accurate data. We do not have accurate data in regard to stepdown facilities, as I discovered recently. Therefore, this is very welcome.

I wish to take up some of the points made by previous speakers. It is clear we are living in a very different era in regard to children's matters. The Minister of State and I grew up in an era when we had corporal punishment in our schools. It was widely accepted as a way of reprimanding children. It varied from school to school but it was dished out rather liberally in some of the schools I attended. Some individuals still feel the effects of that. In worst case scenarios, children were sent off to so-called "reformatory schools" in Daingean and beyond and, of course, the State paid a very heavy price, as did the individuals and their families.

We have moved from that era but we are now living in an era of consumerism, materialism and secularism, if one wishes to call it that, which has other consequences for, and effects on, children. I do not know if this Parliament is addressing those pressures in a meaningful way. This is also the era of individualisation where more and more mothers are going out into the workforce and, in many cases, they are being forced into it to help a depleted labour market. I do not know if we have addressed those issues properly. I believe the consequences of all these sudden changes will be felt later on.

We are living in an era where children lead more sedentary lifestyles. Children do not walk or cycle to school and spend time in front of Game Boy or listening to iPods. Will we have to face up to this later on? There is no question but that there is an obesity epidemic. I do not believe we are looking after our children in that regard. These issues are not being properly addressed. Alcohol consumption by parents is not being addressed by this House. There is a 40% increase in consumption. There are effects on children who learn about alcohol consumption from their parents. None of these issues have been properly addressed in our so-called "care for children". We are missing an opportunity. The amendments before the House make sense but there have been many missed opportunities. At some future stage, perhaps in the next Dáil, we should have a major debate on these matters.

I was surprised to note the proposed legislation on people considered unsafe to work with children had been dropped from the legislative programme and I raised the matter with the Taoiseach. As I understand it, the Taoiseach is now saying it will be considered in the context of a referendum. The matter was subsequently raised by Deputy Ó Caoláin. It is strange that such important legislation can fall by the wayside so easily. I would like to hear a proper explanation from the Minister of State with responsibility for children as to why this occurred.

Caoimhghín Ó Caoláin: I was a lone objector on the Order of Business—

Mr. B. Lenihan: I heard the Deputy.

Caoimhghín Ó Caoláin: —to the allocation of time. That was the sole focus of my disagreement with the provision to address this motion.

I welcome the Minister of State's introduction to this morning's discussion and the detail presented in regard to the effects of all the new amendments now presented. Recalling the Taoiseach's declaration of embarrassment yesterday, I will not add to the Minister of State's embarrassment at all the kudos heaped on him but instead I hope he will accept, in good faith, my point that earlier access to this would have been of great assistance to Members who wish to prepare properly for such a serious and important engagement.

Mr. B. Lenihan: I regret that. I circulated it to those who were at the committee debate. I appreciate it is hard for the Deputy to keep up to date with the various committees.

Caoimhghín Ó Caoláin: I am not a member of the committee and it is impossible. However, I am working on it and in the coming weeks, I hope to solve the problem. I believe the Minister of State knows the answer to that.

At the end of the day, this is all about implementation. The key to all of that is resources. I refer briefly to a number of points in the Minister of State's preamble, including the reference to the Central Statistics Office's quarterly national household survey in late 2002 which was published in July 2003. This represents the background information in regard to the proposal to address school age child care and those attending primary school. The figures cited are 67,500 families, of whom 62,600 represent a mother or guardian in employment but only 1,100 in education and a total of 125,000 primary school children receiving non-parental child care in after-school services. Given that the survey is now almost five years old, is there any updated information to give a clearer picture of the current situation?

I welcome the intent to allow for VAT exemption in respect of school-age child care services in line with the exemption that already applies to the pre-school child care services. This undoubtedly will have an echo of welcome throughout the sector.

The Minister of State referred to amendment No. 21 in relation to the provision of services by other than a relative or a sibling and the number of children where such care can be provided exempt from sections 51 to 57 being five children from different families, three of whom may be pre-school children. Will the Minister of State clarify whether in the current situation the number is three? This amendment proposes to extend the number.

Mr. B. Lenihan: That refers to pre-school children, but this proposal refers to after-school care.

Caoimhghín Ó Caoláin: I apologise. It is after-school care, but it is a mix of three pre-school children and five children in total. My understanding heretofore — perhaps the Minister of State will clarify whether this is correct — is that this represents a change on the current situation. The Minister of State will appreciate I have only had sight of this detail while sitting in the Chamber. My understanding is that the number had been limited to three. Maybe that does not represent a change, but perhaps the Minister of State will clarify that in his concluding remarks.

I refer to the correctly controlled access for the clear purpose of the preparation of a report on child care proceedings under the Child Care Act 1991, under which strict access rules and direction apply. The purpose and intent of amendment No. 5 is fully understandable under the Child Care Act, the absolute position of no information that would enable an identification of the child or any party to the proceedings being identified. This is an important amendment and I welcome the detail of it.

From a more informed position, given the sharing of all the detail, I see no difficulty with any of the amendments presented. I will continue my positive disposition to the Bill which I signalled from Second Stage.

This is the appropriate opportunity to ask about a recent newspaper article, written by Norah Gibbons, director of advocacy with Barnardos, in which she made a point about children involved in what she described as very difficult and contentious private law cases. This refers to my earlier point about implementation. Section 11 of the Children Act 1997 has not been implemented. She stated that this would allow courts an opportunity to get the views of a child through an independent guardian *ad litem*. That party would have the qualifications and experience and such a person would be available to all parties and subject to the rigours of the court process. What is the position in relation to section 11? How quickly will that be implemented? When will all the affected legislation with meritorious intent be fully implemented? Will the Minister of State assure the House on the complete and appropriate resourcing and the speed with which this can be done?

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputies for their broad welcome for this legislation. I trespassed outside the scope of the original Bill but I only trespassed in the same parent Act although I understand the facility had been overdrawn on other occasions and the Ceann Comhairle has now a much stricter regime in place as a result so I can plead that I may have fallen foul of it.

Deputies Twomey and McManus raised the question of the availability of senior social workers over weekends and of inter-agency arrangements where families are facing an emergency. Last summer following discussions

between the HSE and my office, a national working group was established to review services and to make recommendations on the provision of an out-of-hours child protection service. This group includes representatives from the HSE, the Garda Síochána and Focus Ireland. It is expected to report soon and put forward a model for consistent and comprehensive out-of-hours service for children and families.

I agree with the tenor of what was said by Deputies Twomey and McManus on this subject with one caveat. Deputy Twomey suggested that the Garda Síochána has no role in this area. I worry when people say a body or an agency has no role. What is needed is an effective model of inter-agency co-operation where everyone understands what their roles are and which is accompanied by available services.

Deputy Twomey was anxious that the inspectors should have bona fide qualifications and I reiterate that the inspectors must be qualified under the relevant legislation. He also referred to the fact that family welfare conferences can be somewhat protracted and this has also been our experience.

I thank Deputy McManus and Deputy Twomey for their kind remarks. Deputy McManus again welcomed the independent inquiry which the Government proposes to establish as a result of the tragedy in County Wexford. She reminded us that we must learn from what has happened. She also raised the matter of emergency cover and I agree with her in that connection.

On the question of maternal leave, substantial progress was made in the lifetime of this Government on the extension of maternity leave. I agree with Deputy McManus that we need to consider not just maternity leave but also paternal leave in general and the option of more flexible working arrangements for parents in the context of rearing children. In the course of my work I visit a great number of crèches and I am glad to observe a decrease in demand for places for very young children under the age of 12 months. The extension of maternity benefit provisions has resulted in a reduction in demand for such places and this is a very welcome development. I have been shown the separate rooms designed to host these very young children and the demand for these places has declined in recent months.

I refer to the constitutional amendment in regard to children. The Government put forward its proposals and the view expressed by Labour and Fine Gael was that more time
1 o'clock was needed to digest those proposals and engage in a debate on them. Deputy Howlin extended to the proposals a particularly warm welcome.

We will be obliged to address this matter in the next Dáil. In that context, Deputy Gormley referred to the legislation relating to persons working with children and why this is no longer to be found on the list of proposed legislation. If

the amendment is passed, the form of that legislation will be much more radical in scope. That is an issue that will have to be teased out in the referendum discussions between the parties.

Deputy Gormley also stated that, where children are concerned, we live in a different era and Deputy Ó Caoláin stated that implementation is crucial in respect of all these matters. The Children Act 2001 will now come into force in its entirety. I am proud of that fact because when he introduced it, the then Minister, Deputy O'Donoghue, stated that it would take seven to eight years to commence its provisions. However, I have managed to commence it during the lifetime of this Government.

The various resources have been put in place. A substantial increase in the allocation for the probation service was announced last week. Funding has been committed to the development of children detention schools, which will be the model for the detention of all offenders up to 18 years of age. St. Patrick's Institution has, therefore, received its final notice to quit. Arrangements have been put in place and the resources are in place to finalise the implementation of the Act. It is important that we proceed with the latter.

On school-age child care and the argument as to whether it should be three or five, three is currently the restriction in respect of those who are in preschool. However, now that we are bringing it into after-school care, the restriction will be three plus two. That will be the exemption from inspection under the relevant regulations that will be drawn up. I will arrange for my Department to supply Deputy Ó Caoláin with the information he requires on school-age child care and the statistical evidence we possess in respect of it. The Deputy is anxious to obtain an update on the 2002 position.

Deputy Ó Caoláin also referred to the mechanism under the 1997 Act, which has never been commenced and which envisaged the provision of guardians *ad litem* in family law cases. There is a facility under family law legislation to obtain a report from a social worker, and this is commonly done.

I have reservations regarding the commencement of the 1997 legislation. The practicality is that when we do commence it, it will represent yet another addition to the heavy burden of costs which couples and those who appear before the matrimonial courts are obliged to pay as part of the resolution of their disputes. That provision would, as Deputy Ó Caoláin pointed out, apply to private law proceedings in which the custody of a child was an issue and would provide that child with a separate voice in that regard. The court must be a separate voice for the child. I am not arguing against the principle in its entirety but we must be extremely careful not to inflate the costs incurred by those who appear before the matrimonial courts. I do not know whether other Deputies have experience of this matter but I am

aware, from my constituency work, that high fees are quoted for people who appear to participate in cases where, for example, only custody is an issue. Extraordinary fees running to tens of thousands of euro are being charged. If guardians *ad litem* are inserted into the equation, the costs will increase.

I am not arguing against the principle of Deputy Ó Caoláin's suggestion, I am merely stating that we must be careful in terms of how we implement it. In that context, there are specific amendments in the Bill to provide for the regulation of guardians *ad litem* by the children's services advisory board. This is a useful development because at present there is no basic statutory provision stating that one may regulate guardians *ad litem*, which is unsatisfactory. We have provided for representation from the Courts Service on this board in order that better protocols relating to the use of the guardian *ad litem* service can be developed. It is a well-established feature of, and must necessarily be present in, all child care cases. What Deputy Ó Caoláin touched upon, however, was its extension to the entire matrimonial area, which would have major implications. We did, as he pointed out, make provision in respect of it in 1997.

I have dealt with most of the issues raised and I thank the House for its attention.

Question put and agreed to.

Child Care (Amendment) Bill 2006: Report and Final Stages.

Bill recommitted in respect of amendments Nos. 1 to 5, inclusive.

Acting Chairman (Mr. Sherlock): Amendments Nos. 1 to 4, inclusive, are related and will be discussed together.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I move amendment No. 1:

In page 3, to delete lines 5 to 11 and substitute the following:

“AN ACT TO AMEND THE CHILD CARE ACT 1991 AND TO MAKE CONSEQUENTIAL AND OTHER AMENDMENTS TO THE CHILDREN ACT 2001; AND TO PROVIDE FOR RELATED MATTERS.”.

Amendment No 1 changes the Long Title to accommodate the changes proposed to the 2001 Act and the sections of the 1991 Act other than those set out in the original Bill. Amendment No. 2 provides for the Short Title, collective citation and commencement. Amendments Nos. 3 and 4 are technical and consequential.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 2:

[Mr. B. Lenihan.]

In page 3, between lines 12 and 13, to insert the following:

“PART 1
PRELIMINARY

1.—(1) This Act may be cited as the Child Care (Amendment) Act 2007.

(2) The Child Care Acts 1991 and 2001, section 75 of the Health Act 2004 (in so far as it amends the Child Care Acts 1991 and 2001), Part 2, *section 19* (in so far as it amends the Child Care Acts 1991 and 2001) and this subsection may be cited together as the Child Care Acts 1991 to 2007.

(3) The Children Act 2001, section 75 of the Health Act 2004 (in so far as it amends the Children Act 2001), Part 12 of the Criminal Justice Act 2006, Part 3 (except *section 19*) and this subsection may be cited together as the Children Acts 2001 to 2007.

(4) This Act shall come into operation on such day or days as the Minister for Health and Children may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 3:

In page 3, to delete lines 13 to 15.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 4:

In page 3, between lines 15 and 16, to insert the following:

“PART 2

AMENDMENT OF CHILD CARE ACT 1991

2.—In this Part, “Principal Act” means the Child Care Act 1991.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 5:

In page 3, between lines 15 and 16, to insert the following:

3.—Section 29 of the Principal Act is amended by inserting the following subsections after subsection (4):

“(5) Nothing contained in this section shall operate to prohibit—

(a) the preparation of a report of proceedings under Part III, IV or VI by—

(i) a barrister or a solicitor,

(ii) subject to subsection (6), a person falling within a class of persons representing, and authorised in writing by, the Board, within the meaning of section 225(1) (as amended by *section 16* of the *Child Care (Amendment) Act 2007*) of the Children Act 2001, for the purposes of this subsection, or

(iii) a person falling within any other class of persons specified in regulations made under subsection (7) for the purposes of this subsection,

(b) the publication of a report prepared in accordance with paragraph(a), or

(c) the publication of the decision of any court in such proceedings, in accordance with rules of court, provided that the report or decision does not contain any information which would enable the parties to the proceedings or any child to which the proceedings relate to be identified and, accordingly, unless in the special circumstances of the matter the court, for reasons which shall be specified in the direction, otherwise directs, a person referred to in paragraph (a) may, for the purposes of preparing such a report—

(i) attend the proceedings, and

(ii) have access to any relevant court documents, subject to any directions the court may give in that behalf.

(6) The Board referred to in subsection (5)(a)(ii) shall consult with the Minister before authorising a class of persons for the purposes of subsection (5).

(7) The Minister may, after consultation with the Minister for Justice, Equality and Law Reform, make regulations specifying a class of persons for the purposes of subsection (5) if the Minister is satisfied that the publication of reports prepared in accordance with subsection (5)(a) by persons falling within that class is likely to provide information which will assist in the better operation of this Act, in particular in relation to the care and protection of children.

(8) Nothing contained in this section shall be construed to prejudice the generality of—

(a) any other provision of this Act (including this Act as amended by the *Child Care (Amendment) Act 2007*) or

any thing which may be done under any such provision, or

(b) section 267(2) of the Children Act 2001.

(9) In subsection (5), “proceedings” include proceedings commenced but not completed before the commencement of that subsection.”.

The purpose of this amendment is to modify the *in camera* rule in child care proceedings, set out in section 29 of the 1991 Act, to allow for the attendance at and reporting of child care proceedings in specified circumstances and by specified classes of persons. There is a need to use an evidence base in approaching policy making in this area. To keep the workings of the 1991 Act under ongoing review and in the context of the important role of the courts in the child care system, there is a need to open matters up to scrutiny in a balanced way.

The amendment reflects, in broad terms, the changes introduced in section 40 of the Civil Liability and Courts Act 2004, which modified the *in camera* rule in family law proceedings. It provides that barristers and solicitors and those representing and authorised in writing by the advisory board, following regulations specified by the Minister following consultation with the Minister for Justice, Equality and Law Reform, have access to documents and prepare a report for publication of child care proceedings. Rules of court can be drawn up to regulate this. No child can be identified as a result of this change.

One of the key points that arose in the discussion on the proposed amendment to the Constitution was people’s concern that children are being taken away from them. An extremely irresponsible campaign was mounted in a publication called *Alive Magazine*, which is widely circulated in churches, suggesting that I intended to seize vast numbers of children from their parents. It is important that we should carry out this kind of research in the courts charged with dealing with these matters.

Amendment agreed to.

Bill reported with amendments.

Caoimhghín Ó Caoláin: I move amendment No. 6:

In page 3, line 30, to delete “five” and substitute “three”.

The Bill provides that a foster parent or relative who has cared for a child for a continuous period of five years — the child having, in the first instance, been placed with him or her by the Health Service Executive — may apply for a court order for increased autonomy in respect of the care of the child. Concerns were raised in the Upper House that the period of five years is too

long. It was suggested that it should be shortened, that it should not have to be a strictly continuous period and that it should cater for short interruptions. I welcome the fact that the Minister has accepted changes on the points of continuity and that there is now provision for short breaks and interruptions in care. However, the five-year requirement has been retained. I urge the Minister to reconsider this point and that is the purpose of my amendment.

The point was made repeatedly that in the life of a child five years is a very long period of time. It can, for instance, represent the entirety of attendance at primary school or at secondary school where no transition year is involved. From the interest of the child and the care provider, whether foster parent or relative guardian, the time should be shortened and three years is a more appropriate period. The Minister of State went some considerable way to address the concerns reflected in these Houses on this matter. I again take the opportunity to encourage him to revisit the five-year ruling and to shorten it to three years.

Mr. B. Lenihan: This was discussed on Second Stage in this House and extensively in the Seanad. When speaking on Second Stage, Deputy Lynch of the Labour Party strongly agreed with the view I took on the five-year period. This is a difficult issue. We will delegate responsibilities vested in the State to foster carers and a balance must be struck. If instability and interruptions occur in the placement it would not be appropriate for the foster carers to have increased autonomy in respect of the child.

Where an order is granted under this Bill the State will delegate its responsibilities with regard to a child in care to a foster carer, but it cannot do so lightly. The State must be satisfied the foster parent or relative has an unblemished history of care in respect of the child concerned. This Bill establishes a transition in the case of children in long-term care.

An issue is also raised with regard to the placement and care of a child. I am sure Deputy Ó Caoláin is aware that often children are voluntarily surrendered into care. Social workers must give reassurance to people placing their children in care that they can have their child returned to them. At the same time, through this Bill the Oireachtas will state that if a child remains in care for a designated period of time, the parents and HSE can go to court and give the foster parents increased powers to decide on the medical welfare, education and other decisions that must be taken with regard to a child such as obtaining a passport.

All these will be exercised by foster parents without intensive supervision by social workers. At present, such matters are intensively supervised by social work staff. The regime of intensive

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supervision of foster carers will be relaxed where a period of time has elapsed and a demonstrated capacity has been established. I take the point made by Deputy Ó Caoláin, but to reduce the period to less than five years might get the balance wrong.

Caoimhghín Ó Caoláin: This is a difficult area and clearly not every case will be the same. What we are trying to provide for is the right to apply. We are not determining the outcome. I take on board the point made by the Minister of State, but we should open the door to the opportunity. During the process of an application for a court order, the considered and well-based views of professionals will be taken into account and each case will be judged on its merit and on what is appropriate. We should open up the opportunity for a foster parent or relative guardian to make an application after three years. The five-year period as designated in the legislation is too restrictive. For all the reasons I already outlined, not least of which is the substantial period in the lifetime of a child, we are erring too much on the side of caution. We must have faith in the process to make the correct decision and we should reduce the number of years from five to three.

Mr. B. Lenihan: I do not have a lack of faith in the process. I am concerned with the more fundamental question. We are discussing foster children who have parents and the message we would send to those parents is that after three years their child can end up in the delegated responsibility of someone else. That is the danger I see in erring on the side taken by Deputy Ó Caoláin in specifying a period of three years.

At present, the position of a foster child is that intensive social work supervision continues to the age of 18 years. This legislation was produced as a result of the many children in long-term fostering arrangements where for all practical purposes the child is assimilated into a fostering family and yet the family has difficulty in such matters as obtaining a passport for the child. Other examples of difficulties are where the child is singled out with regard to school tours as the social worker must be contacted to write a letter granting permission and quick decisions cannot be made on medical matters as one must go to the social worker to obtain consent.

A balance must be struck. When a child is taken into care, the State assumes responsibility for the child. We do not need to discuss what happened in the past to realise the seriousness of the obligation it imposes on us as legislators to ensure a basic level of supervision takes place. I appreciate what Deputy Ó Caoláin said. It is a very difficult balance but I think we got it right in this Bill. I am satisfied from what I heard in both Houses that we should stick to the five-year period.

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

Amendment declared lost.

Amendments Nos. 7 to 9, inclusive, not moved.

Acting Chairman: Amendments Nos. 10 and 11 form a composite proposal and amendments Nos. 11 and 12 are alternatives. Amendments Nos. 10 to 12, inclusive, will be discussed together.

Bill recommitted in respect of amendments Nos. 10 and 11.

Mr. B. Lenihan: I move amendment No. 10:

In page 6, line 28, to delete "concerned." and substitute "concerned;".

This arises from Committee Stage when Deputy McManus made a fair case on the need to ensure broader representation when a child is subject to proceedings under the Bill. I did not accept certain amendments she tabled in this regard but she tabled one that seemed to address the issue. As she had left, I indicated I would accept the amendment. Amendments Nos. 10 and 11 are Government amendments.

Deputy McManus has tabled amendment No. 12, which states "a person who, in the opinion of the court, has a *bona fide* interest in the child." The only difference in my amendment is that it is the "child concerned." The draftsman suggested the addition of the word "concerned" to the amendment put down by the Deputy, so I am in effect accepting it. It is a good formulation because it is wide enough to give the court power to let an appropriate person in.

Ms McManus: I welcome that and I thank the Minister.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 11:

In page 6, between lines 28 and 29, to insert the following:

"(e) a person who, in the opinion of the court, has a *bona fide* interest in the child concerned."

Amendment agreed to.

Bill reported with amendments.

Amendment No. 12 not moved.

Bill recommitted in respect of amendments Nos. 13 to 31, inclusive.

Mr. B. Lenihan: I move amendment No. 13:

In page 7, between lines 7 and 8, to insert the following:

“3.—Section 49 (as amended by item 54 of Part 6 of Schedule 7 to the Health Act 2004) of the Principal Act is repealed and the following section substituted:

49.—In this Part—

‘authorised person’ means a person appointed under section 54 to be an authorised person for the purposes of this Part;

‘pre-school child’ means a child—

(a) who has not attained the age of six years, and

(b) who is not attending—

(i) a school, or

(ii) an establishment which provides an education programme similar to that provided by a school;

‘pre-school service’ means any pre-school, play group, day nursery, crèche, day-care or other similar service which caters for pre-school children, including those grant-aided by the Health Service Executive;

‘school’ means an establishment which provides—

(a) primary education to its students,

(b) early childhood education, or

(c) both primary education to its students and early childhood education;

‘school age child’ means a child who is attending a school age service;

‘school age service’ means a childcare service—

(a) provided on a regular basis for children (or a class of children) who attend—

(i) a school, or

(ii) an establishment which provides an educational programme similar to that provided by a school,

(b) provided outside of normal school hours, and

(c) the basis of access to which is made publicly known to the parents and guardians of children referred to in paragraph (a).”.”.

This amendment inserts the definitions of what school age child and school age child care are into section 49 of the legislation.

Amendment agreed to.

Acting Chairman: Amendments Nos. 14 to 20, inclusive, are related and may be discussed together.

Mr. B. Lenihan: I move amendment No. 14:

In page 7, between lines 7 and 8, to insert the following:

“4.—Section 50 (as amended by item 55 of Part 6 of Schedule 7 to the Health Act 2004) of the Principal Act is amended—

(a) in subsection (1), by inserting “or school age children” after “services”,

(b) in subsections (2)(a) and (c) and (3)(a), (b) and (c), by inserting “or school age services” after “services”, and

(c) by inserting the following subsection after subsection (3):

“(3A) On and after the commencement of *section 11* of the *Child Care (Amendment) Act 2007*, regulations may be made under this section to apply to persons falling within section 58(2) (as inserted by such *section 11*).”.”.

These are the amendments dealing with the regulations on school age services and they can specify various requirements under amendment No. 14. Amendment No. 15 concerns the duty to notify the HSE if such a service is being carried out. Amendment No. 16 stipulates that the person carrying on a school age service must have reasonable measures to safeguard the health, safety and welfare of school age children. Amendment No. 17 provides that the HSE will visit each school age service from time to time.

Amendment No. 18 provides that where the HSE has received notification of a service, it will be entitled to enter the premises at reasonable times. Amendment No. 19 provides that the HSE may provide school age services and regulations may be made by the Minister. Amendment No. 20 provides for offences.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 15:

In page 7, between lines 7 and 8, to insert the following:

“5.—Section 51 (as substituted by item 56 of Part 6 of Schedule 7 to the Health Act 2004) of the Principal Act is amended by inserting the following subsections after subsection (2):

“(3) A person carrying on a school age service on the commencement of this subsection shall give notice to the Health

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Service Executive in the prescribed manner.

(4) A person who, after the commencement of subsection (3), proposes to carry on a school age service shall give notice to the Health Service Executive in the prescribed manner.”.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 16:

In page 7, between lines 7 and 8, to insert the following:

“6.—Section 52 of the Principal Act is amended—

(a) by inserting “or school age service” after “pre-school service”, and

(b) by deleting “the service” and substituting “the pre-school service or school age children attending the school age service, as the case may be,”.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 17:

In page 7, between lines 7 and 8, to insert the following:

“7.—Section 53 (as amended by item 57 of Part 6 of Schedule 7 to the Health Act 2004) of the Principal Act is amended by inserting “or school age service” after “pre-school service”.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 18:

In page 7, between lines 7 and 8, to insert the following:

“8.—Section 55 (as amended by item 59 of Part 6 of Schedule 7 to the Health Act 2004) of the Principal Act is amended—

(a) in subsections (1) and (2), by inserting “or school age service” after “service”, and

(b) in subsection (3), by inserting “or school age children” after “children”.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 19:

In page 7, between lines 7 and 8, to insert the following:

“9.—Section 56 (as amended by item 60 of Part 6 of Schedule 7 to the Health Act 2004) of the Principal Act is amended—

(a) in subsections (1) and (2), by inserting “or school age services” after “services”, and

(b) in subsection (3), by inserting “or school age services” after “pre-school services”.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 20:

In page 7, between lines 7 and 8, to insert the following:

“10.—Section 57(2) of the Principal Act is amended by inserting “or school age service, or both” after “service”.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 21:

In page 7, between lines 7 and 8, to insert the following:

“11.—Section 58 of the Principal Act is repealed and the following section substituted:

58.—(1) Regulations under section 50 and sections 51 to 57 shall not apply to—

(a) the care of one or more children undertaken by a relative of the child or children or the spouse of such relative, or

(b) a person taking care of one or more children of the same family and no other children (other than that person’s own children) in that person’s home.

(2) Sections 51 to 57 shall not apply to a person taking care of not more than 5 children, of whom not more than 3 may be pre-school children, of different families (but excluding that person’s own children) in that person’s home.

(3) In this section, ‘child’ means a person who has not attained the age of 18 years.”.”.

This amendment provides for exemption from the requirements of section 50 to 57, inclusive, of the Act for a person caring for children of relatives or a sibling group of children and to provide for an exemption from sections 51 to 57, inclusive, for a person caring for not more than five children of different families, of whom not more than three can be preschool children and excluding that person’s own children in that person’s home.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 22:

In page 7, between lines 7 and 8, to insert the following:

“PART 3

CONSEQUENTIAL AND OTHER
AMENDMENTS TO CHILDREN ACT 2001

12.—In this Part, “Act of 2001” means “the Children Act 2001”.

This is a technical amendment, the effect of which is to insert a new Part heading and to define “Act of 2001” for the purpose of Part 3 to mean “the Children Act 2001”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 23 to 25, inclusive, are related and may be discussed together.

Mr. B. Lenihan: I move amendment No. 23:

In page 7, between lines 7 and 8, to insert the following:

“13.—Section 16 of the Act of 2001 is amended by repealing it only to the extent that it provides for the insertion of section 23D, as set out in such section 16, into the Child Care Act 1991.”

These amendments relate to the Children Act 2001. Amendments Nos. 24 and 25 provide for changes to section 76A(1)(c) and section 77(1), which concern HSE-provided family welfare conferences, which may arise in the context of juvenile justice court proceedings. These sections provide that a court hearing criminal proceedings against a child may, where the court considers a welfare issue arises in respect of the child that may involve the HSE exercising its powers, apply for a care of supervision order to direct the executive to hold a family welfare conference in respect of the child. This would be in order for the executive to determine and advise the court on what, if any, action the executive should take in respect of the child.

The purpose of these amendments is to provide that the use of family welfare conferences which arise in the context of juvenile justice cases is practical. Amendment No. 24 deletes words from section 76A(1)(c) relating to court directed family welfare conferences by the HSE under section 77. The words are “and, pending its outcome, to make an emergency care order or a supervision order under the Act of 1991 in respect of that child.” That is an essential section to clarify that the HSE can take action of that type on foot of a family welfare conference.

Amendment No. 25 amends section 77 and provides that where a court directs the HSE to hold a family welfare conference, the court must be satisfied in its view that it is practicable for the executive to hold such a conference having regard

to the age of the child and his or her family circumstances.

The amendments clarify that it will be for the HSE to apply for orders under the 1991 Act in respect of the child where this is appropriate following the conference. These amendments will allow for the early commencement of section 77.

Amendment No. 23 provides for the repeal of section 16 to the extent that it provides for the insertion of section 23D into the Child Care Act 1991, as the section is not legally workable.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 24:

In page 7, between lines 7 and 8, to insert the following:

“14.—Section 76A(1)(c) (inserted by section 132 of the Criminal Justice Act 2006) of the Act of 2001 is amended by deleting “and, pending its outcome, to make an emergency care order or a supervision order under the Act of 1991 in respect of the child”.”

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 25:

In page 7, between lines 7 and 8, to insert the following:

“15.—Section 77(1) (as amended by item 13 of Part 11 of Schedule 7 to the Health Act 2004) of the Act of 2001 is amended—

(a) in paragraph (a), by deleting “, and” and substituting “if in the Court’s view it is practicable for the Health Service Executive to hold such a conference having regard to the age of the child and his or her family and other circumstances,” and

(b) by deleting paragraph (b).”

Amendment agreed to.

Acting Chairman: Amendments Nos. 26 to 28, inclusive, are related and may be discussed together.

Mr. B. Lenihan: I move amendment No. 26:

In page 7, between lines 7 and 8, to insert the following:

“16.—Section 225(1) of the Act of 2001 is amended, in the definition of “Board”, by inserting “and known, after the commencement of section 226A, as the Children Acts Advisory Board” after “section 226”.”

The purpose of the amendment is to change the name, role and function of the Special Residential Services Board in line with overall Govern-

[Mr. B. Lenihan.]

ment policy on the formation and functions of the Office of the Minister for Children.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 27:

In page 7, between lines 7 and 8, to insert the following:

“17.—The following section is inserted in the Act of 2001 after section 226:

226A.—On the commencement of this section, the Board shall be known as the Children Acts Advisory Board, or in the Irish language An Bord Comhairleach um Achtanna na Leanaí.”.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 28:

In page 7, between lines 7 and 8, to insert the following:

“18.—Section 227 (as amended by item 17 of Part 11 of Schedule 7 to the Health Act 2004 and section 156 of the Criminal Justice Act 2006) of the Act of 2001 is repealed and the following section substituted:

227.—(1) The Board shall—

(a) on request advise the Ministers on policy issues relating to the coordinated delivery of services under this Act and the Act of 1991 (including residential accommodation and support services to children detained in children detention schools and special care units),

(b) publish guidance on the qualifications, criteria for appointment, training and role of any guardian *ad litem* appointed for children in proceedings under the Act of 1991,

(c) in consultation with the Health Service Executive, prepare and publish criteria for the admission to and discharge from special care units of children subject to special care and interim special care orders,

(d) subject to subsection (6) of section 29 (as amended by section 3 of the *Child Care (Amendment) Act 2007*) of the Act of 1991, authorise in writing a class or classes of persons representing the Board to prepare reports referred to in, and for the purposes of, subsection (5) of that section 29,

(e) give its views on any proposal of the Health Service Executive, pursuant to section 23A(2)(b) (inserted by section

16 of this Act), to apply for a special care order under Part IVA of the Act of 1991,

(f) using published sources, report on the level and nature of residential accommodation and support services to children detained in children detention schools and special care units,

(g) promote enhanced inter-agency co-operation (including the sharing of information) under this Act and the Act of 1991,

(h) promote, organise or take part in meetings, seminars, conferences, lectures or demonstrations (whether in the State or elsewhere) in relation to its functions set out in paragraphs (a) to (g), and

(i) conduct or commission research, and collect, maintain, research and evaluate statistics and other data, relating to its functions set out in paragraphs (a) to (h).

(2) The Board, in performing its functions, shall have regard to the policies and objectives of the Government or any Minister of the Government in so far as they may affect or relate to those functions.

(3) The Board shall have all such powers as are necessary or expedient for the exercise of its functions.”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 29 to 31, inclusive, are related and may be discussed together.

Mr. B. Lenihan: I move amendment No. 29:

In page 7, between lines 7 and 8, to insert the following:

“19.—(1) The Acts specified in *Part 1* of the *Schedule* are amended as indicated in that Part.

(2) The statutory instruments specified in *Part 2* of the *Schedule* are amended as indicated in that Part.”.

All these amendments relate to the Schedule to the Act and relate to the adaptation of various provisions of other Acts to reflect the amendments already made.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 30:

In page 7, to delete lines 8 to 16.

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 31:

In page 7, after line 16, to insert the following:

SCHEDULE

AMENDMENT OF ACTS AND STATUTORY INSTRUMENTS TO CHANGE NAME OF SPECIAL RESIDENTIAL SERVICES BOARD TO CHILDREN ACTS ADVISORY BOARD

PART 1

AMENDMENT OF ACTS TO CHANGE NAME OF SPECIAL RESIDENTIAL SERVICES BOARD TO CHILDREN ACTS ADVISORY BOARD

Item	Provision affected	Amendment
1.	Section 23A(2)(b) (as inserted by section 16 of the Children Act 2001 and amended by section 75 of the Health Act 2004) of the Child Care Act 1991	Delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.
2.	Section 23B(1) (as inserted by section 16 of the Children Act 2001 and amended by section 75 of the Health Act 2004) of the Child Care Act 1991	Delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.
3.	Paragraph 143 (inserted by section 5(e) of the Finance Act 2004) of the Taxes Consolidation Act 1997	Delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.

PART 2

AMENDMENT OF STATUTORY INSTRUMENTS TO CHANGE NAME OF SPECIAL NAME OF SPECIAL RESIDENTIAL SERVICES BOARD to CHILDREN ACTS ADVISORY BOARD

Item	Provision affected	Amendment
1.	Regulation 3 of the Child Care (Special Care) Regulations 2004 (S.I. No. 550 of 2004)	(a) Insert the following after the definition of “authorised officer”:

Item	Provision affected	Amendment
		““Children Acts Advisory Board” means the Board within the meaning of section 225 (1) (as amended by section 16 of the Child Care (Amendment) Act 2007) of the Children Act 2001;”.
		(b) Delete the definition of “Special Residential Services Board”.
2.	Regulation 25 (2)(o) of the Child Care (Special Care) Regulations 2004	Delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.
3.	Regulation 26 of the Child Care (Special Care) Regulations 2004	(a) In paragraph (3)(b)(iv), delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”. (b) In paragraph (9), delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.
4.	Schedule to the Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) Regulations 2004	In column (2), opposite reference number 182, delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.
5.	Schedule to the Freedom of Information Act 1997 (Prescribed Bodies) Regulations 2006	Delete “Special Residential Services Board” and substitute “Children Acts Advisory Board”.

”.

Bill reported with amendments.

Bill, as amended, received for final consideration and passed.

Acting Chairman: A message shall be sent to the Seanad acquainting it accordingly.

Protection of Employment (Exceptional Collective Redundancies and Related Matters) Bill 2007 [Seanad]: Committee and Remaining Stages.

SECTION 1.

Mr. Hogan: I move amendment No. 1:

[Mr. Hogan.]

In page 5, subsection (1), lines 34 to 36, to delete “Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007” and substitute the following:

“Protection of Employment (Collective Redundancies) (Amendment) Act 2007”.

The amendment merely changes the Short Title of the Bill from something extremely unwieldy to something that is both simpler and sufficiently descriptive. It is a tidying up exercise. I have been briefed by the departmental officials, for which I am grateful. While I am not making a major issue of it, I would like to hear the comments of the Minister of State.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Parliamentary Counsel suggested the existing Title at drafting stage. The main purpose of the Bill is to deal with exceptional collective redundancies. The Protection of Employment Act 1977 covers collective redundancy situations involving specific numbers of workers. However, the Bill makes new provisions, including the establishment of the redundancy panel, and as such is not just amending previous collective redundancy legislation. In those circumstances it is a different Bill and there is a strong case for having the Title as it stands.

Amendment, by leave, withdrawn.

Section 1 agreed to.

SECTION 2.

Mr. Killeen: I move amendment No. 2:

In page 6, between lines 15 and 16, to insert the following:

““employee representatives“ has the same meaning as in section 2(1) of the Protection of Employment Act 1977;”.

I am advised that this amendment clarifies that the definition as given in the Protection of Employment Act 1977 is the definition that is applicable. This is in line with what was agreed in section 18.3(a) of Towards 2016.

Amendment agreed to.

Section 2, as amended, agreed to.

SECTION 3.

Amendment No. 3 not moved.

Mr. Hogan: I move amendment No. 4:

In page 6, subsection (2), line 39, after “period” where it firstly occurs to insert “or periods”.

This is a technical amendment to clarify the meaning of subsection (2). Perhaps the Minister of State would like to comment on what impact that will have on the section.

Mr. Killeen: I am grateful to Deputy Hogan for moving the amendment. Even though, on balance, it is probably unnecessary, I am disposed to accepting it because it clears up slight confusion about whether the Minister can extend the panel for periods of three years. It seems clear enough, as drafted, but I am disposed to accepting the amendment.

Mr. Hogan: I am pleased to have moved an amendment in the name of another Deputy and have it agreed.

Amendment agreed to.

Acting Chairman: Amendments Nos. 6 to 8, inclusive, are related to amendment No. 5 and all may be discussed together.

Mr. Hogan: I move amendment No. 5:

In page 6, subsection (2)(a), line 41, before “both” to insert “both Houses of the Oireachtas or”.

Deputy Quinn and I have tabled a number of amendments which are intended to give certainty to the role of the Houses of the Oireachtas in this area and to give them a say in changes that might be required. When orders are made to give effect to these changes, they should be placed before both Houses.

Mr. Killeen: Towards 2016 provides that the redundancy panel will be extended by order of the Minister following consultation with both IBEC and ICTU. It was not agreed to extend the consultation process to include the Houses of the Oireachtas or Chambers Ireland and, for that reason, I do not propose to accept the amendment. However, I acknowledge the issue raised by the Deputy, particularly in regard to the Houses of the Oireachtas. The Minister of the day will make an order which will be laid before the Houses in any event. This is, therefore, covered and under the Constitution the Minister is answerable to the Oireachtas.

Amendment, by leave, withdrawn.

Amendments Nos. 6 to 8, inclusive, not moved.

Mr. Hogan: I move amendment No. 9:

In page 6, subsection (2)(a), line 42, to delete “requested” and substitute “not objected to”.

This amendment in the name of Deputy Quinn seeks to give more certainty to the role of both IBEC and ICTU so that they can object to the three-year duration and that approval from them

would be sought by the Minister before he or she would make changes. Deputy Quinn seeks a greater role for both organisations in changes that are made, particularly in regard to the three-year period, which is enshrined in the legislation. It is unusual for a period to be laid down in legislation, as this is usually done through regulation. The approval of IBEC and ICTU should be required for an extension of this period.

Mr. Quinn: I apologise to the Minister of State for not being present at the beginning of the debate, as no disrespect was intended. The amendment is self-explanatory.

Mr. Killeen: Deputy Quinn seeks to substitute “not objected to” with “requested” where the Minister seeks to continue with the panel. I am disposed to adhering to Towards 2016, under which it was agreed to extend the duration of the panel where IBEC and ICTU make such a request. We would all prefer if the panel operated successfully and both the employers and trade unions were of the view that it was sufficiently worthy to be maintained so that they could make such a request. That should be the experience and I do not propose to accept the amendment.

Question, “That the word proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Section 3, as amended, agreed to.

NEW SECTION.

Mr. Hogan: I move amendment No. 10:

In page 7, before section 4 but in Part 2, to insert the following new section:

“4.—(1) For the purpose of this Act, “collective redundancies” means dismissals which are effected for a reason specified in *subsection (2)* (other than a reason related to the individual employees dismissed) where in any period of 30 consecutive days the number of such dismissals is—

(a) at least 5 in an establishment normally employing more than 20 and fewer than 50 employees,

(b) at least 10 in an establishment normally employing at least 50 but fewer than 100 employees,

(c) at least 10 per cent of the number of employees in an establishment normally employing at least 100 but fewer than 300 employees, and

(d) at least 30 in an establishment normally employing 300 or more employees.

(2) The reasons referred to in *subsection (1)* are—

(a) that the employer concerned has ceased, or intends to cease, to carry on the business for the purposes of which the employees concerned were employed by him, or has ceased or intends to cease, to carry on that business in the place where those employees were so employed,

(b) that the requirements of the business for employees to carry out work of a particular kind in the place where the employees concerned were so employed have ceased or diminished or are expected to cease or diminish,

(c) that the employer concerned has decided to carry on the business with fewer or no employees, whether by requiring the work for which the employees concerned had been employed (or had been doing before their dismissal) to be done by other employees or otherwise,

(d) that the employer concerned has decided that the work for which the employees concerned had been employed (or had been doing before their dismissal) should henceforward be done in a different manner for which those employees are not sufficiently qualified or trained,

(e) that the employer concerned has decided that the work for which the employees concerned had been employed (or had been doing before their dismissal) should henceforward be done by persons who are also capable of doing other work for which those employees are not sufficiently qualified or trained.

(3) (a) In this section “establishment” means—

(i) where an employer carries on business at a particular location, that location, or

(ii) where an employer carries on business at more than one location, each such location.

(b) For the purposes of the definition in paragraph (a) of this subsection, each workplace, factory, mine, quarry, dockyard, wharf, quay, warehouse, building site, engineering construction site, electricity station, gas works, water works, sewage disposal works, office, wholesale or retail shop, hotel, restaurant, café, farm, garden or forest plantation shall be taken to be a separate location.

(c) In ascertaining for the purposes of this section the total number of employees employed in an establishment, account shall be taken of those employees who are based at the establishment but who also perform some of their duties elsewhere.

[Mr. Hogan.]

(d) The Minister may, for the purpose of extending the provisions of this section by order amend paragraph (a), (b) or (c) of this subsection and may by order amend or revoke such an order.

(4) For the purposes of this section, "business" includes a trade, industry, profession or undertaking, or any activity carried on by a person or body of persons, whether corporate or unincorporate, or by a public or local authority or a Department of State, and the performance of its functions by a public or local authority or a Department of State."

The amendment would transpose the definition of "collective redundancies" into the Bill, which contains many technicalities that require careful and comprehensive study, given the number of Acts and statutory instruments that comprise labour law. We should aim to consolidate all this legislation and the amendment seeks to do this. Rather than forcing somebody to seek out the definition of "collective redundancies", I propose that it be included *seriatim* in the legislation. This would replace the current section 4.

Mr. Killeen: The Bill deals with exceptional collective redundancies and requires a definition of same. The proposed amendment contains a definition provided under section 6 of the Protection of Employment Act 1977. I am advised the amendment is, therefore, unnecessary and I do not propose to accept it. It also includes current text from that section and old text which is no longer current and which was repealed by Article 5 of the Protection of Employment Order 1996. It is, therefore, not in order to accept the amendment for that reason.

Amendment, by leave, withdrawn.

SECTION 4.

Mr. Quinn: I move amendment No. 11:

In page 7, subsection (1), line 18, after "1967" to insert "(inserted by *section 16*)".

Mr. Killeen: I am advised the amendment is legally unnecessary but, similar to amendment No. 4, I am disposed to accepting it because this issue is commonly encountered in legislation.

Amendment agreed to.

Mr. Killeen: I move amendment No. 12:

In page 7, lines 19 to 22, to delete subsection (2) and substitute the following:

"(2) For the avoidance of doubt, it is declared that this Part does not apply to—

(a) the employment of agency workers for temporary or recurring business needs, or

(b) the use of outsourcing, contracting-out or other forms of business restructuring,

in circumstances other than those referred to in section 7(2A) of the Redundancy Payments Act 1967."

The amendment is intended to reflect the text agreed in paragraph 18.3 of Towards 2016. ICTU had concerns about the original text and this is a great improvement as it reflects exactly what was agreed.

Mr. Quinn: It is easier to be elected to the alternative assembly of the social partners than to this House.

Amendment agreed to.

Section 4, as amended, agreed to.

SECTION 5.

Mr. Quinn: I move amendment No. 13:

In page 7, subsection (1), line 23, after "a" to insert the following:

"body to be known as *Painéal Iomarcaíochta* or in the English language, as the".

This is a linguistic amendment. Whether the Minister of State is disposed to take it, it attempts to give balance to the two official languages of the State.

Mr. Killeen: When the Bill is translated, the Irish title of the redundancy panel will be included. The proposed change to the panel's name would entail significant changes to the Bill and necessitate the production of a new stock copy of the Bill by the Attorney General's office. It is intended to proceed quickly to the Seanad with the Bill as amended by the House, but the acceptance of the amendment would delay that. The amendment is unnecessary, as the name will feature in the Irish text.

Mr. Quinn: Will the Irish language version be incorporated into the title in the publication of official documentation in respect of the body's role or is that presumption unnecessary, as the Official Languages Acts cover the matter?

Mr. Killeen: I understand that the Acts will cover it and publications will need to comply with the requirements.

Amendment, by leave, withdrawn.

Mr. Hogan: I move amendment No. 14:

In page 7, subsection (1), line 24, after “Panel” to insert the following:

“which shall be independent in the operation of its functions and which shall have an independent secretariat”.

This amendment was tabled for the purpose of having the redundancy panel established on an independent basis similar to the Labour Inspectorate. Perhaps the amendment is unnecessary, but I look forward to the Minister of State’s reply.

Mr. Killeen: We have been advised that it is unlikely that there will be enough work to justify an independent secretariat. For the time being, the Department will provide the secretariat for the panel.

Amendment, by leave, withdrawn.

Mr. Hogan: I move amendment No. 15:

In page 7, subsection (4)(a), line 42, to delete “, not exceeding 3 years,”.

This amendment proposes not to apply a limit of three years because I do not see why a person’s term of office should be limited to three years. In fact, it should not be limited at all and the Minister should appoint the person for a fixed term of his or her choosing. Will the Minister of State enlighten the House as to why the figure of three years has been selected?

Mr. Killeen: The figure was selected in accordance with the three-year term of the body. In the event of the Minister being requested to re-establish the panel, there is a provision for a previous member to serve a further term.

Amendment, by leave, withdrawn.

Section 5 agreed to.

SECTION 6.

Mr. Hogan: I move amendment No. 16:

In page 9, lines 4 to 15, to delete subsection (1) and substitute the following:

“6.—(1) A proposal to create collective redundancies may be referred to the Redundancy Panel—

(a) by employee representatives acting with the approval of the majority of those whom they represent who are affected by the redundancy proposal at any time during the period of 30 days, or

(b) by the employer concerned at any time during the period of 40 days,

referred to in section 9 or 12 of the Protection of Employment Act 1977 (as the case requires), by notice in writing addressed to the Chairman of the Panel in the care of the

Secretary General and sent or delivered to the Secretary General at the principal office of the Department of Enterprise, Trade and Employment.”.

This amendment changes subsection (1) by allowing for an extension of ten days to 40 days for an employer concerned in a case where no representatives have been appointed. This would have the dual effect of allowing the employer to consider whether the employees will make a referral and to prepare a proposal if they do not. The time limits in this part of the Bill should be examined so that people are given the best opportunity to consider these matters carefully before triggering this section’s necessary effect. I would be grateful to hear the Minister of State’s opinion on this matter.

Mr. Killeen: It is always difficult to argue the merits of one time span against another, particularly if the difference is relatively short. The term of 30 days in which to deal with these matters is reasonable. If the House gives the message that a longer period is necessary, I would be concerned about the employer or anyone involved being given the opportunity to delay a matter that should be dealt with urgently. For this reason, I am not prepared to accept the amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 17 and 18 are related. Amendment No. 19 is an alternative to amendment No. 18 and will be discussed with amendments Nos. 17 and 18.

Mr. Morgan: I move amendment No. 17:

In page 10, subsection (3)(b), to delete lines 10 and 11.

If a small group representing two or three people who are not aligned with any trade union decided to embark on unauthorised or unofficial industrial action, the subsection could have the effect of debarring all of the employees from accessing the panel. I look forward to the Minister of State’s comments, as I wonder whether he adjudges the situation similarly.

Amendment No. 18 is similar and relates to the statement in the Bill that “no industrial action, on the part of that party, is current.”. Why should the court be prohibited from making a ruling on legitimate industrial action? The paragraph is unnecessary.

Mr. Quinn: Amendment No. 19 is an attempt to make the legislation more explicit, as there may be industrial action elsewhere. The amendment suggests changing the provision to read “no industrial action relevant to the dispute is current”. It is a belt and braces attempt at an amendment.

Mr. Killeen: The Deputies' points are somewhat similar. It is clear that the action taken in the example cited by Deputy Morgan, that of a group of workers not associated with the relevant action, would not impact on the situation.

If I understand Deputy Quinn correctly, his amendment tries to introduce a similar additional guarantee, but I am advised that both amendments are unnecessary because it is clear that only the parties to the dispute are affected by the section's provisions. Is the point of amendment No. 18 the same?

Mr. Morgan: Yes.

Amendment, by leave, withdrawn.

Section 6 agreed to.

Section 7 agreed to.

Amendments Nos. 18 and 19 not moved.

Sections 8 agreed to.

SECTION 9.

An Leas-Cheann Comhairle: Amendments Nos. 20 and 21 in the name of Deputy Hogan are out of order.

Amendments Nos. 20 and 21 not moved.

Mr. Quinn: I move amendment No. 22:

In page 12, lines 7 to 12, to delete subsection (2).

The subsection is an explicit provision and, when we examined it, we wondered why it was being included in this manner. I would prefer to have it deleted. Will the Minister of State elaborate on the thinking behind the matter?

Mr. Killeen: Like Deputy Quinn, I was not present when this element was discussed, but Deputies on all sides will remember the discussion during the dispute that gave rise to this legislation and know of the income tax relief difficulties that might arise for employees who become redundant. A safeguard to the benefit of workers would be lost were the provision changed.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 23:

In page 12, line 20, after "payment" to insert "by the employer".

This is a technical amendment to section 9(3)(a) of the Bill, which provides for a substitute provision for section 7(1)(c) of the Unfair Dismissals Act 1977 relating to enhanced compensation, in which an employee takes a successful unfair dismissals case following the issuing of a Labour

Court opinion that the dismissal was one of a number of dismissals included in an exceptional collective redundancy situation. This amendment clarifies that it is the employer who is responsible for payment of any enhanced compensation awarded under the amended section 7(1) of the Unfair Dismissals Act 1977. While this is the position at present under the Act, it required clarification in this instance.

The amendment is also necessary to provide that the concluding phrase of section 7(1) of the Unfair Dismissals Act 1977 would also apply to the enhanced compensation provision in the amended section 7(1)(c) of that Act in the same way that applies currently to compensation provisions under that Act. This concluding phrase provides that where there is a reference to the word "employer" in the provisions on redress for unfair dismissal, these references will be understood to be references to the new owner in a change of ownership scenario. This is the reason the amendment is necessary.

Amendment agreed to.

Question proposed: "That section 9, as amended, stand part of the Bill."

Mr. Hogan: I note the Leas-Cheann Comhairle ruled out of order a couple of amendments and I accept the ruling. However, I wish to make some observations on the section. I tabled the amendments in question in respect of an issue regarding Castlemahon Food Products Limited, which is in liquidation. A provisional liquidator was appointed on 26 September 2006 and the parent company was located in County Antrim. In May 2005, the workforce agreed to a restructuring plan covering a range of changes that included 150 redundancies at five weeks' pay for each year of service, inclusive of statutory entitlements. When the company went into liquidation in December 2006 with the loss of more than 300 jobs, the workers only received statutory redundancy for each year of service and the redundancy cost to the O'Kane group was nil.

Obviously, the group of workers who remained loyal to the company over the years felt completely let down. Many of the workforce had given up to 22 years of loyal service. As this is a liquidation process and the State is a preferential creditor, it is therefore entitled to a 40% rebate on the liquidation of the assets. The thrust of the amendments I tabled to this section was that when the liquidation process is involved and when only statutory redundancy is paid, this 40% rebate should be redistributed among the workforce. That was the basis on which I was trying to articulate the points regarding this section. The Minister of State should be able to give some information to Members as to how such legitimate concerns about a company that ceases trading under the insolvency legislation could be met. I refer to this case and others in which loyal

workers should not have been deprived of their entitlements to such an extent.

Mr. Neville: I also express my disappointment that the Minister of State was not in a position to deal with this issue. I have met the Castlemahon workers numerous times through their union, as well as individually and collectively. They have had a highly traumatic experience after many years of loyal service to the company and have been made redundant. While the previous tranche of redundancies allowed for five weeks' pay for each year of service, those who did not opt for it now find themselves receiving statutory redundancy only.

The Government had an opportunity to return 40% of what the State recouped to the workers. The State faces lower costs in respect of redundancies when there is a liquidation and it would have been only fair to offer some form of compensation to those who are deeply traumatised in an area where there have been many job losses. Kantoher closed the previous year and was followed by Castlemahon. The opportunities for employment in the locality are extremely limited. While some of those who were made redundant have secured alternative employment, the majority have not and are finding it extremely difficult to adjust and to provide for their families. In some cases, husbands and wives have been made redundant together. I am disappointed the Minister of State was not in a position to give some recompense to the workers who were made redundant. Perhaps he will re-examine the issue at a later stage.

Mr. Quinn: I ask the Minister of State to address the broader issue. Perhaps this can be done in the context of the consolidation of labour legislation, on which work has commenced in his Department. I believe he is familiar with what has happened both in west Limerick and at Comerama, which has been discussed in this House. The net issue concerns a group of workers who cooperate in the restructuring of a company, which will be the feature of Irish industrial relations as we adjust to international globalised competition. I refer to the scenario in which although some workers take early redundancy in good faith with enhanced extra-statutory provision, within a short period of time the restructuring effectively does not work for whatever reason. In the case of the Castlemahon factory, there is some suspicion this is rather opportunistic on behalf of the plant's owners or perhaps its primary customer.

Either way, this pertains to a group of workers who sat down with their partners over the kitchen table in the evening to decide whether to stay or to go, to take the enhanced lump sum or to continue working. Such workers make a strategic decision in all good faith and do so at the behest of and following the leadership of their union. This is an essential part of social partnership,

which is something that employers frequently disregard. Such leadership is difficult to deliver because given the choices facing an individual worker with limited alternative employment prospects, he or she may well decide to continue working. However, when such people continue to work, through no fault of their own and notwithstanding enhanced and changed working practices, within a period of time a decision is taken over which they have no control. Consequently, because such people are back out in the middle of the pitch, so to speak, less than 12 months after the redundancy voluntary package was offered, they end up with just the minimum statutory entitlements.

This is not impossible to fix, although I do not suggest that it will be fixed in this legislation. The issue is more complex and I understand the political constraints within which the framework of this legislation has been drafted. However, this has been done previously, many years ago, in respect of the insolvency legislation, whereby workers were left at the end of the queue of creditors when a company became insolvent. They were obliged to take their place after a host of creditors and in some cases ended up getting very little — in terms of a percentage in the euro — of what they would have been entitled to. On foot of an EU directive, the insolvency legislation gave them priority status together with the Revenue Commissioners and others such as banks and debenture bondholders.

While this will fall to the next Administration, in the context of social partnership I invite the Minister of State's colleagues in the Department of Enterprise, Trade and Employment to begin to review the position in this regard. We are not obliged to wait for a European directive on this matter. The funding of such an enhanced package would come from the redundancy and insolvency fund and would not necessarily be a charge on the plant. That is what the insolvency and redundancy fund is and if Members have been informed correctly by the Government and the Department of Finance, it is in substantial credit at present.

Some mechanism must be found whereby if a voluntary redundancy package in lieu of, or in return for, a reduction in labour costs and perhaps enhanced work practices with greater efficiency has been availed of within a period of time of a certain number of months or years and a company subsequently goes into liquidation, the terms and conditions of that voluntary package would apply to the residual workers who found themselves confronted with this scenario, having made the choice between taking the lump sum and going, or alternatively, taking the exhortations of the company and others to make a final attempt to see whether it could be made viable. If such a sense of justice is not achieved, the Minister of State has confronted the Comerama workers and knows exactly the sentiment that

[Mr. Quinn.]

informs this issue. He knows what Mr. Kelly, the regional secretary for the Amalgamated Transport and General Workers' Union has been confronted with in west Limerick. Indeed, my colleague Deputy O'Shea, who represents Waterford, has brought this problem to my attention. There is no legislative mechanism in place at present to deal with it.

We need to examine how we can maintain the co-operation and collaboration that has been delivered by social partnership in difficult times, for example against the background of the adversarial confrontation that existed in the past. There is a need for change and adjustment in the globalised world economy. If people agree to take a lump sum or accept adjusted work practices but it does not work out, we need to ensure they can feel secure. If their next-door neighbours or brothers have been given statutory payments equivalent to four, five or six weeks' wages for every year of service, they should not fall through the net and have to avail of the minimum statutory payments. Not only can a person take a financial hit on foot of the significant difference between the sums paid in such circumstances, but he or she can also develop a sense of grievance that can sour his or her sense of justice in the workplace and his or her sense of how such justice is obtained. That is not good for us as we move through the early decades of this century. We need to show solidarity with people who have to make choices of that nature.

The attempt Deputy Hogan made to make a suitable provision in this regard has been ruled out of order. I do not dispute that decision. If an offer that is made in this House is ruled out of order on a technicality, that does not invalidate its legitimacy or the intention behind it. I ask the Minister of State, Deputy Killeen, and the Department of Enterprise, Trade and Employment to take note of Deputy Hogan's proposal. I do not think it will be possible to introduce a simple consolidated Bill in the House in the traditional manner. It seems to me that a new labour relations Bill will be required. If I have any hand or part in that process, I will try to make some other changes as well. I do not think such a Bill should be drafted outside the House by the social partners — while they should have a big input, they should not have a veto or a monopoly. Decisions on such matters are to be made on another day and perhaps by another Administration.

I ask the Minister of State to take on board the points I have made. I am sure there are many other individual cases, like the Comerama and Castlemahon cases, with which we are not familiar. Such cases are sufficiently significant to warrant the putting down of a marker and the addressing of the issue. If we fail to do so, we will make it more difficult to obtain future social partnership agreements.

Mr. Killeen: Like Members on all sides of the House, I am familiar with the Castlemahon and Comerama cases. While the principles in those cases are somewhat different, I do not doubt that the effect of the cases, as Deputies Quinn, Hogan and Neville have suggested, has been to undermine people's confidence in the redundancy process somewhat. Many people have expressed their disagreement with the process used to deal with them because they have first-hand experience of the anguish it can cause. It is difficult to deal with this problem. If amendments Nos. 20 and 21 had been in order and could have been accepted, they would not have achieved precisely what Members on all sides would like to achieve in this instance.

Mr. Quinn: Sure.

Mr. Killeen: I am familiar with the example that was cited by Deputy Neville in the Castlemahon case. Those affected in that instance have a huge sense of injustice. Workers who are affected by restructuring have to face real questions, as Deputy Quinn mentioned. Such cases arise quite frequently. People make decisions on the basis of their family circumstances and their belief in their capacity to obtain alternative employment, etc. We are familiar with examples of restructuring not working out. It is immaterial, in some respects, whether one believes that it simply did not work out, or that another agenda was at play. Most of the workers in Castlemahon believe the latter to have been the case. Those who are made redundant as a result of insolvency or other factors are put at a disadvantage within a short period of time.

Difficult decisions will have to be taken when somebody takes action like that exhorted by Deputy Quinn. I think such action must be provided for in some way when a raft of new legislation is introduced in this area. Perhaps the easiest decision to take in legislation is to increase the level of statutory redundancy — such a decision was taken in 2003. That approach is absolute and has some advantages, but it does not address some of the difficulties which arise here. We have no idea what the proceeds of the liquidation in the Castlemahon case, for example, will be. While they may be substantial in that instance, there could well be a case in which such proceeds amount to nothing. It is quite difficult to put in place a rule that can be applied in all cases. As many workers get their redundancy payments directly from the social insurance fund, they get such payments at the statutory rate only. The circumstances which applied at Castlemahon do not apply in many cases. Employers sometimes cease trading without going into liquidation.

Mr. Quinn: Yes.

Mr. Killeen: There is nothing to chase in such circumstances. In many instances, workers are equally at a disadvantage because they are unable to negotiate more than the statutory level. There is a strong argument, in many respects, for directing a great deal of attention at the level of actual statutory redundancy. It is worth trying to devise a formula to apply to cases like Comerama and Castlemahon. While those two cases are quite different in some respects, they are both examples of cases which cause the affected workers to feel a strong sense of injustice.

Mr. Quinn: Absolutely.

Mr. Killeen: The Comerama workers have left me in no doubt that they believe they made their decisions on foot of a particular outcome which ultimately could not be delivered. They believe they would not have made that decision if they were not in a position in which they had to make it on that basis. Many of the Castlemahon workers believe that if they had been given information that was made available at the time of the initial restructuring, they may have been prompted to accept the enhanced redundancy offer at an earlier stage. That is one of the difficulties that is thrown up by cases of this nature. I cannot predict how such difficulties can be dealt with in the context of new legislation. I will take on board a point that has been made by all Deputies, which is that every effort should be made to address this issue and to come up with a formula, even if it is a fairly complex formula that tries to address each of those quite different cases. Such a formula cannot be included in this legislation.

Mr. Hogan: While I accept that this legislation arises from the social partnership agreement, Towards 2016, I suggest that we should also address a separate set of circumstances. I understand that the Department of Enterprise, Trade and Employment is considering amending the insolvency Acts to cater for the cases under discussion. Perhaps the Minister of State will indicate how much progress has been made with that work. Is it likely that priority will be given to this issue between now and the end of the year?

Mr. Killeen: Deputy Quinn highlighted one of the key decisions that will have to be made by my successor in this office. He or she will have to decide whether to consolidate the existing legislation, or to incorporate in the consolidating legislation two or three Bills that are promised in Towards 2016 and relate to issues of this nature which are crying out to be addressed in a much more proactive and detailed fashion. If I were in that position, I think I would try to meet the Towards 2016 commitments, at a minimum, and also to deal with a few cases of this nature which have thrown up examples of what most people would consider to be injustice. I would try to

address such cases in the consolidating legislation. I suppose there will be a temptation for the Minister of the day to consolidate what is already in existence and to deal with other issues separately. I do not have the answer to this problem.

Mr. Quinn: I think that is a fair summary.

Question put and agreed to.

SECTION 10.

An Leas-Cheann Comhairle: As amendment No. 25 is an alternative to amendment No. 24, amendments Nos. 24 and 25 may be discussed together.

Mr. Morgan: I move amendment No. 24:

In page 13, lines 13 to 18, to delete subsection (3) and substitute the following:

“(3) An employer who effects a dismissal in pursuance of a proposal for collective redundancies before the expiration of such of the periods specified in subsection (1) and in sections 9(3) and 12(1) of the Protection of Employment Act 1977 as are applicable is guilty of an offence and liable on conviction on indictment to a fine not exceeding €250,000 per individual dismissal.”.

This amendment seeks to address a concern that I highlighted on Second and Committee Stages, which is that the maximum fine of €250,000 is paltry. I am conscious that it may seem a little bizarre for someone of my means to say that €250,000 is paltry, but I will contextualise that remark. We have been told by Irish Ferries that the entire redundancy package in that case, which applied to several hundred workers, cost the parent company €29.1 million. Similar circumstances could arise involving companies with more than 1,000 employees.

Section 10(3) states that an employer in the circumstances described would be liable on conviction to a fine not exceeding €250,000. It would be of little concern to a major company to pay a fine of that level to save several million euro. That is why my amendment proposes that the fine of €250,000 be applicable for each individual dismissal. The amendment contextualises the penalty.

I do not propose a mandatory fine of €250,000 per dismissal. The amendment proposes a maximum fine of that amount, allowing flexibility in the imposition of the fine.

Mr. Quinn: Amendment No. 25 is related to Deputy Morgan's amendment. We have seen maximum fines devalued over time, either by inflation or by the rise in the level of profit an organisation can make. The Minister of State is familiar with health and safety legislation in, for example, the construction sector. Fines imposed by that legislation create little or no deterrence

[Mr. Quinn.]

against malpractice by rogue contractors and employers. My amendment would extend the maximum fine to a total of €250,000 per employee affected. If ten employees were affected by a rogue action, such as is set out in section 10(3), the maximum fine imposed would be €2.5 million. It would be left to the discretion of the court to decide how much to fine an individual employer in those circumstances. My amendment would transform the deterrence factor significantly.

It will be a long time before the House revisits this matter. The court will decide whether the fine is applied up to the maximum. My amendment would give the courts a degree of flexibility to ensure that the deterrence implicit in this subsection has teeth. I invite the Minister to consider accepting these amendments.

Mr. Killeen: The proposed fine of €250,000 is a 20-fold increase on the previous one. An employer who falls foul of this legislation will have to contend with many other monetary problems. For example, the employees will be likely to receive payments of up to five years' salary. That provision will impose a huge monetary penalty. In view of our discussion on section 9, I believe payments made by an employer would be better directed to the employees.

The increase in the fine is substantial and sets out the seriousness with which the social partners, the Government and this House views offences under this legislation. I understand the points made by Deputies Morgan and Quinn. They would be echoed by many Members on all sides of the House. In the case of exceptional collective redundancies it is important that the message of the legislation be reflected in the substantial increase in the fine and in the fact that redress for employees is paramount. That point is well dealt with in the Bill and I am not disposed to accept the amendments.

Mr. Morgan: I appreciate the point made by the Minister of State that provisions elsewhere in the Bill would make financial provision for employees. Nevertheless, we need to send a clear message to rogue employers and to equip the courts with the means to sanction huge companies that might abuse the system and their employees. A fine of €250,000 would not be significant to a large company with, perhaps, 1,000 employees. Cheaper labour continues to be sought by companies and the race to the bottom is ongoing. In those circumstances it is necessary to consider a substantially greater fine. A fine of €250,000 would be considered paltry by many large or even medium sized companies. My amendment would impose a fine of €2.5 million for the dismissal of ten employees. Even that amount is a pittance compared to the profits made by some companies. Irish Ferries made sev-

erance payments of €29.1 million. Such a company would laugh at a court that imposed a fine of €250,000.

Mr. Quinn: It would be small change.

Mr. Morgan: I would have said arse pocket money, but that is not a parliamentary term.

Mr. Quinn: It may be current in the Cooley Peninsula.

Mr. Morgan: The Irish Ferries affair is a classic example. Such behaviour is not reasonable. I ask the Minister of State to consider these amendments.

Mr. Killeen: It is important to remember that the increased fine would be imposed in the case of a collective redundancy where the dismissals occur before the expiry of the 30-day period. That may not be the most important issue. There are very good reasons, separate from the fine, that an employer should go beyond that period in any event. The increase in the fine is substantial. Even in cases such as those referred to by Deputy Morgan an employer would take some notice of the fact that he would be liable for such a fine and all the other attendant costs. The purpose of the legislation is to address the rights of employees and to give employees the best provision in these circumstances. That purpose is reasonably achieved within the provisions of the Bill.

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

Amendment declared lost.

Amendment No. 25 not moved.

Section 10 agreed to.

Sections 11 to 15, inclusive, agreed to.

SECTION 16.

Mr. Killeen: I move amendment No. 26:

In page 14, line 38, after "State," to insert the following:

"(except where the employer has an existing operation with established terms and conditions)".

The amendment will facilitate a company with established operations in different locations which may need to restructure, to move part of its operation to another existing location within the country and with existing terms and conditions. Without this amendment that would not be possible.

Mr. Morgan: This amendment would facilitate compulsory transfers. For example, a Dublin based company with a branch in Limerick could instruct Dublin based employees to move to Limerick. That would be tantamount to a compulsory transfer. Perhaps the Minister will address that concern.

Mr. Killeen: That would not be the case. The difficulty that would arise if we did not have this provision is that companies would find themselves unable to restructure in Ireland, effectively being forced abroad. In the case of the employees cited in the Deputy's example, it would leave them worse off as they would have no alternative to redundancy. It was never intended that exceptional collective redundancies arising where an employer has more than one site, for example, one in the midlands and one elsewhere, should prevent a company from restructuring in Ireland. That is only in the context of the existing operation in the second location already having established terms and conditions.

Amendment agreed to.

Section 16, as amended, agreed to.

Sections 17 to 25, inclusive, agreed to.

SECTION 26.

Mr. Killeen: I move amendment No. 27:

In page 18, to delete line 5 and substitute the following:

“(2A) Without prejudice to the applicability of any of the provisions of section 6 to the case, where—”.

This amendment provides that, to avoid doubt, the applicability of the provisions of section 6 of the Unfair Dismissals Act 1977 to the type of dismissal described in the new section 5(2A) of that Act is not affected. In other words, the application of section 6 to situations where all the employees involved in a strike or industrial dispute are dismissed is not affected. Section 6 of the Unfair Dismissals Act 1977 provides that, generally, a dismissal shall be deemed to be unfair unless an employer can prove that it was justified by substantial grounds. Section 6 also outlines certain criteria on which dismissals may be adjudicated as either fair or unfair. In addition, section 6 of the Act describes certain dismissals that are automatically deemed unfair. For the purposes of clarity, that must also be included in this legislation.

Amendment agreed to.

Mr. Killeen: I move amendment No. 28:

In page 18, to delete lines 14 to 16 and substitute the following:

“in determining whether, in those circumstances, the dismissal is an unfair dismissal, the rights commissioner, the Tribunal or the Circuit Court, as the case may be, shall have regard, for that purpose only, to—”.

This covers a somewhat similar situation. The amendment clarifies that the specific criteria listed in paragraphs (i) to (iv) of the new section 5(2A) of the Unfair Dismissals Act 1977, on which the fairness or otherwise of the dismissals is to be adjudicated, apply only to the types of dismissals described in the new section 5(2A), that is, situations where all the employees involved in a strike or industrial dispute are dismissed.

Amendment agreed to.

Section 26, as amended, agreed to.

Sections 27 and 28 agreed to.

Title agreed to.

Bill reported with amendments and received for final consideration.

Question proposed: “That the Bill do now pass.”

Mr. Killeen: I thank the Leas-Cheann Comhairle and the Members opposite for co-operating with this legislation. I pay tribute to the social partners for the work they put in. Some very important points were raised. The issue brought up by Deputy Morgan regarding the level of penalties will undoubtedly be addressed in the forthcoming employment rights legislation and a whole raft of legislation to which Deputy Quinn referred. This very important Bill illustrates that the social partners, on one level, and the Oireachtas, on another, are able to address issues such as those that arose in the Irish Ferries case. In particular, I thank the departmental officials for the work they put into preparing the Bill and wish colleagues the best of luck in the coming weeks.

Question put and agreed to.

Sitting suspended at 2.35 p.m. and resumed at 2.50 p.m.

Commissions of Investigation: Motions.

Minister of State at the Department of Finance (Mr. Parlon): I move:

That Dáil Éireann,

— bearing in mind the public concern arising from the circumstances surrounding the death of Mr. Gary Douch, a prisoner who had been placed in a holding cell in Mountjoy Prison;

[Mr. Parlon.]

- noting that the matter raises serious issues about the management and treatment of prisoners in need of protection or special attention;
- and noting that it is the opinion of the Government that a commission of investigation represents the most effective method of examining the serious issues involved;
- further noting that a draft order proposed to be made by the Government under the Commissions of Investigation Act 2004 (No. 23 of 2004) has been duly laid before Dáil Éireann in respect of the foregoing matters referred to, together with a statement of reasons for establishing a commission under that Act;

approves the draft Commission of Investigation (Matters arising from the death of Mr. Gary Douch) Order, 2007, and the statement of reasons for establishing a commission of investigation.

The death of Mr. Gary Douch while in prison custody is a tragedy for which there can be no excuses. The Minister for Justice, Equality and Law Reform has apologised to the mother and family of Gary Douch. When the Government approved the proposal to establish a commission of investigation, the Minister wrote to her telling her of the decision to establish a commission of investigation. It was totally wrong that her son should have suffered the fate he did while in the custody of the State and the Minister has offered her his most heartfelt apologies. It is important for all of us that the necessary lessons be learnt and that future similar tragedies be avoided.

Let me set out the bare facts that give rise to this motion. On 31 July 2006, Mr. Douch expressed concerns about his safety while imprisoned on C wing of Mountjoy Prison. He was moved from C wing and placed in holding cell No. 2 in the B base area with five other prisoners. On the morning of 1 August 2006, shortly before 7 a.m., the holding cells in the B base area of Mountjoy prison were opened. When holding cell No. 2 was opened, prisoners filed out and it was noticed that one prisoner was missing. Staff entered the cell and discovered Mr. Douch. Unsuccessful attempts were made to resuscitate him and he was brought to the Mater Hospital where he was pronounced dead. The indications are that Mr. Douch had died as a result of an assault in the cell by a prisoner who was also there for his protection.

Within hours of hearing of the death, the Minister appointed Mr. Michael Mellett to carry out an independent inquiry into the circumstances surrounding the tragic death of Mr. Douch while in custody in Mountjoy Prison. In particular, he

was appointed to establish what action was taken by the Irish Prison Service, management and staff to safeguard Mr. Douch; to clarify whether Mr. Douch had expressed special concerns about his safety; to establish what procedures were followed and their adequacy; to establish the procedures used to allocate prisoners to the cell in which Mr. Douch died; to establish the level of monitoring during the night of 31 July and morning of 1 August 2006; and to make any observations and recommendations he saw fit.

Mr. Mellett had previous experience in prison matters as a senior official in the Department of Justice, Equality and Law Reform but had moved on from the Department before his appointment to carry out this inquiry. He was therefore fully independent of the Irish Prison Service and the Department in carrying out his duties. He carried out his task in an exemplary and clearly independent manner and his report submitted to the Department in March 2007 outlines the unvarnished truth covering the issues set out in his terms of reference. It is because of the material he has uncovered that the Government has decided a statutory commission of investigation with extended terms of reference is warranted. Mr. Mellett accepted a difficult task at short notice and did an excellent job. I acknowledge publicly the work he has done.

Interim steps have been taken to reduce the risk of a recurrence of an incident of this type. The holding cell where the death occurred has been permanently taken out of service. On 2 August 2006, Mr. Mellett recommended as an interim measure that where a prisoner seeks special protection alleging a threat from another prisoner and the prison authorities accept that there may be some substance to the allegation, the threatened prisoner should be removed to a single occupancy cell for at least 24 hours. This is to allow time for the prison authorities to investigate the source, nature and seriousness of the threat, evaluate the risk to the prisoner and thus inform decisions on how best to deal with the matter. The Minister accepted that recommendation and directed that it be implemented immediately.

On 17 August 2006, the Minister issued two new committal directions, which had the effect of diverting committals from Carlow, Kildare, Kilkenny, Laois, Offaly and Westmeath away from Mountjoy to the Midlands Prison and committals from Louth, Meath, Monaghan, Wexford and Wicklow away from Mountjoy to Wheatfield Prison. This direction reduces the danger of Mountjoy Prison being overwhelmed by any sudden surge of committals.

As in all such cases, the Garda Síochána was called to Mountjoy Prison and initiated a criminal investigation into the death of Gary Douch. A file was sent to the Director of Public Prosecutions and as a result an individual has recently been

3 o'clock

charged with causing the death of Gary Douch. The progress of those criminal proceedings is a matter for the Director of Public Prosecutions and the judicial arm of the State. The Minister has no role in those proceedings but is under a duty not to do anything or reveal any information that might prejudice criminal proceedings. Although it was his intention to publish the report of Mr. Mellett, the Minister has received strong advice from the Attorney General that he should not do so. The Minister is constrained in what he can say about the events of that night. I trust that Members of this House will exercise similar caution when discussing the case.

I can say that Mr. Mellett identified a number of systems failures within the prisons system that may have contributed to the death of Mr. Douch. The findings of the report have serious implications for the future management of our prisons. It is clear that a review going beyond the scope of the Mellett investigation's terms of reference is warranted. A detailed sworn investigation is essential to address matters of public importance. The gravity of the matter is such that the Minister and his Government colleagues are of the view that a full statutory commission of investigation is required to address the matter.

The Commission of Investigation Act 2004 provides for the establishment of a commission of investigation to investigate any matter considered by the Government to be of significant public concern. Such commissions are completely independent and generally hear evidence in private. A commission may direct any person to attend before it to give evidence, examine witnesses on oath and direct that documents be produced. A commission can authorise a person to enter premises, inspect documents and take copies and it is an offence to obstruct such a person in carrying out his or her duties. It can direct costs to be paid in certain circumstances. It is an offence to make a false statement to a commission. A person giving evidence has the same immunities and privileges as a witness in court. The report of a commission must be published unless otherwise directed by a court.

The matters to be investigated are serious and may have implications for the good name and reputation of individuals. It is important that the investigation is pursued in a proper legal framework, where the commission has the full panoply of legal powers required to establish the truth and where procedures ensure that the constitutional rights of individuals are respected.

While the terms of reference may only be finalised after the resolutions have been passed and the order made by the Government, the intention is that the terms of reference would require the commission to carry out any further investigations it considers necessary into the circumstances surrounding the death of Mr. Gary Douch, to examine the management, including transfers, and in particular the chronology of

treatment, including medical treatment, of the individual identified as Prisoner A, taking into account all available information and documentation in that regard and examining all persons whose testimony may throw light on the issues that arise.

The intention is that the terms of reference would require a review of policies, practice and procedures regarding the safety of prisoners in custody whether in prison, a place of detention, the Central Mental Hospital or another institution and, in particular, a review of protocols for those prisoners with specific behavioural problems or vulnerability such as psychiatric, violent or disruptive prisoners and those in need of additional protection. It is intended that the terms of reference would require the commission to make recommendations on what policies and/or legislative measures should be adopted in the future for the management and treatment of such prisoners with a view to promoting the safety and health of prisoners, providing a secure and safe environment for prisoners and persons dealing with prisoners, to safeguard the public interest, to ensure that lessons are learnt and that recurrence of such tragedy is prevented and to report to the Minister for Justice, Equality and Law Reform by 31 December 2007.

Prisoner A is accused of causing the death of Mr. Douch. Mr. Mellett's report makes it clear that some of the most significant questions relate not so much to the victim and his management within the prison system but to how Prisoner A was managed and treated while in State custody. Both prisoners were under protection and a detailed investigation is required into how prisoners requiring protection are managed. We are at one in wanting to see a prison system in which prisoners are kept in safe and secure custody. It is important that we establish what happened, learn from the experience and take corrective action to ensure that it does not happen again.

Subject to the approval of the resolution by both Houses of the Oireachtas, the intention is to appoint Ms Gráinne McMorrough, an experienced senior counsel with a background in mental health and criminal law and experience of both the UK and Irish systems, to be the sole member of the commission of investigation.

The Minister, with the approval of the Minister for Finance, made a proposal to the Government that a commission of investigation be established. The Government has agreed but before the necessary order can be made a draft of the proposed order and a statement of reasons for establishing the commission must be laid before the Houses of the Oireachtas and a resolution approving the draft must be passed. The draft order has been so laid and provides that the Minister for Justice, Equality and Law Reform is authorised to set the terms of reference, to appoint the members of the commission and to receive the commission's report in due course. The Mini-

[Mr. Parlon.]

ster has already advised the House of the proposed terms of reference and proposes to appoint Ms Gráinne McMorrough as the sole member of the commission. Once the appropriate resolution has been passed by both Houses and the order made by the Government the Minister will immediately set about establishing the commission.

The Minister cannot go into detail on the circumstances surrounding the death of Gary Douch. I do not want to anticipate or pre-empt the findings of the commission of investigation. A point that strikes one reading Mr. Mellett's report is his account of the physical conditions in Mountjoy Prison, particularly the holding cell. The Minister has always made it clear that he is not happy with the conditions in Mountjoy Prison. Conditions there were equally bad, if not worse, when the present Government first took office. On becoming Minister for Justice, Equality and Law Reform in 2002 one of the first official engagements of Deputy McDowell was to visit Mountjoy Prison. The Minister said that it was an eye opener. He found a Victorian prison, built in 1850, in a poor state of repair, overcrowded and lacking adequate facilities such as in-cell sanitation. Some 30% of the Irish prison population was incarcerated within the 20-acre campus and there was no room for expansion.

Until the Minister took office there was much talk and very little action about Mountjoy. Deputy McDowell was the first Minister with responsibility for justice to tackle the problem seriously and propose the obvious solution of building a new prison facility on a green field site rather than trying to fiddle around with a 150 year old building on a cramped site in a high density urban area. The same people who criticise conditions in Mountjoy criticised that proposal. Those same people, many of whom are in this House, continue to criticise every step the Minister has taken to make progress on what will be the most important prison development project on this island since Mountjoy was first mooted. I am proud to say that we have now reached the stage where we have an excellent site and are negotiating with a preferred bidder with a view to signing a contract. There is every reason to believe that work will start before the end of this year with the new facility coming on stream in 2010.

The replacement of Mountjoy, along with other major capital works, will mean that the indignity of slopping out will come to an end, every prisoner will have a single occupancy cell with in-cell sanitation, there will be no drugs flying over the walls and there will be an extensive range of facilities to encourage the rehabilitation of prisoners. There will be a range of facilities with different levels of security allowing prisoners to be kept in separate regimes depending on their categorisation and based on an assessment of risk.

Before this Government took office in 1997, the Irish prison system had suffered from a lack of capital investment and a lack of attention. The Minister devoted much personal energy to tackling and solving the chronic overtime problem in the Irish Prison Service as well as the need for substantial capital investment, allowing a radical transformation of the Irish Prison Service and its estate. That capital investment is well advanced and the benefits will be with us for years to come.

In the period since taking over as Minister in 2002 more than €280 million has been invested in prison buildings. The Irish Prison Service is currently engaged in a major capital building programme involving the replacement of the four prisons on the Mountjoy campus, namely the Mountjoy male prison, the Dóchas centre, the training unit and St. Patrick's Institution, with the Thornton campus, Portlaoise Prison, Cork Prison and the older parts of Limerick Prison. Between them, these comprise nearly 40% of the entire prison estate.

The new prison proposed for Thornton Hall is being procured on a value for money public private partnership basis. The new campus at Thornton will have a total capacity of approximately 1,400 spaces including an assessment centre, high, medium and lower security facilities and step down facilities. The campus design is regime-orientated and will allow for the development of progressive rehabilitative programmes, the introduction of enhanced educational and work training facilities and the introduction of single person cells with in-cell sanitation to end the inhumane practice of slopping out. In addition, the new prison complex will also be constructed with an extensive perimeter to prevent drugs being thrown over the wall, thus making it possible to have a drug-free prison regime.

A consortium was recently selected as the preferred bidder to design, build, maintain and finance the new prison facilities. The Government has given its approval for the project to proceed to the contract phase, which will be signed subject to the successful conclusion of detailed negotiations. The intended target date for completion of the replacement Mountjoy complex is 2010.

On the development of a new Munster prison to replace the existing Cork Prison, the Government has recently approved the Minister's proposal to construct a new prison built on a site at Kilworth, County Cork. The need to replace Cork Prison is indisputable. The prison was first opened in 1806 as a military detention barracks and subsequently converted for civilian use in the 1970s. Conditions are far from ideal in the prison and the vast majority of prisoners have to slop out on a daily basis.

An Ceann Comhairle: The Minister of State's 15 minutes have concluded.

Mr. Quinn: His five years have concluded.

Mr. Parlon: Turning back to the establishment of the commission of investigation, the death of Gary Douch should not have happened. It is the prerogative of this House to approve the establishment a commission of investigation to determine the full circumstances surrounding his death and to find out what went wrong and what needs to be done in the future to prevent a recurrence of such an event. I strongly believe that a commission of investigation is warranted in this case. It provides the most appropriate and effective method of bringing to light the full circumstances of the case. I urge Deputies to support the motion before the House approving the draft order for establishing the commission.

Mr. Hogan: Fine Gael will support the establishment of a commission of inquiry into the tragic and unfortunate circumstances of the death of an inmate in Mountjoy Prison, Mr. Gary Douch. I am sorry, however, that the Minister of State had to lace his speech on such an unfortunate matter with the usual rhetoric of the Minister for Justice, Equality and Law Reform. He is obliged to do it but the nonsense in the latter part of the speech about the prison building record when, as a result of overcrowding in Mountjoy Prison this inmate was murdered, was distasteful. It was not the appropriate time to give a prejudiced and selective history lesson about the prison building programme.

This Minister for Justice, Equality and Law Reform has put himself out on a limb on many occasions and, unfortunately for him, many of the issues he has spoken about have rebounded on him. In political terms, since he took office in 2002, and the electorate will adjudicate on this in the next three weeks, he will be seen to have presided over a justice system that has experienced a massive increase in murder rates, an inability to tackle gangland drug barons head on and falling crime detection rates. All of the Minister's speeches and rhetoric should be examined in that context.

I did not intend to mention any political matters and that is the only one I will address in response to some of the rubbish supplied to the Minister of State, rubbish that we have had to listen to for five years.

Mr. Parlon: The new prison is relevant.

Mr. Hogan: The Minister of State is good at buying and selling land but we will hear a lot about value for money in the next three weeks.

I welcome the Government's decision to establish this commission of investigation. I compliment Mr. Michael Mellett for exposing in a clear, concise way the problems associated with the experience of Gary Douch, the tragic circumstances surrounding his death and the inability of the prison system in Mountjoy to cater for inmates in that category. The governor of Mountjoy at the time, Mr. Lonergan, indicated

that chronic overcrowding had resulted in the release at that time of 110 prisoners due to the inability of the prison system to cope. The Minister closed two prisons before he built any others. He put the cart before the horse when dealing with the prison building programme.

There are many people in prison who should not be there. Those who have not paid a fine should be subject to an attachment of earnings or social welfare benefits rather than being sent to prison from where they may emerge as hardened criminals. Many criminals learn and ply their trade in the prison system and that must change.

The Commissions of Investigation Act 2004 is an ideal vehicle by which Gráinne McMorrough SC will be able to do her business quickly and efficiently, building on Mr. Mellett's work. Mr. Mellett's report was an example of how we can work more effectively in difficult circumstances. He got to the heart of the matter quickly and presented a report to the Tánaiste who has decided that the issues involved are so important that they require an investigation by an experienced senior counsel who will make recommendations on this matter within six months. That is the sort of effective decision making that should be extended into other areas of investigation, instead of letting them drag on for years.

Deputy Jim O'Keeffe, the Fine Gael justice spokesman, highlighted the need for this in August 2006, a few days after the attack on Gary Douch on 31 July. Consistent with our calls since then for an independent inquiry, I welcome the opportunity to reflect on the prison building programme, the level of overcrowding in prisons that has caused many of these problems and the fact that we now have an effective mechanism under the Commissions of Investigation Act 2004 to deal with this sad case. I support the motion.

Mr. Quinn: I am speaking on behalf of my Labour Party colleague, Deputy Howlin, who would normally occupy this slot, just as the Minister of State is delivering a speech prepared for personal delivery by the Minister for Justice, Equality and Law Reform, that wonderful oxymoronic departmental description that will disappear within eight weeks.

The Minister of State has no responsibility for this speech, nor do the officials beside him, but this attempt to justify the Minister's *curriculum vitae* once again as holder of the justice portfolio is typical of the man who was never wrong in his life and never will be. The entire commentary about Thornton Hall, the waste of money where he paid twice the market price, suggesting justification for it, is another reflection of waste by this Government, particularly the Progressive Democrats who pride themselves on being economically aware.

The Minister is Tánaiste of a Government. He thinks aloud about market sentiment, suggesting there should be changes in stamp duty in October

[Mr. Quinn.]

when he took over the leadership of his party in an internal coup. He created an expectation that the budget, into which as Tánaiste he would have some kind of input, would address the issue where over the period of the Government's five year tenure, the value and cost of houses rose by 75% while the yield from stamp duty went up by 243%. He created an expectation in the market that some adjustment, reasonable and rational, would have been delivered by the Minister for Finance but that was not to happen. Once again in the run up to the election he is trying to raise expectations. This comes from a party that lectures the rest of us about market economics and reality but what we really get is waste and unfulfilled expectations.

I respond in this manner because the Minister of State read such comments in his speech. We are not here to discuss the prison building programme or the wonderful record of my constituency colleague, the Minister for Justice, Equality and Law Reform. Perhaps his ruminations will be better suited to the Seanad, which he might grace after the next election.

The murder of Gary Douch was a tragedy that should not have taken place. We must deal with it and Mr. Mellett must be commended for the expeditious manner in which he prepared the report on the unfortunate events in question.

I accept the call by the Minister of State to be careful regarding what we say in this Chamber, notwithstanding privilege, lest we prejudice the outcome of any conclusions of Ms Gráinne McMorrow, SC. I particularly welcome the timetable and the deadline of 31 December. I wish that had been done in the context of other tribunals of inquiry ten years ago.

It has been said by a number of progressive commentators that the quality of a society can be measured by the way in which it incarcerates its citizens who go off-side. It comes as a surprise to me, because I am a great admirer of the United States, that there are now more prisoners there than there were in Stalin's Gulag Archipelago in the bad dark days of the Soviet Union. According to Mr. Lonergan, the governor of Mountjoy Prison, most, though not all, of the prisoners in that badly overcrowded Victorian prison with horrible conditions of slopping out and lack of in-cell sanitation have medical problems which resulted in their ending up there. If ever a class issue in this society could be put succinctly, it is in that context.

If a working class child in my constituency has the condition known as attention deficit hyperactivity disorder, becomes increasingly difficult in the classroom, is not psychologically assessed and does not get the attention of a special needs teacher or the necessary support system, as sure as night follows day that child will, through a series of misdemeanours and petty crime, be incarcerated in Mountjoy Prison, that academy of

criminality. It is only middle class families who have the tenacity, self-belief and ability to navigate the system, to bang the drum, to get some kind of intervention so that their child does not end up in jail, and they do not always succeed. As recently as last night I met a woman who reported her medically afflicted son at a Garda station in my constituency and asked that he be incarcerated to bring him to his senses. That happened in Dundrum, but the institution in Dundrum is to be sold, along with St. Luke's Hospital, in order to maximise value.

We know how middle class families will get to Thornton Hall when they get beyond the M50. How will working class families get there? What bus will the daughters, partners or mothers of people who find themselves incarcerated in Thornton Hall get? What rapid rail system will take them out there? What footpath will they walk along when they leave the main road? What boy racer will avoid them as they walk along the winding twisting boreens of north Dublin to find this palace of imprisonment for which the Government paid more than twice the market value? I hope the Labour Party will be in a position to cancel that contract when we come into office.

Mr. Parlon: Is the Deputy suggesting that we go back to Victorian days?

Mr. Quinn: What rate of interest is the public private partnership paying?

Mr. Parlon: The Deputy is suggesting that we go back to Victorian days. The Labour Party blocks the Progressive Democrats at every opportunity.

An Ceann Comhairle: This is not Question Time. Allow Deputy Quinn to proceed without interruption.

Mr. Quinn: The current borrowing rate the State can get is on a par with the European lending level. The rip-off of the public private partnership procurement system is not in the quality of the project management. It is not in the planning process or the value-for-money elements of the contract. It is in the rip-off for no risk because there is no market for prisons. There is no private sector competition yet of which I am aware. The Government is forcing the double payment on interest rate terms for the public private partnership, yet the Progressive Democrats lecture the Labour Party about market economics. The Government has a surplus in terms of revenue, a surplus in underspent capital budget, and the Government is offering a present to the suits down in the IFSC who do nothing other than enhance by a factor of 100% the return on lending. Shylock would not have got a better deal than some of these public private partnership

deals that we are getting on the interest rate alone.

I fully support the project management benefits that come from it and the management of it in regard to a number of operational details. However, the idea of paying a so-called premium risk rate for something in respect of which there is no risk whatsoever is the height of economic incompetence and I hope the electorate punishes the Government for it.

The Minister introduced certain comments and provoked me accordingly. I will now return to the topic of what we are trying to do. I welcome this motion which the Labour Party supports. I welcome the courtesy with which my colleague, Deputy Howlin, has been treated by the officials in the Department of Justice, Equality and Law Reform in terms of the briefing we received on this tragedy. We must learn lessons from it and I hope we get a constructive report that will enable us to proceed in the future.

The kind of prison facility that is contemplated for Thornton Hall and in Kilworth in County Cork is not the solution for the category of person for whom this society currently has no place of refuge. I have in mind another constituent who was beaten up in the inner city by a gang of thugs when he was in his mid-20s. He is brain damaged and veers into criminality. He wanders openly into shops in and around New Street and engages in petty street theft. The only civic response this society has to this person is to arrest him. He has been arrested on numerous occasions and brought back to the family home. His mother, who is now in her 80s, cannot cope with him any more. There is no place in our society for that person other than jail, where he will be brutalised. Whatever about incarcerating criminals who are professional in their assault on our society, we must, in the richness this country possesses and never possessed before, find a way of providing for people such as my constituent sheltered, secure and, possibly, mandatory accommodation, in the sense that they are not allowed to leave except in certain circumstances. That should be separate from the situation where we are incarcerating real criminals.

I suspect that the individuals involved in the incident in respect of which this commission of inquiry is being established — I am being careful in my selection of words — fall as much into the second category of damaged individuals as into the first category of real criminals. Unless we learn that lesson from this specific incident, we will not be any wiser. I suggest that the Minister and his colleagues might examine the way in which the Nordic countries deal with these problems. We do not have a monopoly or an excessive percentage of such persons in our society. There must be another way of dealing with them. While this inquiry will throw some light on what happened, I hope the senior counsel appointed will make some recommendations about where per-

sons such as the person involved in this incident and perhaps others might be incarcerated other than in a prison for criminals.

Aengus Ó Snodaigh: On 31 July last, a 21-year-old prisoner, Gary Douch, made a request to prison officers in Mountjoy for protection. It was a reasonable request, given what happened to him afterwards. However, what happened when he made the request was not reasonable. He was placed in a holding cell in the basement with at least five other inmates where he was subsequently battered to death.

Every State failure to protect the lives of those in custody must be the subject of an independent investigation, whether they are in a Garda station or in prison. We cannot accept anything less. I welcome the establishment of the commission of investigation into this case and see this measure as progress.

Last August, the Minister established an investigation, conducted by an official from the Department of Justice, Equality and Law Reform, who reported to the Minister. This was an inadequate response to the situation. As argued by the Irish Penal Law Reform Trust, a truly independent inquiry must, by definition, include investigators who are not part of the bureaucracy and ethos of the Prison Service and the Department of Justice, Equality and Law Reform. The investigation established by the Minister at the time could be described as more in-house than independent and as such fell short of obligations under the European Convention on Human Rights. I welcome the establishment by the Minister of the commission of investigation but it should have been done at the time of the death of Gary Douch.

The commission has greater potential to uncover the truth and make sound recommendations to prevent further tragic loss of life in the prison system or detention of any kind. I am glad the draft terms of reference include the making of policy and legislative recommendations. One of the failures of the commission of investigation into the Dean Lyons case was that it made no recommendations. This deficiency diminished the value of that commission. What happens after the commission reports is more important. We do not want the report simply to sit on the shelf like other reports, with no action taken. It is essential that positive steps are taken and no expense spared to ensure the bodily integrity and right to life of all persons in custody.

Unfortunately, the Government's response to the Dean Lyons case does not bode well. In that case a vulnerable person was forced to make a false confession and was effectively framed by gardaí while in custody. What has the Government done since that commission reported? It is further curtailing the right to silence and introducing longer hours of Garda detention without

[Aengus Ó Snodaigh.]

any change to the regulations governing the treatment of persons in custody. The grave issues brought to light in the Dean Lyons case remain unaddressed. It is vital, whatever party is in the next Government, that it should take the concrete steps necessary to protect the lives and welfare of prisoners. There must be no repeat of the inaction of this Government.

I am slightly concerned that the terms of reference should include an examination of what steps were taken by the Prison Service subsequent to the tragic death of Gary Douch. The cell in which Mr. Douch was killed was demolished by the Prison Service, even before the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT, could inspect it. Its inspectorate had already indicated it wished to visit the prison. The CPT, tasked with monitoring standards in our prison system, visited Ireland in October, a visit of which the Government was notified. It could have conducted an independent investigation into the circumstances leading to and surrounding the death of Gary Douch. The committee was denied the opportunity to do so because the Prison Service demolished the cell where his murder took place. I hope this action is not an indication of a culture of cover-up akin to that operating in the Garda in County Donegal and other areas.

Terence Wheelock, aged 20, died in Garda custody in June 2005. The Garda claims he hanged himself in the cell but it is widely believed he died as a result of Garda brutality. I have seen photographs which support that conclusion. The Wheelock family's solicitor secured a court order to preserve the cell for an examination of forensic evidence. However, the order was disregarded and the cell was renovated, destroying all potential forensic evidence.

Building a super prison will not prevent the murder, torture and inhuman treatment of prisoners. It will simply replicate these conditions on a larger scale. I call on the Government to ratify the operational protocol to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as is required by the equivalent provisions of the Good Friday Agreement. The Government must establish a prisoners' ombudsman and remove the current exemption of children in detention from the remit of the Ombudsman for Children.

The Government must establish and resource an adequate number of mental health treatment centres with appropriate level of security to bring an end to the practice whereby the prisons system acts as a dumping ground for people suffering mental illness. As highlighted by Deputy Quinn, all Members know of individuals suffering mental illness who should not be in prisons. As society has not properly addressed the issue of supports for people with mental illness, the only place it

considers appropriate is prison. Hopefully, the findings of this commission of inquiry will be a wake-up call, not only to the Government but to society, to examine our policy of imprisonment.

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that the Minister of State, Deputy Parlon, had to substitute for me earlier but I was delayed coming back from Templemore and the business of the House went a little faster than I anticipated.

Mr. Hogan: Matters are moving very fast today.

Mr. McDowell: No, it was because there were so many Garda recruits passing out that it took longer than we anticipated.

Aengus Ó Snodaigh: I hope the Minister was not breaking the speed limit in returning to the House.

Mr. McDowell: I wish to reiterate the apology I have made to the family of Gary Douch for the way in which he met his death in Mountjoy Prison. It was an inexcusable set of circumstances. When all the facts emerge into public knowledge, it will be seen that serious mistakes were made in the sequence of events that led to his death.

It was my intention to publish the report by Michael Mellett but the Attorney General indicated I could not do so. It is, nonetheless, my strong view that we must have a commission of inquiry for several reasons. Echoing what has been said, recommendations are needed. The way in which psychiatrically ill people are treated in the Prison Service must be investigated. What is happening is not satisfactory. There must be a psychiatric service for prisoners. Deputy Quinn argued that some psychiatrically ill people should not be in prison at all. Nonetheless, there are people sent to prison who do need psychiatric treatment. The present arrangements are not acceptable or functioning. It is very well to defend the present arrangements on the grounds of independence of one branch of the State from another. However, if a prisoner becomes psychiatrically ill or the illness takes on an acute form, there should be immediate, effective and high quality assistance for that person. The terms of reference of this commission will enable this whole area to be examined in great detail. No one should be treated in the way some of those who played a leading part in the sequence of events surrounding Gary Douch's death.

It is my intention to re-appoint Mr. Justice Dermot Kinlen as inspector of prisons and to commence the relevant sections. I thank him for the original report he gave on the particular cells involved in the Gary Douch case. I express my regret that the cells were still in operation at the time this death occurred. I regard this as a serious mistake.

I thank Ms Gráinne McMorrow SC for agreeing to act as a commissioner in this case. She has very extensive experience in the field of criminal law and mental health and this renders her peculiarly well qualified for the position. As the House is aware, the commission of investigation into the Dean Lyons case is an effective inquisitorial tool. I am satisfied the powers conferred on Ms McMorrow under this Act will allow her the necessary scope to conduct a thorough and comprehensive investigation into this matter. I reiterate that the death of Gary Douch was a terrible tragedy and it is incumbent upon us all to learn lessons from this event and I am determined this should be the case.

Question put and agreed to.

Minister for Health and Children (Ms Harney):

I move:

That Dáil Éireann,

- bearing in mind the specific matters considered by Government to be of significant public concern arising from the deaths of residents of the Leas Cross nursing home;
- noting that the matter raises serious issues about the role and responses of all relevant parties involved in the management, operation and supervision of the nursing home;
- noting that it is the opinion of the Government that a commission of investigation represents the best method of addressing the issues involved;
- further noting that a draft order proposed to be made by the Government under the Commissions of Investigation Act 2004 (No. 23 of 2004) has been duly laid before Dáil Éireann in respect of the foregoing matters referred to, together with a statement of reasons for establishing a commission under that Act;

approves the draft Commission of Investigation (Leas Cross Nursing Home) Order 2007 and the statement of reasons for establishing a commission of investigation.

Under the Commissions of Investigation Act 2004, a commission of investigation may be established by the Government, based on a proposal by a Minister, with the approval of the Minister for Finance, to investigate any matter considered by the Government to be of “significant public concern”. How the State and its institutions protect vulnerable people is a significant issue. It is evident that a systematic review of the management, operation and supervision of Leas Cross is a matter which falls into this category.

As this House is aware, the Health Service Executive commissioned Professor Des O’Neill, consultant geriatrician, to carry out a review of deaths at the Leas Cross nursing home between 2002 and 2005. This review examined the case notes of those patients who died while resident in Leas Cross between 2002 and 2005 together with documentation from the home itself, the HSE, the coroner’s office, the registrar of deaths and the Department of Health and Children. This report was published in November 2006.

The principal finding of the report was that “the documentary evidence was consistent with the care in Leas Cross being deficient at many levels, and highly suggestive of inadequately trained staff, and furthermore no documentary evidence that the management of the nursing home and clinical leadership recognised the ensemble of care provision required to meet the needs of the residents”.

This review focused on the care of patients in the Leas Cross nursing home and was a paper based investigation. It highlighted the importance of promoting the highest standards of care for older people and of ensuring a robust and thorough system of inspections. Action has already been taken to address the concerns raised by Professor O’Neill’s report. These include the following: the publication by me in January of draft standards for all long-term residential care facilities for older people which are now going through a consultation process led by the Health Information and Quality Authority; and the Health Act 2007 which was recently passed by this House which has put the social services inspectorate on an independent statutory footing and which contains provisions to underpin a more robust inspectorial system.

What is required now is a review of the systems in place and the roles and responses of all the main parties involved in Leas Cross. Having considered Professor O’Neill’s report, the Government is of the view that a commission should be established to investigate this matter, which is clearly of public concern, under the Commissions of Investigation Act 2004. This has been decided taking into account the gravity of the issues outlined by the review and the public interest in the outcome of the review.

The draft order is accompanied by a statement of reasons for establishing the commission, as required by the Commissions of Investigation Act, and a similar motion was approved today by Seanad Éireann. Under the provisions of the Act, the order establishing the commission must specify the matter that is to be investigated. The draft order which is before the House describes it in the following terms: the matters relating to and arising from the review carried out by Professor O’Neill examining the deaths of residents at Leas Cross nursing home; the role and responses of such relevant parties as the commission may determine, including the HSE in relation to the

[Ms Harney.]

ownership, operation, management and supervision of the nursing home; and the circumstances surrounding the transfer of patients from other facilities to the nursing home.

I have already mentioned my recent publication of the draft national standards for residential care settings for older people which update the previous provisions set out in 1993 in the care and welfare regulations. These standards, when finalised, will apply to all residential settings — public, private and voluntary — where older people are cared for and for which registration is required. The draft standards are based on legislation, research findings and best practice. The homes will be inspected against the standards when finalised after the current consultation process by the social services inspectorate which is a part of the HIQA. It will be independent in exercising this function.

The HSE is currently carrying out inspections of private nursing homes and produced a report in 2006 on nursing home inspections and registrations. A national standardised approach to private nursing home inspections across the system is now in place. This currently underpins the inspection process. I allocated an additional €6 million for the further development of the inspection process in 2007-08. The HSE has informed me that 113 inspections have already been carried out this year. A total of 870 inspections of over 400 private nursing homes were carried out in 2006.

Last year we funded the largest ever expansion in services for older people with a full year cost of €150 million. This year we have gone a step further with a full year package of €255 million. In two years we have added over €400 million to services for older people.

We know that remaining at home is the first choice for older people and Government policy is to support people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not possible, we support access to quality long-term residential care. In this regard, it is important that older people have access to the best residential care possible.

This Government is committed to ensuring the safety of all our citizens but, in particular, the most vulnerable in our society. A high priority is to ensure the safety of our older people who, through their hard work, have put us on this road to prosperity that we have enjoyed for the past number of years. The older population in this country has made an invaluable contribution to all aspects of Irish life. We acknowledge this and we are fully committed to improving all aspects of their lives by focusing not only on health issues but also giving consideration to the quality of accommodation, security, welfare and all other issues which affect our older citizens.

This is why I am recommending the establishment of this commission of investigation. We need to ensure that the systems in place for those who are vulnerable and in need of residential care are of a high standard and that they receive quality care and treatment in suitable surroundings. To do this, we need to look at the system failures in Leas Cross. The terms of reference I have approved will, I believe, result in a focused and timely investigation.

Dr. Twomey: Leas Cross is a legacy of gross failure and abuse of the elderly by this Government. It is high time this commission was set up to investigate what happened in Leas Cross and, more appropriately, why the Government failed so dramatically to protect patients in that nursing home and why it took it so long to respond to what was happening there. The Minister involved should have known to some degree that a serious problem existed regarding the care of the elderly in nursing homes.

The “Prime Time” programme was broadcast on RTE almost two years ago. It is amazing how little has been achieved in those two years since this programme made by the national public service broadcaster showed the absolutely despicable behaviour in Leas Cross. The Government is still trotting along, barely getting things done and barely looking after patients in nursing homes.

It is wrong that no one has been held to account by the Government. Will the Minister explain the meaning of the term, “a systems failure”? It means the failure of the Government to react in a timely and appropriate fashion to protect the patients for which the Minister for Health and Children is responsible. It amazes me how slowly everything happened, even when what was happening at Leas Cross was public knowledge. The only good result was that Leas Cross nursing home closed.

There was a delay in the publication of the O'Neill report because the people who were named in the report wanted to have their say. They did not want to say, “We are sorry for what happened” and they did not want to explain how this failure happened but rather they wanted to find an opt-out clause and to scapegoat and blame somebody else. Nobody took responsibility. The Minister to some degree and especially the Government did not investigate the situation. Why did nobody take responsibility? When did people know? Where are some of those people now? Some of those heavily involved continue to work for the HSE and some were asked by the HSE to draw up sets of standards for nursing homes. This is the sort of half-baked attitude that the Government took to what happened in Leas Cross. The Government did not stand back and regard it as an absolute disgrace because the Irish health care service has no great ethos of protecting patients.

The Minister has always dismissed my proposal for a patient safety authority by saying it is not needed. If there was ever a time when a patient safety authority was needed, it is now. We need to change the ethos of the health care services and put the patient at the centre with everything else on the outside. HIQA is not a patient safety authority but is concerned with procedures and standards. The social services inspectorate section of HIQA will inquire into standards but very little else in HIQA is responsible for patient safety. There is still no definitive set of standards for nursing home inspection on this, the eve of the general election 2007, even though this crisis has been in existence for more than two years. The standards being considered by HIQA are still in draft form. This shows what is going wrong. Our ability to react in a timely manner to severe crises within the Irish health care service is shockingly poor and is a result of the lack of concern by the Government. These concerns were expressed by the officials of the Department of Health and Children, but they cannot speak out in the same way as I can. However, reading between the lines in the health strategy published in November 2001 it seems the officials proposed the need to deal with issues of patient safety and equality of service within the public health system. Nothing happened because both the Minister and I know that the big improvements that need to be made will cost money.

There has been a failure to respect old people. Of the €400 million put aside to fund the repayments of the illegal nursing home charges, only €39 million has been repaid. The Minister has a very poor attitude towards elderly patients and their care.

Even though I welcome this commission of inquiry, it seems to be a case of fobbing off and the Minister has not concentrated on the so-called systems failures that caused this situation.

Mr. S. Ryan: It is appropriate this afternoon that as the Labour Party's spokesperson on older people's issues I make my last contribution in Dáil Éireann on the motion for the establishment of a commission of investigation into the management, operation and supervision of Leas Cross nursing home which is located in my constituency of Dublin North.

Ms Harney: Is the Deputy resigning today?

Mr. S. Ryan: This will be my last contribution.

Ms Harney: The Deputy might speak next week.

Mr. S. Ryan: What happened in Leas Cross was one of the greatest scandals of all times and it took a "Prime Time" special programme to highlight the abuse that was taking place and to get the Establishment finally to acknowledge what it knew was taking place and to take action. I do

not intend to apportion blame, however I sincerely hope that the commission will thoroughly investigate all the issues and apportion blame where appropriate. It may be the norm in such circumstances that to date nobody has been prepared to accept responsibility, but that is unacceptable to the public. I compliment Professor Des O'Neill on his excellent report.

Residents of St. Ita's Hospital were transferred from St. Ita's to Leas Cross and other nursing homes, notwithstanding the reports from me and other people regarding the impact of the moves on those residents. As far back as 2004 I had been informed by the Department of Health and Children that a range of problems had been identified by the inspectorate of private nursing homes. These included staffing levels, maintenance of accommodation standards, hygiene problems, lack of activities for residents, poor record-keeping, insufficient or no active involvement by the local authority in fire safety and lack of equipment appropriate to clinical practice. These problems were officially known about but people in areas of responsibility were not prepared to take the decision.

People who are in need of care, especially those who have to leave their homes and go into long stay institutional care, are among the most vulnerable in our society. A civilised society which respects human rights and promotes human dignity should be judged on the way care is provided and on the quality of life which is facilitated within the care system. Any objective judgment of our care system would be harsh and it does not give me pleasure to say this in one of my last contributions. We do not have a fair and equitable system for financing care. We do not have a clear and transparent set of rights and entitlements for older people. We do not have a system that ensures that quality care is delivered. We have allowed our care facilities to develop in response to tax laws rather than in response to the needs of older people. There are not enough specialists working in the system and many of the people who work in the system are not properly trained or paid. We do not facilitate the involvement of older people in decisions about their care.

Perhaps the most harsh judgment of our system is that, while the problems are officially recognised and plans have been made to put things right, virtually nothing has been done. We have not given the care of older people the priority it deserves. I hope the Labour Party in government after the next election will change this. I compliment the Minister on what she has achieved, but she has not achieved everything yet.

It is well known that for personal reasons I will not contest the forthcoming general election. It has been a great honour and privilege for me to represent the people of Dublin North in the Dáil and the Seanad for the past 18 years. I have made

[Mr. S. Ryan.]

great friends and acquaintances across the political divide. I will always cherish the memories I have from my time here. I thank my dedicated staff, my wife, the members of the Labour Party, the Ceann Comhairle and the officials with whom I have come in contact for the way they have assisted and helped me.

We always tend to think about people who were elected to the House when we were, but we tend to forget those who have passed away. On this day, I wish to remember those who were elected with me, namely, Gerry O'Sullivan, Michael Ferris, Pat Upton and Jim Kemmy, all of whom have since died. Representatives from other parties have also passed away during my time in the Houses and we tend to forget them and the efforts they made to make our society what it has become.

Caoimhghín Ó Caoláin: The O'Neill report on the Leas Cross nursing home served as an indictment of successive Governments and of the health board and Health Service Executive bureaucracies which presided over a system that allowed the old and the vulnerable to be disgracefully neglected in nursing homes. I have little doubt that inadequate staffing, inadequate care and, most seriously, inadequate vigilance on the part of State authorities led to the deaths of patients at Leas Cross and other nursing homes.

The terms of reference given to Professor Des O'Neill were flawed because they provided only for a documentary inquiry. The relatives of the deceased were not given the opportunity to participate, even though they have valuable evidence to give regarding the treatment of their loved ones. For that reason, the establishment of this commission of investigation into the Leas Cross nursing home scandal is very welcome. I hope the relatives of the deceased will be given full access and be permitted to tell their stories to the investigation.

Some further points need to be made in the context of establishing this investigation. The Government must implement the recommendations of the National Economic and Social Forum's report, *Care for Older People*. It needs a clear strategy to end the over-reliance on private nursing homes for the care of older people and to ensure that all those who wish to be cared for in their homes can be facilitated with the full support of all relevant State services.

The Department of Finance's report on tax incentives states that the tax incentive was one of the factors which led to an increased number of nursing home places. However, it also states that there is considerable variation across the regions in the number of nursing home beds *per capita*, the costs to the operator per bed, the rate charged per bed and average occupancy rates. The report further states:

The weekly cost of places has risen over the last number of years. Indecon survey evidence suggests that the tax incentive scheme had been ineffective in reducing the increase in the cost of nursing home accommodation.

This clearly shows the flawed Government approach of using tax incentives for developers as a means of delivering an important social policy, namely, care of the elderly. The money forgone by the State in these tax incentives would be better spent in direct provision of care for the elderly in their homes, in day care centres and in residential homes established and run by the Health Service Executive and not-for-profit organisations.

Mr. Gormley: We owe a great debt of gratitude to Professor Des O'Neill who compiled a comprehensive report on this matter. The "Prime Time" television programme and Professor O'Neill's work shone a light on a dark chapter in our history. I compare the latter with other dark chapters of institutional abuse we have examined in recent years.

Alarm bells should have rung when the Minister for Health and Children examined Leas Cross and saw what the for-profit sector could do to the most vulnerable people in society. At that stage, she should have reassessed her strategy. The position in this regard is similar to that which obtains in respect of co-location. The one thing those who operate private and for-profit hospitals want is to commodify and to treat people, some of whom are extremely vulnerable, as a mechanism to make more money.

Many of the for-profit nursing homes, which were incentivised by tax measures put in place by the Government, cut corners in many areas. I refer to the fact that they employed low-cost labour, that is, people from abroad who cannot speak English or communicate properly. The position here is similar to that which obtains in many nursing homes in the United States. One need only consider what has happened in Florida and elsewhere in that regard. Events relating to nursing homes here are a carbon copy of those that occurred in the US and the position will be the same as regards co-location of hospitals and for-profit medicine. In the United States, costs relating to insurance premiums have escalated and that will also happen here.

I do not believe the Minister for Health and Children has learned any lessons. However, I hope her eyes will be opened by the investigation that is to take place.

Minister for Health and Children (Ms Harney): I thank all the Deputies who contributed to the debate. I will not rehash any of the issues relating to co-location, except to say that Deputy Gormley has a very good co-location hospital, St. Vincent's, in his constituency.

Mr. Gormley: I know it well.

Ms Harney: I am sure he is very supportive of that facility, the success of which we are trying to duplicate elsewhere. However, I will not open up any further the debate on that matter.

I thank Deputies for their comments and for their support in respect of this motion to establish the commission of investigation into what happened at Leas Cross. It is clear that we must learn lessons, particularly in the context of the response from those in authority. Since the events at Leas Cross we have published new draft standards. It is important to have such draft standards in order that consultation may take place. Deputy Twomey recently informed me at a committee meeting that we were engaging in overkill. However, we want standards that are appropriate, effective and enforceable.

Following the passage of the Health Act, the establishment of the Health Information and Quality Authority will take effect from 11 May and its social services inspectorate will mean that for the first time the inspection of public and private nursing homes will take place. It is appropriate that all nursing homes, regardless of whether they are in the public or private sector, should be subject to scrutiny by the same inspectorate.

Deputy Seán Ryan stated that he was making his final contribution to this Dáil. I genuinely pay tribute to the Deputy and wish him well. Everyone was surprised when he announced his intention not to seek re-election. Deputy Seán Ryan has been a very well respected and hard working Member of Dáil Éireann for many years.

Deputies: Hear, hear.

Ms Harney: On a personal level, I have, notwithstanding our political differences, enjoyed a very good relationship with him. We have a number of friends in common. I wish the Deputy and his wife all the best of good health. When he recounted the names of those from his party who were elected with him and who have since passed away, it makes one realise how much can change in a few short years.

I hope Deputy Seán Ryan will enjoy many years of happiness with his wife and family. I know that his constituents, regardless of the parties they support, greatly appreciate the great work he did on their behalf. However, I hope he will be back in the House next week and will have an opportunity to make another contribution. All the media people and cameramen are outside the front gate but, no more than anyone else, I do not know if the election will be called.

Acting Chairman (Mr. Carey): The Chair wishes to be associated with the Minister's remarks in respect of Deputy Seán Ryan.

However, the Deputy will probably have an opportunity to make further contributions.

Question put and agreed to.

Ceisteanna — Questions.

Priority Questions.

Departmental Staff.

1. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the role played by civil servants in his Department in the preparation of the document entitled Keeping Ireland Working: The Next Steps Forward; and if he will make a statement on the matter. [15709/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): This is a long reply. My advisers and I prepared the Fianna Fáil enterprise policy document entitled Keeping Ireland Working: The Next Steps Forward. Other than the engagement by my advisers, I did not ask any civil servant working in my Department to become involved in the preparation of the document nor did any civil servant of my Department become involved in the preparation of this policy document.

Mr. Hogan: Clear evidence exists with regard to these matters which was brought to the attention of the Minister and the Taoiseach by the leader of Fine Gael in recent days. It is clearly marked on the document released last week that the Department of Enterprise, Trade and Employment was involved in some way in drawing it up. It is for this reason and because the Minister engaged civil servants in political matters in the past that I brought this matter to his attention again. It is not acceptable to bring the Civil Service into the political arena. All sides of the House respect civil servants for the work they do as part of the permanent Government. Evidence suggested to us that the Minister again engaged civil servants in political activity.

Mr. Martin: I sincerely ask the Deputy to withdraw the allegations. It is pathetic and illustrative of a bankruptcy of ideas that the Deputy must descend to this as is the idea his party leader would raise this matter of a computer glitch. My advisers formulated this document and sent it via electronic mail. If Fine Gael's super-sleuths examined it more closely, they would have seen the initials of the person concerned.

Dr. Twomey: The Minister is getting complacent.

Mr. Martin: It is unfair and the allegation should be withdrawn. It is like Forrest Gump claiming he found the files on Nixon. It is pathetic and ridiculous. I must take issue with the idea that Deputy Hogan would table a priority question on something he knows to be complete nonsense, and I know from his demeanour that he knows it to be so.

Mr. Hogan: I do not know that.

Mr. Martin: I must also take issue with his reference to “previous issues” by which he obviously means the technical briefing an official from the Department attended in the context of the groceries order. The Government corresponded with the Standards in Public Office Commission on this matter. As part of subsequent ongoing correspondence, a letter was sent to the Taoiseach from the Standards in Public Office Commission which provides important clarification. I will not read the entire letter which is dated 17 November 2006. It states:

In the light of its view that technical briefings by civil servants should be provided on an all-party basis, it notes your reference to the provision of such briefings on request to members of any or all of the parties.

In particular, it notes the advice you have given to Ministers and Ministers of State in respect of the provision of briefings by civil servants to a group of members set up by a parliamentary party to deal with a particular issue relevant to the briefing being provided. The Standards Commission considers that the provision of briefings by civil servants at parliamentary party committee meetings in the circumstances envisaged in your letter is consistent with their obligations under the Civil Servants’ Code of Standards and Behaviour. However, it is of the opinion that attendance at such meetings should only occur where the Secretary General or Head of Office considers it appropriate.

With regard to the groceries order briefing, all of this was fulfilled. The Secretary General of the Department approved the presence and attendance of the civil servant, just as at other times when I and Deputy Hogan’s party leader had briefings from the Health Service Executive and various parliamentary parties were also briefed by the National Treatment Purchase Fund. There is nothing wrong with this.

This did not involve using civil servants for political purposes and it is wrong of Deputy Hogan to state it did. This represents smear tactics of an unseemly kind and Deputy Hogan is dragging in innocent independent people. I did not want to end our last Question Time with this. I answered the question factually at the beginning and Deputy Hogan continued to make these baseless allegations. They should be withdrawn.

Mr. Hogan: I do not have a notion of withdrawing what the evidence suggests, which is that the Department of Enterprise, Trade and Employment was involved in some way in drawing up documentation for political purposes which led to the launch of the document last week.

An unprecedented full meeting of the Minister’s parliamentary party—

Mr. Martin: It was not a full meeting.

Mr. Hogan: I know the Minister sees nothing wrong with this. For the past hour and a half we listened to two Cabinet Ministers, the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell, and the Minister for Health and Children, Deputy Harney, seeking the approval of the Oireachtas for commission of investigation inquiries. I applaud them for doing so. Nobody seems to take responsibility for much, particularly the Minister for Enterprise, Trade and Employment.

Acting Chairman: Deputy Hogan must ask a supplementary question. We are running out of time on this question.

Mr. Hogan: I wish to make a comment. I did not want to bring this unsavoury matter to the attention of the House. However, it happened before. Will the Minister undertake that during the next three weeks he will observe the type of political demarkation standards we expect to see whereby the political head of a Department and the Civil Service will be able to do their business at arm’s length?

Mr. Martin: I resent very much the implication in Deputy Hogan’s question and reject it out of hand. I have absolutely no intention of giving any credence to baseless smear tactics from the Fine Gael Party. This is pathetic and ridiculous.

Dr. Twomey: The Minister will use the Civil Service.

Mr. Martin: An adviser under the Acts and codes is quite entitled to assist a Minister late at night or at whatever time. Deputy Hogan knows this as does everybody. We are discussing an electronic communication from an adviser to a Fianna Fáil Party official as part of preparation of a document. If one presses “file” and then “property” one sees the author. This is what we are discussing.

Dr. Twomey: Slippery standards.

Mr. Martin: Deputy Hogan is making a big song and dance pretending and creating the aura that civil servants were involved when he knows full well that no civil servants were involved.

Mr. Hogan: It happened before.

Mr. Martin: It did not happen before. The Standards in Public Office Commission in its letter to the Taoiseach in November confirms my point that we are quite within the parameters of what is contained in the letter. It is unseemly of the Deputy to do this and he should withdraw it.

Mr. Hogan: I have no intention of doing so.

Mr. Martin: He is casting aspersions on people and he should not do so. It brings politics into disrepute.

Mr. Hogan: Do not get into that.

Mr. M. Ahern: Deputy Twomey is a Johnny-come-lately to the blueshirts.

Mr. Hogan: We are properly briefed.

Dr. Twomey: I was able to read a newspaper when Charlie Haughey was around and it has not changed much since then with you lot.

Public Holidays.

2. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that Irish workers have fewer public holidays than workers in most EU countries; if he will increase the number of public holidays from nine to 11 in order to bring workers here up to the EU average; and if he will make a statement on the matter. [15644/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Organisation of Working Time Act 1997, which implemented EU Council Directive 93/104/EC, of 23 November 1993, concerning certain aspects of the organisation of working time, provides for an entitlement to nine public holidays per annum.

Publication of data by the European Employment Observatory shows a wide variation in the number of public holidays among EU member states. The average public holiday entitlement in the EU at present is approximately 11 days per annum. Variations in the number of public holidays must be considered in the context of other factors which may bear on this matter including for example, the relationship with annual holiday entitlement, whether statutorily based or obtained by way of collective agreements. Some entitlements also stem from the legacy of historical and religious developments of specific and differing societies.

Were an increase in public holidays to be considered and I stress no increase is at this moment being contemplated, it would be necessary to undertake detailed and substantial consideration of issues arising, including wide-ranging consultations with social partners and other interested

parties. Among the matters to be considered would be the impact of any such increase in public holidays on the competitiveness of firms, in particular, with regard to small and medium enterprises with smaller workforces, and in terms of output and the impact on employment.

The matter of an increase in public holidays did not emerge as an issue for consideration during the detailed and substantive phases of negotiation of the recent partnership agreement Towards 2016. However, there is nothing to prevent any party raising such matters for discussion in the context of any subsequent agreement.

In the circumstances, I do not share the view that proposals of this kind should be considered without regard to the wider interests of workers and the enterprises in which they are employed. I suggest that social partnership provides the appropriate forum in which such matters can best be considered.

Mr. Quinn: I was in the House earlier today when we discussed the role of social partnership in determining what this elected assembly might decide. I am flabbergasted by the content of the Minister of State's response. He effectively stated that since the social partners did not raise the issue we should not discuss it. We are two public holidays below the European average, which is not a maximum. We have nine public holidays while the European average is 11. Various historical reasons explain why countries have public holidays. In the context of family life balance in which the Department and Government are involved it would be desirable that over the course of the next five years, two public holidays are added. This would mean that across the 12 months of the year we would have a long weekend to which families could look forward when grandparents and grandchildren could meet up. We could reconstitute a family-friendly society in which people who must travel long journeys between one place and another have time to spend with each other.

I know the Minister in question will not be in a position to deliver this after the next election but this is Labour Party policy. I am sure the alliance between ourselves and Fine Gael will be such that I can now seek an assurance that when the Minister and his party are on these Opposition benches, they will not oppose an issue they are not prepared to implement while they still have the power.

Mr. Killeen: I will not engage in prophecy at this stage but it is important to remember the context of the league table of public holidays. I find league tables in general to be quite misleading, and this table does not take account of the holiday entitlements of people, which are in many respects considerably more flexible than set public holidays, as long as people have the choice of when to take them. The number of public

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holidays in Ireland, nine, is not the lowest among EU member states.

I take Deputy Quinn's point regarding families and there are family-friendly policies in place that have been advanced considerably in recent times. In general workers value the flexibility of their own entitlement to holidays in many respects more than public holidays. From that perspective it would certainly be in the interests of the country that when this issue is discussed at a serious level, the social partners will be involved in consultation.

Mr. Quinn: As the last office holder to introduce a public holiday, the May bank holiday Monday announced in 1993 and introduced in 1994, I would indicate the difference between a public holiday and the flexibility of annual leave. A family can adjust the taking of annual leave to meet particular requirements and the difference between this and public holidays is succinct and important.

For example, the public holiday introduced by the late Michael O'Leary in October resulted in, among other things, the jazz festival in Cork and the Dublin City Marathon.

Mr. Martin: The festival is the work of an innovative committee in Cork.

Mr. Quinn: I am quite serious. A space is created. I commend the people of Cork who brought forward the jazz festival but they chose to take a window of opportunity, a public holiday weekend. Dublin City Council did likewise when Noel Carroll initiated the Dublin City Marathon. On one occasion 15,000 people ran in the city marathon, creating a buzz and opportunities for employment and wealth creation.

Public holidays of a structured kind, to which I refer, can create business, employment and local tourism opportunities that do not currently exist. Flexibility for individuals means that if they have 20 working days leave, it can be tailored to family circumstances through negotiation with employers. The public holiday concept is one around which we can build festivals and celebrations of any kind across the city. I ask the Minister of State to reconsider the issue in the dying days of this administration.

Acting Chairman: The Minister of State may briefly reply.

Mr. Killeen: I am afraid Deputy Quinn is setting the bar somewhat high with his requirements for the next public holiday, whenever it is announced. There are benefits to having public holidays, although families would indicate that public holiday weekends tend to be the most expensive in many of these locations. For many ordinary working families, the flexibility which

entitlements to ordinary leave affords gives them better value on a great many occasions.

Consumer Protection.

3. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the number of price surveys conducted by the National Consumer Agency, NCA; the number of prosecutions taken against rogue traders on foot of the work of the NCA to date; and if he will make a statement on the matter. [15710/07]

Mr. Martin: The Consumer Protection Act 2007, which provides for the establishment of the National Consumer Agency on a statutory basis, was recently signed into law. Regulations are being finalised to appoint 1 May 2007 as the establishment day for the agency. Once formally established, the NCA will have specific statutory functions in areas such as enforcement and information. These will include promoting and conducting public awareness and information campaigns for the purpose of educating and advising consumers and for enforcing consumer protection law, including the prosecution of summary offences by traders.

I advise the Deputy that until the new agency is formally established, the Office of the Director of Consumer Affairs continues to carry out important functions in enforcing consumer law. In this regard I am advised that the office has taken nine prosecutions so far this year against traders for breaches of various areas of consumer protection law, including product pricing, price display, misleading pricing, car clocking and food labelling. I understand the office has a further ten prosecutions pending.

In the area of price surveys, the ODCA conducts a monthly product pricing survey covering multiples, symbol groups and a variety of other retailers. I understand the office also conducted a specific survey earlier this year on the practices of certain traders who dual price in both euro and sterling.

I am satisfied the expanded remit prescribed for the NCA in the Consumer Protection Act 2007 will allow the agency to continue to build upon the important work of the Office of the Director of Consumer Affairs but also to be a forceful champion of the consumer's case, including in those areas referred to in the Deputy's question.

Mr. Hogan: The Minister established the National Consumer Agency on an interim basis. What has it been doing in the past two years on an interim basis if the Office of the Director of Consumer Affairs is still doing the work outlined the Minister's response?

Mr. Martin: It is widely known I established the agency on an interim basis, and this has been widely debated in the House. It was good to have

it established on an interim basis prior to the passing of legislation and it has been effective prior to having a statutory footing. This has been evident mainly in the area of advocacy, research and a number of campaigns organised around a range of issues. The agency has made submissions on a number of policy issues both to me and other Departments.

The NCA has been very effective. The placing of the agency on a statutory footing will now give it the enforcement powers raised in the Deputy's question. The agency clearly could not proceed with prosecutions when it did not have a statutory basis, and this fact was known to the Deputy and everybody else. I am surprised the question was put in that format.

In the aftermath of the consumer group it was correct to set up the agency and it has worked very well so far. It will be a strong advocate for consumers and it represents significant infrastructure for consumer protection and advocacy that we have not had in this country.

Mr. Hogan: I agree that it was time for it to be established. It took a long time for it to happen. The Government voted down a Bill three years ago in the Dáil relating to this. It could have happened much sooner. Will the Minister be more specific in telling me what the agency has done on an interim basis since it was established?

Mr. Martin: With the greatest respect, I have been very——

Mr. Hogan: I am sure they were doing something on an interim basis.

Mr. Martin: The Deputy is an Opposition spokesperson on the matter, he should have observed what it did.

Mr. Hogan: I did not observe much.

Mr. Martin: Much work was done——

Mr. Hogan: Give me an example.

Mr. Martin: ——in terms of surveys and submissions, including one regarding the groceries order. There were several campaigns on the empowerment of consumers, of which the Deputy would have been notified. There was a distribution to households as part of an effective "Know Your Rights" campaign, which indicated to consumers their rights and entitlements under existing law. The agency had an input into the formulation of new legislation, particularly the transposition of EU directives and the types of powers and roles the agency should have under the new consumer law.

There were other campaigns and I will send the specifics to the Deputy.

State Authorities.

4. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he will report on progress made in the establishment of the Office of the Director of Employment Rights Compliance; and if he will make a statement on the matter. [15645/07]

Mr. Martin: A key Government commitment in the social partnership agreement Towards 2016 provided for the establishment of an office for the director of employment rights compliance, known as the national employment rights authority, with an increased labour inspectorate, by the end of 2007.

I am pleased to report that significant progress has been made on the establishment of the new authority. The national employment rights authority, NERA, was established on an interim basis following the appointment of its director, Ger Deering, in February this year. The management team of NERA is substantially in place as the director and senior management team, including two principal officers, two assistant principals, an accountant and a legal adviser, have been appointed.

The management team will be supported by additional clerical and administrative staff. The total staff complement of NERA is currently 83. Sanction has been secured from the Department of Finance for an additional 59 labour inspectors. The necessary arrangements and selection process for the recruitment of the remaining inspectors are well advanced, including the recruitment of ten labour inspectors with specialist language skills. To date, seven new inspectors have been appointed. The process is well on target to meet the commitment in Towards 2016 of having 90 inspectors in place by the end of 2007. To make progress with its public awareness and education programme, the National Employment Rights Authority has undertaken a number of tendering processes for the design and development of a website and for advertising and communications services.

Significant work has been done on the substantial employment law compliance Bill, which will be published before the end of the year. Not only will it provide for the establishment of the National Employment Rights Authority on a statutory basis but it will also provide for a new model of compliance, which will include an increased penalties regime throughout all aspects of employment rights legislation. The Bill will simplify the adjudication and redress mechanisms which are available in the employment rights area. It will strengthen existing arrangements relating to investigations by labour inspectors.

The authority has commenced a series of meetings with its stakeholders to initiate a structured dialogue on the new compliance model. Further legislation that was enacted recently provides for certain information to be exchanged through

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joint investigation units involving three parties — the Minister for Enterprise, Trade and Employment and the National Employment Rights Authority, the Minister for Social and Family Affairs and the Office of the Revenue Commissioners. The enactment of this legislation facilitates the operation of joint investigations by the three parties, or a combination of the parties, if breaches of law are suspected. The exchange of information between the three bodies has already commenced. I do not doubt that it will lead to more effective use of resources by the three bodies, as well as improved compliance with labour law.

Mr. Quinn: I thank the Minister for his comprehensive reply. Can he tell the House whether the position of director general of the body was publicly advertised? If it was not publicly advertised, what prompted the Minister and the Government to decide to propose Mr. Deering as the director general of the body?

Mr. Martin: It was done through a competition.

Mr. Quinn: It was through a competition.

Mr. Martin: I will get the exact details of it for the Deputy.

Mr. Quinn: Was the competition publicly advertised?

Mr. Martin: Yes. I will get the details of the type of competition, etc.

Mr. Quinn: That is fine.

Mr. Martin: We did not nominate him. He was presented to us as a result of a competitive process.

Mr. Quinn: Okay.

Other Questions.

Business Regulation Forum.

5. **Mr. McEntee** asked the Minister for Enterprise, Trade and Employment the reason he has not implemented procedures to ensure direct feedback from business on regulatory burdens; and if he will make a statement on the matter. [15554/07]

Mr. Martin: Direct feedback from business was facilitated over the past 15 months through the Business Regulation Forum, which comprised representatives of the business community and business representative organisations. In 2006, the forum collected evidence from businesses about regulatory burdens in a number of ways.

Over 40 submissions were received from businesses, organisations and individuals. Six case studies were undertaken on behalf of the forum to understand companies' day-to-day issues with regulation. Two pilot studies were carried out by PricewaterhouseCoopers on behalf of the forum to investigate the applicability for Ireland of the standard cost model, which is a means of identifying and measuring administrative burdens. More than 30 businesses were consulted in detail about their experiences as part of this process, with two regulations investigated.

I welcome the survey of business attitudes to regulation conducted by the ESRI in 2006 on behalf of the Department of the Taoiseach. The survey collated the views, attitudes and concerns of over 800 firms on the impact of regulations on them. The Business Regulation Forum took these sources of information into account in producing its report, which I launched yesterday. The Government has asked me to lead a Government-wide effort to drive this agenda forward. I have asked the Secretary General of my Department to lead a cross-departmental agency effort, working directly with business, to examine ways of reducing the regulatory burden. It is intended to bring the regulating Departments and agencies into direct contact with business representatives. The initial focus will be on those areas which are causing the greatest burden.

Mr. Hogan: I thank the Minister for his reply. This is a serious problem for businesses, as the Minister is aware. I am sure he has received many representations on it over the years. When the Taoiseach launched a Government document, Better Regulation, in 2001, it was claimed that proportionality and necessity would be provided for and regulatory impact assessments would be carried out on all the various matters. Very little was done in that regard over the following years, however.

What evidence do we have that anything will happen as a result of the report that was published yesterday, which represents a damning indictment of the regulatory burden that has been placed on businesses by the Government? If the Minister reads the report's executive summary, he will see evidence of problems in this respect in areas like tax, health and safety, statistical information and the environment. He will find evidence of a duplication of the administrative burden on business. Will the Minister give the House details of the timescale and targets he is prepared to set for the implementation of this report?

Mr. Martin: We need to keep this debate in perspective. I have been active on the regulation issue — I increased the audit exemption threshold soon after I took office.

Mr. Hogan: The Minister refused to do it at first, but he has done it now.

Mr. Martin: The Minister for Finance introduced significant measures in the budget, on foot of the work that was done in co-operation with the Small Business Forum, to reduce the burden on businesses. He amended the VAT thresholds, for example, to help small and medium sized enterprises. The work that has been done to date illustrates the fact that regulation affects small businesses more than large businesses and has a disproportionate impact on small and medium sized enterprises.

The work of the Business Regulation Forum indicates that regulation constitutes a significant burden for businesses in Ireland. The five areas on which we will concentrate are taxation, health and safety, the environment, statistical returns and employment and company law. There is evidence from international organisations to suggest that Ireland is in a better competitive position than other countries. The World Bank's 2006 Doing Business report ranked Ireland tenth of 175 countries in terms of the ease with which businesses can be started and run here. The World Economic Forum's 2006-07 Global Competitiveness Report showed that Ireland compares favourably with other countries in terms of a number of regulatory indicators. The International Institute for Management Development's 2006 world competitiveness scoreboard showed that Ireland compares favourably in areas like ease of doing business.

(Interruptions).

Mr. Martin: Deputy Hogan should pay attention to what I am saying.

Mr. Hayes: He has other things to think about.

Mr. Martin: I noticed that his mind was wandering. He should take note of these positive indicators ahead of the campaign that may take place over the next few weeks.

Mr. Hogan: There is a regulatory burden on us all.

Mr. Hayes: The Minister was quite alert in the way he picked up on that.

Mr. Martin: When I was a teacher I was able to tell when the attention of students was elsewhere, just as I noticed when Deputy Hogan was concentrating on the change in the Chair. The Deputy asked me to outline the Government's targets. We are prepared to nail our colours to the mast. Like our European counterparts, we want to reduce the regulatory burden by approximately 25%, across the board, over the next five years.

Mr. Hogan: I do not know where we heard previously of a policy of reducing the regulatory burden by 25%.

Mr. Martin: Perhaps the Deputy heard it in the House of Commons.

Mr. Hogan: No, the Minister heard it first as part of Fine Gael's policy. We have been proposing that for the last three years, but the Government has been ignoring our efforts.

Mr. Martin: No.

Mr. Hogan: Of course that is the case. After ten years in office, I would have expected the Government to have done a great deal to reduce the regulatory burden, which is currently such an important issue. Like all other Government conversions to Fine Gael policy, this conversion is welcome. I am glad that the Minister said this is an important issue. He has accepted this report, just like he accepted many other reports. Will the Minister indicate which of the areas identified in the submissions from the other EU member states that have had some success in this area are priority areas? I accept that some priorities have been identified, but I would like to know more about some specific priorities, particularly in relation to the Dutch model, which is the best example of a regime coming to grips with the regulatory burden on small and medium sized enterprises.

Mr. Martin: This is an ongoing issue. It would be incorrect to suggest that we have just become associated with this issue. The consumer legislation we passed in this House is a good example of simpler consolidated legislation that reduces the regulatory burden. It repealed a number of outdated historic Acts. We need to create a pillar of legislation that can be accessed by consumers, business and industry. The Minister of State, Deputy Michael Ahern, has initiated the mammoth task of updating and reviewing company law. That work, which is well advanced, will work wonders in simplifying the regulatory obligations to be fulfilled by those establishing new companies, etc. The great deal of significant legislative work that is under way will reduce and simplify the regulatory burden. We need to ensure that regulation, which is important to all our lives, is administered in a simple, efficient and effective manner.

The Deputy asked about the areas on which we will concentrate. He also mentioned the international dimension. We have spoken to the Dutch authorities. Some civil servants from the Netherlands have come to this country to explain how the standard cost model works there. We have some concerns about the applicability of that model to Ireland, as we do not want to create a new layer of bureaucracy. That is something we are teasing out.

We have set up an interdepartmental group with business people on it which is headed by the Secretary General of my Department. It will become a clearing house for regulation, as was

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the case for the financial services sector. That arrangement was very effective in having a structured dialogue between the sector and Government. Likewise, in this case we want a structured, ongoing and sustainable dialogue between business and Government on the regulation issue.

European Defence Agency.

6. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the reason a representative from Enterprise Ireland is acting as Ireland's representative at meetings of the European Defence Agency; the mandate given to same; and the powers vested in same to conclude agreements on behalf of the State. [15612/07]

Mr. Martin: Representation at meetings of the European Defence Agency, EDA, is a matter for the Department of Defence and I have no function in the matter.

Enterprise Ireland does not represent Ireland at meetings of the EDA and has no powers to conclude agreements relating to the EDA on behalf of the State. Meetings of the EDA are attended by staff from the Department of Defence. However, I understand that Enterprise Ireland has provided preliminary technical assistance to the Department of Defence at EDA meetings in relation to a research and development programme which the EDA has decided to undertake and in which the Minister for Defence has determined that Ireland should participate. On the basis of that decision, the Department of Defence has requested the involvement of Enterprise Ireland in identifying Irish companies which may potentially participate in this research programme and thereby benefit from the funding which is available from EDA projects. That Department has also requested the involvement of Enterprise Ireland in relation to Ireland's representation in the management of the said research programme by the EDA. These requests are currently under consideration.

The decision to establish an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments, known as the European Defence Agency, was formally adopted at the General Affairs and External Relations Council meeting on 12 July 2004. Ireland participates in the framework of the European Defence Agency, pursuant to a Government decision of 6 July 2004. The agency is an intergovernmental agency within the framework of ESDP and Ireland is represented on the steering board by my colleague, the Minister for Defence.

Mr. Eamon Ryan: As the Minister began his response, I presumed that my information was inaccurate and that Enterprise Ireland was not sending representatives to the European Defence

Agency. As his reply evolved, it became clear that it is doing so.

How is this reconciled with stated Government policy regarding control of the export, sale and use of arms to ensure that this State does not assist the development of weapons which would have a disastrous effect if sold to inappropriate regimes? What is our involvement in this defence armaments research programme? What is the role of Enterprise Ireland in the matter? Are we seeking contracts for Irish universities or companies? What is our involvement, as a neutral state, in such European defence armament programmes?

Mr. Martin: We have a strong legislative framework for regulating the dual use issue, which the Minister for Foreign Affairs piloted through the Houses. Deputy Ryan's question suggested that Enterprise Ireland was acting as Ireland's representative at the EDA. In the interest of Enterprise Ireland, it is important to clarify that it does not act as Ireland's representative on the European Defence Agency. Enterprise Ireland provides technical advices to a number of Departments. For example, Enterprise Ireland provided the technical and scientific assessments which informed the decisions taken by the Department of Agriculture and Food on the rationalisation of the dairy industry. When the IDA, for example, grant aids research and development projects for multinational companies, Enterprise Ireland does the technical evaluations and assessments of the projects concerned.

In this case, the Minister for Defence needed technical advice regarding a research and development programme in which his Department is involved. I do not have specific information about the programme. The Minister for Defence determined that Ireland should participate in the programme and wished to identify companies which could participate in it.

There is always a crossover, particularly in the area of information technology, between civilian and defence uses. Companies with expertise in peacekeeping equipment and crisis management systems could play a role in the development of emerging technologies which would not undermine our neutrality or non-alignment policy. We must be careful not to rain on everyone's parade as soon as we see the word "defence" on an agenda.

Mr. Eamon Ryan: Is the Minister suggesting that the Minister for Defence seeks to develop an armaments or a research capability in this area? The parallel of Enterprise Ireland assisting the Department of Agriculture and Food does not stand up. Enterprise Ireland's only purpose in this matter can be to generate business for Irish universities or companies. Is that not what they are doing rather than helping the Minister for Defence to develop a defence capability?

Mr. Martin: The Department of Defence has requested the involvement of Enterprise Ireland in identifying Irish companies which might potentially participate in this research programme. To date, Enterprise Ireland has provided preliminary technical assistance to the Department of Defence at EDA meetings for a research and development programme which the EDA has decided to undertake and in which the Minister for Defence has decided to participate. There is not a wide-ranging set of programmes. There is one particular programme which may have applicability to some Irish companies.

Mr. Eamon Ryan: Is there a fear regarding Ireland's neutral position?

Mr. Martin: Countries such as Austria, Finland and Sweden, which are neutral countries, are participating in this programme.

Departmental Travel.

7. **Dr. Upton** asked the Minister for Enterprise, Trade and Employment the steps he is taking to offset the carbon emissions caused by official travel of staff of agencies under the remit of his Department; and if he will make a statement on the matter. [15484/07]

Mr. Martin: Official travel in the agencies under the remit of my Department is appraised and monitored by each agency to ensure that travel is restricted to necessary journeys only. Wherever feasible, staff of the agencies use public transport when travelling on official business. Video conference and conference call facilities are regularly utilised to avoid the need for official travel, where appropriate. The Department and its agencies operate a travel pass scheme encouraging staff members to use public transport in both working and leisure hours, thus assisting in reducing the level of carbon emissions.

Carbon emissions caused by official travel must be balanced against the considerable benefits accruing to Ireland from business transacted on those journeys in terms of promoting trade, attracting inward investment and influencing international policy.

The recently published National Climate Change Strategy 2007-2012 sets out measures to be adopted by the civil and public sector to reduce greenhouse gas emissions. These include a requirement that each public sector body adopt greenhouse gas reduction targets and measure and report progress on achieving these targets in their annual reports.

Mr. Quinn: I accept the Minister's response as far as it goes. To what extent does his Department monitor the maintenance by the various State agencies of the standards he has described? To what extent do those agencies report directly to his Department, as distinct from merely includ-

ing an account of their compliance in their annual reports?

Mr. Martin: The new National Climate Change Strategy 2007-2012 is putting in place a framework for all Government Departments and agencies to reduce greenhouse gas emissions. Chapter 9 of the strategy deals with that issue. The strategy places a requirement on each public sector body to adopt greenhouse gas reduction targets and to measure and report progress in achieving these targets in their annual reports. I do not chase these agencies every week or every month. Each agency's annual report must contain a separate section dealing with greenhouse gas reduction and the measures it is taking or will take to reduce or offset greenhouse gas emissions.

In addition, the strategy requires the offsetting of carbon emissions resulting from all air travel on Government business, including flights by Ministers and civil servants, from the beginning of the Kyoto commitment period in January 2008. Practical arrangements will be put in place to enable each Department to compute annually the emissions associated with its air travel and to make a contribution to an appropriate fund to secure verified emission reductions of an equivalent amount. The Department of the Environment, Heritage and Local Government calculated that its 2006 air travel would have given rise to a contribution in the general order of €5,000 if such a scheme were already in place. We are addressing this issue in practical ways.

Mr. Eamon Ryan: In the past number of years I have asked every Minister the amounts of money spent on mileage allowances compared to public transport. The answer from almost every Department, including the Minister's, is that more than 95% is spent on mileage allowances. While the stated position is that we wish to promote the use of public transport, everything in the current system encourages people to drive.

What does the Minister intend doing to change that, if anything?

Mr. Martin: Very significant investment in public transport has enhanced the situation, and Transport 21 will further improve performance regarding public transport.

Mr. Eamon Ryan: What will the Minister do in his Department?

Mr. Martin: I thought the Deputy had referred to the Government as a whole.

Mr. Eamon Ryan: What will the Minister do in his Department?

Mr. Martin: Pragmatism is necessary if I am travelling around the country to areas where there is no public transport and 15 organisations

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wish to see me. We do not always use the car to get to Donegal or other communities, but they want to see Ministers at different times of the day. Carbon offsetting is a good practical way of dealing with the issue.

Mr. Eamon Ryan: What about the officials?

An Ceann Comhairle: Deputy Eamon Ryan should allow the Minister to speak.

Mr. Martin: I stated in my reply that there is already a scheme to incentivise the use of public transport by officials.

Mr. Eamon Ryan: It is not working.

Mr. Martin: It exists. The most effective and practical solution, given the way in which people travel in all sorts of directions to various locations, is carbon offsetting.

Mr. Quinn: As a Cork Member, and given the colleague beside him, does the Minister accept that for a long time the financial incentive to accept a mileage allowance instead of having one's train fare reimbursed was skewed for every Member?

Mr. Martin: That is changing.

Mr. Quinn: Not necessarily. If anything, the scheme has been rendered more opaque. The Minister has been in office for so long that he does not know what has changed.

Mr. Martin: It is Deputy Quinn who is out of touch.

An Ceann Comhairle: We are running out of time.

Mr. Martin: The system has changed for Deputies.

Mr. Quinn: I am well aware of what has changed.

Mr. Martin: Ministers do not receive a mileage allowance.

Mr. Quinn: I am not imputing that for a moment.

In his supplementary question, my colleague raised the question of staff. If someone in the family of enterprise agencies, including Forfás, the IDA and Enterprise Ireland, needs to travel to Limerick for a meeting, what is the difference in what that person would get if he or she went by train instead of claiming mileage? I suspect that the cash in hand for mileage as distinct from reimbursement of the train ticket is significantly greater, which is why Deputy Eamon Ryan put

that to the Minister in his supplementary question.

Mr. Martin: There is more than that to the matter, including flexibility and how people want to travel. It is not all about mileage. My reference was to the system, which was changed some time ago. I have no difficulty with its being applied to civil servants through the normal channels.

Irish Language.

8. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the cost to his Department of implementing the Official Languages Act 2003; the number of documents that were published in both languages in 2006; the number of documents that were published in only one language; the number of documents that were published in both languages, but where the version in the second language was published more than two weeks after the version in the first language was published; and if he will make a statement on the matter. [15488/07]

Mr. Martin: The cost to the end of 2006 of implementing the Official Languages Act 2003 in my Department and its offices was €156,667 for translation and website development.

In 2006 the number of documents published by my Department and its offices was 26. Of those, 14 were published in one language only, English. The number of documents published in both Irish and English was 12, and in two of those cases the Irish version was published more than two weeks after the English one.

My Department is fully committed to the implementation of the Official Languages Act 2003. It is already fulfilling many of the requirements of the 2003 Act, although the Department has not yet been formally notified by the Department of Community, Rural and Gaeltacht Affairs to draw up a statutory scheme outlining the Department's plans for compliance.

An Ceann Comhairle: Next is Question No. 9, in the name of Deputy Ó Caoláin.

Mr. Quinn: Is it in order for a question to be answered in the absence of the Deputy who tabled it?

An Ceann Comhairle: Not for priority questions, but these are ordinary questions.

Literacy Levels.

9. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that 25% of the Irish working population lack functional literacy skills; his plans to introduce a robust programme to eradicate literacy problems in the workplace; the specific target dates for the incremental eradication of these literacy prob-

lems; and if he will make a statement on the matter. [15625/07]

Mr. Martin: In 1997 the OECD published the findings of its international adult survey. That survey, which was conducted in 1995, provided a profile of the literacy skills of adults in Ireland aged between 16 and 64. According to the survey, almost 25% of the Irish workforce lacked functional literacy skills.

Since the publication of the OECD survey, the Government has committed substantial resources to tackling the problem of adult literacy. For instance, the provision in the education sector for adult literacy increased from a base of €1 million in 1997 to €33 million this year. That substantial increase in resources will allow more than 38,000 adults this year to be catered for in literacy training programmes, compared with just 5,000 in 1997.

FÁS, for its part, is implementing several programmes to address literacy issues. Those include the workplace basic education fund, community employment literacy programmes and the literacy programmes for community training centres, justice workshops and local training initiatives.

The workplace basic education fund aims to have more than 3,000 registered learners from 2005 to 2007. To help it achieve that, its budget increased from €2 million in 2006 to €3 million in 2007.

There are currently 46 FÁS-VEC community employment literacy programmes, and those are being extended to all regions. Those programmes enable participants on FÁS-funded community employment schemes to be released half-time from their work experience programme to avail themselves of intensive literacy tuition provided by the VECs.

FÁS and the National Adult Literacy Agency, NALA, have been collaborating since 1999 on a literacy strategy for community training centres, CTCs, justice workshops and local training initiatives, LTIs, to address the literacy development needs of early school-leavers and adults. The strategy aims to integrate literacy support and development into all aspects of vocational training programmes.

Company Closures.

10. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment the status of investigations by the Director of Corporate Enforcement, the Employment Appeals Tribunal and other agencies under the aegis of his Department into the liquidation of a company (details supplied) and subsequent creation of another company; if the situation has been resolved to his satisfaction; his views on whether new legislation will be required to prevent this situation recurring; and if he will make a statement on the matter. [15463/07]

Mr. Martin: As I indicated in replies to previous questions, matters arising from the liquidation of the company concerned are currently receiving attention from two of the agencies that operate under the aegis of my Department, the Employment Appeals Tribunal and the Office of the Director of Corporate Enforcement.

The latest position with regard to the involvement of the Employment Appeals Tribunal is that the tribunal commenced its hearing under section 9(3) of the Protection of Employees (Employers' Insolvency) Act 1984 on 21 March and adjourned it until 14 June. The situation regarding the insolvency and redundancy payments schemes will be considered by my Department following a decision by the tribunal.

The position in regard to the involvement of the Office of the Director of Corporate Enforcement remains as described in my previous replies, namely that the liquidator of the company has been temporarily relieved by the director from the obligation to take restriction proceedings in the High Court, pending the receipt of a further report from the liquidator to the director under section 56 of the Company Law Enforcement Act 2001.

Regarding new legislation relating to "phoenix" situations, I draw attention to the changes introduced by Part 5 of the Company Law Enforcement Act 2001, which address problems and issues connected with business failure. Company law is also under continuing review, particularly through the work of the Company Law Review Group.

Mr. Quinn: I have brought this case to the Minister's attention on several occasions, and I am not satisfied that we have made the progress required to ensure that there is no replication elsewhere in the sector. The construction industry is particularly vulnerable to phoenix-type companies and the re-emergence of directors from one company in another. Their obligations to their employees, customers and, in the context of housing estates, planning legislation and residents, are not being met. Is the Minister satisfied that action taken by the various agencies under his remit has been sufficiently vigorous to ensure that, if there has been malfeasance in the area, it is vigorously prosecuted to create an example for any other companies that might otherwise wish to act in the same manner?

Mr. Martin: As the Deputy has said, that would depend on whether there has been malfeasance, but the answer is "Yes". We have asked the Company Law Review Group to examine the case and ascertain what lessons might be learned from it. I referred to that earlier regarding the more comprehensive legislation on the way.

Job Creation.

11. **Mr. Quinn** asked the Minister for

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Enterprise, Trade and Employment his plans for job creation in the south and south west following the recent high-profile job losses at three companies; his view on the fact that high-technology jobs are being lost in the region; the steps he is taking to ensure retention of high-tech jobs in the region and the introduction of new high-tech jobs; and if he will make a statement on the matter. [15487/07]

Mr. Martin: I understand that the Deputy is referring to recent announcements of job losses in IDA client companies, Motorola and Bourns Electronic in Cork, which is part of the south-west region, and Thompson Scientific in Limerick, which is part of the mid-west region. Job losses are regrettable, no matter where they occur, but they are a feature of economic development in all countries as various sectors expand and contract in response to market forces.

The development agencies under the remit of my Department are working with a range of local bodies in the south west and mid-west regions to develop a competitive knowledge economy and to assist their client companies in moving up the value chain. IDA Ireland is actively promoting both of these regions through its network of overseas offices to prospective investors across the full range of IDA Ireland targeted sectors, such as pharmaceuticals, medical technologies, information and communications technologies and internationally traded services.

While we have been successful over the past decade in attracting investment and jobs we now face new challenges. We are no longer a low cost country with high levels of unemployment. In Cork and Limerick, as elsewhere, there is a need to mobilise initiatives and resources on a regional rather than a purely local basis so as to compete effectively with other city regions for mobile investment.

The development of the gateway and hub locations in the south and mid-west under the national spatial strategy will assist in providing the critical mass in terms of population, skills and infrastructure that are needed to attract, sustain and grow investments in these regions.

In recent years, Cork has been particularly successful in attracting investment in the pharmaceuticals, medical technologies and ICT sectors. Such investments are attracted to Cork due to the availability of a high quality workforce and a well developed infrastructure as well as a positive business environment. Limerick's employment base is dominated by the ICT sector, with companies such as Dell, Analog Devices and Banta. The medical technology and life science sector is also strong, making up approximately 26% of FDI employment in the county, as is the engineering and consumer products sectors with 16% of employment.

This transition from a low-cost economy has resulted in some companies moving operations to lower cost locations in eastern Europe and Asia, but, more importantly, it has resulted in some companies expanding their remit to include higher value activities in their Irish operations.

In terms of job creation, Enterprise Ireland activity is focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions. I am confident the policies and strategies the agencies are pursuing will deliver the best results in terms of maximising investment and jobs.

Mr. Quinn: I have a supplementary question but it is possibly linked to Question No. 14 which we may not reach.

An Ceann Comhairle: We will get to it.

Mr. Quinn: I accept the overall situation with regard to employment creation in the economy is positive, but that generalisation does not include people, of whom there are many, as the Minister's figures suggest there were 440,000 at the last count, who only have second level educational achievement within a labour force of just over 2 million. I do not dispute the points made by the Minister. They are the facts of life and we have done well out of riding them, as it were, in terms of job creation.

What tracking mechanisms are available to the Department and FÁS when redundancies occur due to relocation? For the individuals directly concerned and with the support services of FÁS, what is the expectancy for someone with limited skills who is made redundant in a plant that has closed due to relocation? How long does FÁS stay involved with an individual and at what point is he or she cut loose in terms of finding another job? The level of satisfaction of ex-employees depends on their sense of security in getting back into the labour market at a salary level at least similar to what they had enjoyed previously, even though their formal educational skills and experience may not give them that expectation. I am not sure whether that question makes sense to the Minister but I think he may know what I am trying to say.

Mr. Martin: When a redundancy takes place or a closure occurs, FÁS has a structured response which involves going into the company concerned and conducting a dialogue with the employer, seeking to profile the collective employee group and inviting employees to engage with FÁS. Not every employee does this. The feedback from the

intervention by FÁS in a number of cases in the past year and a half has been positive. The number of people who do not engage present a problem as this may not be picked up. Those who engage with FÁS remain engaged until they get something. That is a part of the FÁS service which has become increasingly more important and more effective.

FÁS also liaises with Enterprise Ireland and IDA Ireland as the two services offered are the provision of training and reorientation programmes and the creation or sourcing of new job opportunities in a given locality for the individuals involved. It is very much a three-pronged approach by the three agencies; to get in on the ground in a particular company, assess the profile of the staff, see what is required, offer courses and programmes and to enable the staff to take up training for other jobs. That approach is being taken and will continue to be taken.

Industrial Development.

12. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment his plans to reconfigure the enterprise development agencies to allow local authorities to participate in strategic investment decisions regarding local and regional business development through funding research and development. [15621/07]

Mr. Martin: Investment decisions concerning grant aid, including research and development, to individual undertakings are operational matters for the development agencies. Under the Industrial Development Acts the Minister of the day is precluded from giving directions to the agencies concerning specific projects.

Under existing arrangements local authorities can engage with the development agencies concerning local development plans. For example, both IDA Ireland and Enterprise Ireland are members of the various county development boards operated by the local authorities. They are also members of sub-groups of the boards such as the Economic Development Group. The county and city enterprise boards also work closely with their relevant local authorities and are active participants on the county development boards. The board of each county enterprise board includes four elected councillors nominated by the local authority as well as the county manager. This structure of cross-representation creates a platform for the delivery of enterprise supports at the local and regional level in an integrated and effective manner.

The enterprise development agencies are also represented by regional managers on inter-agency task forces responding to a local need at a given time, for example, the Dungarvan inter-agency task group. Regional managers also attend many other meetings with chambers of commerce and other committees involved in developing initiatives to market the county.

In terms of infrastructure, the goal is to ensure that each county has appropriate property solutions, tailored to specific key sectoral targets, to attract inward investments. This means the provision of high quality business and technology parks, and in co-operation with the private sector, the provision of new advance technology buildings. It also means undertaking long-term planning with the local authority so that the county is seen by investors as having the appropriate locational solutions in terms of property, infrastructure, air access, business and lifestyle services for key strategic investments of national importance.

Accordingly, there is already extensive collaboration between local authorities and the development agencies and I do not consider there is any necessity to reconfigure the agencies in these circumstances.

Control of Exports.

13. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment whether the Control of Exports Bill 2007 will be amended to require Irish companies to receive prior licensing approval before establishing licensed production arrangements overseas for any equipment on Ireland's military list as defined in the Control of Exports Order 2005, Government authorisation for private providers of military, police and security services, both within and outside Ireland, exporters of military goods and services to report to his Department on the delivery and use of equipment to the stated end-users, as recommended in the 2004 Forfás review and Government authorisation for overflight, transit and transshipment through Ireland of military list items and goods listed in the EU regulation on equipment which could be used for torture, whether held under bond, in its definition of exportation. [15617/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I refer the Deputy to the Seanad debates on the Bill where some of these issues were raised. With regard to licensed production overseas, a number of non-governmental organisations have called for the imposition of controls on what they refer to as "licensed production overseas". This is the practice whereby a company based in one jurisdiction permits a second company located elsewhere to manufacture its products under licence. The issue was considered in the context of the Forfás review and, ultimately, the consultants concluded: "While provision to govern licensed production abroad is legally feasible, this is not a priority concern in the circumstances of the Irish industrial base."

In deciding not to specifically provide for the inclusion of controls on licensed production overseas, the Department also took into account that controls already apply to the export of goods and

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technology required for the development, production or use of military equipment and other equipment subject to export controls. Such controls would apply to exports of goods and-or technology for use in connection with overseas production. Furthermore, these controls will be enhanced with the imposition of controls under section 5 of the Bill in accordance with EU Joint Action 401/2000 CFSP of 22 June 2000, which provides for controls on technical assistance, such as repairs, maintenance, development, manufacture, assembly, testing, training and instruction and consultancy services.

With regard to end-use monitoring, contemporary international export control practice favours enhanced pre-shipment controls and the use of risk analysis programmes. The sharing of information on potential end-users of concern is a strong component of preventative action by the EU and by the international export control regimes. Where there is any reason to doubt the bona fides of the end-users, an export licence is not issued. The Department will also deny a licence where there is any reason to believe there is a risk of diversion of the goods in question to an end-use or end-user other than that stated on the licence application. This accords with criterion seven of the European Code of Conduct on Arms Exports. The code binds Ireland to take into account such criteria as the existence of internal conflicts, regional peace and security and respect for human rights when considering whether to permit the export of controlled goods. Exporting companies have a responsibility to ensure their products are not being used for nefarious purposes. In line with best international practice, the Department continues to promote the implementation of effective internal compliance programmes by Irish exporters of controlled goods.

The definition of "export" in the Bill has been widened to cover goods imported for re-export and this will enable controls to be imposed on goods in transit. On overflights, the carriage of munitions is regulated by the Department of Transport under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973.

The European Communities (Control of Trade in Goods that may be used for Torture) Regulations 2006 provide for penalties for breach of Council Regulation 1236/2005 of 27 June 2005, which prohibits the import or export of goods that have no practical use other than for the purposes of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment. The Council regulation also imposes an export authorisation requirement on certain goods that could be used for torture or other cruel, inhuman or degrading treatment or punishment. Consideration will be given to imposing a ban on the export of such equipment when updat-

ing the list of goods to be controlled in orders made under the new legislation. I am sure the matters themselves will be decided by the House when the legislation comes before it.

Mr. Eamon Ryan: I apologise for the long, complex nature of my question but I asked it because of the serious concerns expressed by organisations such as Amnesty International that the proposed Bill does not go far enough. There is real disappointment, at the end of the term of this Dáil, that the Government did not manage to bring this matter to a conclusion, despite its having been of concern for the five years in which I have been a Member. This is a real shame and a loss.

The Minister of State said he will consider strengthening the Bill with regard to the definition of products that could only be used for torture. Am I correct in saying their export would require licensing? What is the position on overflights in this regard, or the position on checking goods in transit through the country? In such circumstances, must the Minister specify to the Department of Transport the need for tighter regulations? What role can the Department play to ensure Ireland is not a transit point for such goods?

Mr. M. Ahern: The definition of "export" in the Bill has been widened to cover goods imported for re-export and this will enable controls to be imposed on goods in transit. This provision did not exist heretofore. I am sure there will be plenty of opportunities to deal with this when the Deputy is re-elected. It will be brought before the House in due course.

Mr. Martin: In the autumn.

Mr. Eamon Ryan: How will the checks be implemented?

Mr. M. Ahern: To implement anything one must examine it. One must put controls in place to monitor the flights and shipments.

Employment Support Services.

14. **Mr. Costello** asked the Minister for Enterprise, Trade and Employment the steps he is taking to assist persons who lose their jobs and have particular difficulties finding new employment due to their age but are many years from retirement age; and if he will make a statement on the matter. [15475/07]

Mr. Martin: The full range of services provided by FÁS is available to all unemployed people. In particular, FÁS provides an integrated support service for people being made redundant because of company restructuring or closures. This involves information sessions, skills analysis, training and retraining courses and job place-

ment. In the delivery of these services, FÁS liaises with other relevant agencies such as Enterprise Ireland, IDA Ireland, the city and county enterprise boards and the Department of Social and Family Affairs.

Under Towards 2016, a number of initiatives aimed at workers in vulnerable industries are being undertaken. These include enhanced programmes to upskill the low-skilled and older workers. In addition, a high-level working manufacturing group has been established to review the challenges facing the sector and, having regard to initiatives currently under way, identify any further measures that would help to meet those challenges.

Mr. Quinn: I welcome the members of the Fourth Estate, who have displayed an extraordinary interest in upcoming redundancies. Specifically on the difficulties older people face finding new employment, will the Minister indicate whether FÁS will extend its services to back-bench members of his parliamentary party who are likely to find themselves in that circumstance fairly soon after the next election?

Mr. O'Connor: Is that an endorsement?

Mr. Quinn: No. I am anxious that the Deputy be redeployed after he exits this Chamber.

Mr. O'Connor: I am quite happy doing what I do.

Dr. Twomey: Are the people of Tallaght happy with that?

Mr. Quinn: The Deputy has already secured his place in the other House, so we are not worried about him.

To return to the substance of the Minister's reply, we know from other countries that are suffering from higher levels of unemployment than those in Ireland that we cannot sustain and support an open, competitive economy that is embracing globalisation unless we can offer a sense of security to those who, through no fault of their own, find themselves without a job and in need of the aid and support of FÁS to return to the workplace. In effect, this question is not dissimilar to one asked previously. Will the Minister outline some examples of the work FÁS is doing in this area, as distinct from just describing it? What experience has he had, in his capacity as Minister, of FÁS intervening successfully in the event of job losses in 20-year-old companies, for example, the skills sets of whose employees are of a particular timeframe? What is the real-life experience communicated to the Minister in respect of the efficacy of such intervention by FÁS?

Mr. Martin: The question relates to the difficulties older people encounter, because of their

age, when seeking employment. Evidence suggests there has been an increase in the order of approximately 10% in the employment of older people over recent years. We have had good success in this regard. FÁS intervention through the One Step Up initiative is very much directed at workers in employment. Through the Excellence Through People programme and others, involving both individual companies and sectors, FÁS has had success in upskilling.

One of the most effective training programmes to date, the Skillnet programme, does not involve FÁS. It is industry-led and is very much based on the sector itself identifying gaps, coming together, providing content and delivering a programme to deal with the gaps.

FÁS will expand the One Step Up initiative in the years to come under the national skills strategy. In Dungarvan, FÁS intervened very effectively in respect of the job losses at Waterford Glass. I received detailed accounts of its impact from the regional manager. The recent feedback from Motorola was positive in terms of the FÁS interface with the workers. I hear such stories across the country. Increasingly there will be interaction with those at work, rather than with those who become unemployed.

Official Travel.

15. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment the policies in place in his Department to encourage the use of public transport by staff travelling to and from work; the policies in place to encourage staff to use public transport when travelling on Departmental business; and if he will make a statement on the matter. [15481/07]

Mr. Martin: The mode of transport staff of my Department use in travelling to and from work is a matter of choice for them. However, my Department generally supports the use of public transport by staff. In this context, it operates a travel pass scheme which was introduced by the Department of Finance in 2001. Under this scheme, an employee can forego part of his or her salary *in lieu* of the provision of an annual bus or rail pass by my Department. A particular attraction of the scheme for staff is that it complies with the Revenue Commissioners' guidelines on benefit-in-kind tax exemption. The employee is not liable to pay tax and PRSI on the cost of the travel pass provided by the employer. A total of 216 staff in my Department are availing of the scheme in 2007.

Travel by staff on official business is governed by travel and subsistence regulations issued by the Department of Finance. The overriding principle in these regulations is that all official travel should be by the shortest practicable route and by the cheapest practicable mode of transport. As a general rule, officers are only authorised to use their own transport on official business where

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suitable public transport is not available, where public transport is available only at equal or greater expense, or where the use of public transport would result in the unnecessary loss of official time.

Given the nature of the work carried out by some areas of my Department, it is not always feasible for staff to use public transport. For example, labour inspectors and prices inspectors are often required to carry out site visits at locations or at times that make the use of public transport impractical. In such instances, the use of an official's private car is authorised. As far as possible, journeys of this nature are arranged to maximise the amount of business carried out in a particular geographical area. Travel by car may also eliminate the need to incur overnight subsistence expenditure.

Mr. Quinn: The Minister might clarify the number of staff in his Department who use the travel pass. I want to separate his reply into two categories. There are two categories, the first of which is travel to and from work, in respect of which the Minister incentivises civil servants to use public transport. Where people have access to the Dart and Luas, these are the options they choose. The major issue is that of the mileage rate for a civil servant in using his or her car, which provides a greater cash incentive than using a train or taxi where a worker is reimbursed the actual cost of travel according to a receipt. There is a discrepancy in mileage rates depending on the size of the car used. Therefore, all other variables being equal, it is preferable for a civil servant to use a car. When one strips away the cost benefit analysis, a civil servant is better off in using a car and claiming mileage rather than using a taxi, bus or train because in the latter scenario he or she only receives the cash expended.

Mr. Eamon Ryan: I hate to be a killjoy but the Minister presumes civil servants use public trans-

port in the vast majority of cases. In fact, it is so in less than 5% of cases. People are not stupid; the Minister provides a major financial incentive to drive. As a result, the State spends some €20 million on mileage rates and the centre of Dublin is clogged because the State promotes driving by way of providing Civil Service car parks. It does this through the mileage rate system and the provision of free car parking spaces in Dublin city centre and elsewhere. Does the Minister wish to change this?

Mr. Martin: I will not introduce a *fatwa* against civil servants, follow them around and insist that they travel in a certain way. We need practical application and to cop on. Mileage has been paid for some time and rates are negotiated by union representatives. One cannot unilaterally wade into this matter. In the case of labour inspectors and other civil servants travelling to particular locations, public transport services may not be amenable. The result may be far more inefficient, with more overnight stays, if one were to use another system. Using a taxi does not lead to a reduction in carbon emissions any more than using one's own car.

Mr. Quinn: It does.

Mr. Martin: Not necessarily. Taxis still run on petrol or fossil fuels. We need proportionality and pragmatism in this debate. People throughout the country seek access to public and civil servants. Those outside Dublin believe the official mindset to be too Dublin centred. If we continue along this route, we will ensure no one will leave Dublin or travel to any other part of the country.

Mr. Eamon Ryan: The Minister sent public servants all over the country but did not send one to Cork.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 1 May 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 15, inclusive, answered orally.

Employment for People with Disabilities.

16. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment the steps his Department has taken to implement the recommendation contained in the Government's mental health policy A Vision for Change that evidence based approaches to training and employment for people with mental health problems should be adopted and such programmes should be put in place by the agencies with responsibility in this area. [15618/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Vocational training and employment programmes for people with disabilities, including those with mental health difficulties, are delivered by FÁS.

People with disabilities are encouraged to apply for training, and the appropriate supports are put in place to meet their particular individual needs. Where the disabled person cannot meet the requirements of mainline vocational training, with training supports, the individual is referred to specialist training providers contracted by FÁS.

FÁS has adopted an evidence-based approach to the operation of its vocational training and employment programmes for people with disabilities.

For example, a review of the pilot programme for supported employment for people with disabilities was conducted on behalf of FÁS in 2003. Supported employment is one of the models referred to in 'A Vision for Change' and found to have potential in improving vocational and psychosocial outcomes for service users. The 2003 review concluded that the programme was successful in assisting people with disabilities, with

the appropriate supports, to access open labour market employment. It concluded that this form of supported employment is suitable for all major forms of disability, e.g., mental health, learning, sensory, physical. Following that review the pilot programme was rolled out by FÁS on a full programme basis. Funding for the FÁS supported programme has subsequently increased by some €2.5 million to €8.5 million in 2007.

Another example of the use of the use of an evidenced-based approach is a consultancy study that was undertaken in 2006 on behalf of my Department, FÁS, and the Department of Health and Children into the efficiency and effectiveness of vocational training and rehabilitative training services provided by specialist training providers for people with disabilities. This study concluded that such vocational training services have a positive impact, given the high percentage of trainees who move to employment and progression. Its recommendations are being considered for implementation in the months ahead.

In general, the Sectoral Plan under the Disability Act, 2005 outlines my Department's key initiatives in promoting equality opportunities for disabled people in the open labour market, including its 'Comprehensive Employment Strategy for People with Disabilities'. This Strategy proposes to enhance the effectiveness of employment and vocational training programmes for people with disabilities, and to further develop supports to the open market employment of people with disabilities, within both the private and public sectors.

North-South Enterprise Policy.

17. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment the progress being made in negotiations with the British Government relating to a north south enterprise policy; his plans following the new agreement on

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Northern Ireland governance on north south cooperation; when he plans to meet with his new Northern Ireland counterpart; and if he will make a statement on the matter. [15485/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Good Friday Agreement set out a new vision for the island of Ireland. As both North and South face the common challenges and opportunities of a globalised market place and continuing the transition to a knowledge economy where science, technology and innovation are vital to economic success, it is appropriate that we should jointly address those challenges and opportunities where there is mutual benefit to be achieved. To be globally competitive we must exploit and realise the opportunities of all-island collaboration.

There is ongoing co-operation between my Department and the Department of Enterprise Trade and Investment in Northern Ireland on enterprise issues. Both Departments co-sponsor InterTradeIreland, the all-island trade and business development body established under the Good Friday Agreement. Since 1999, InterTradeIreland has shown the benefits of all-island business collaboration and it is implementing significant initiatives to enhance the global competitiveness of the all-island economy.

My Department provided significant input to a 'Comprehensive Study on the All-Island Economy', which was commissioned by the British-Irish InterGovernmental Conference to identify areas for enhanced North/South co-operation. This blueprint for all-island economic co-operation was completed towards the end of last year and sets out the economic rationale for North/South collaboration, as well as concrete proposals for economic initiatives.

The proposals to enhance co-operation in the areas of trade and investment promotion are currently being implemented and include the opening up of trade missions, whether sponsored by Enterprise Ireland or Invest Northern Ireland, to companies across the island. The services of the overseas offices of Enterprise Ireland and Invest Northern Ireland are being made available to companies from across the island. Furthermore, enhanced collaboration between IDA Ireland and Invest Northern Ireland is being taken forward with an initial focus on collaboration around the business-operating environment so as to enhance the attractiveness of the island for Foreign Direct Investment.

The new National Development Plan 2007-2013 sets out to give real meaning to the approach outlined in the 'Comprehensive Study on the All-Island Economy'. The Irish Government has set out in the National Development Plan a detailed and specific agenda for progressing such co-operation.

I very much welcome the agreement of the political parties in Northern Ireland on the restoration of the devolved institutions on the 8th May. The formation of an Executive in Northern Ireland will enable full operation of the North/South institutions established under the Good Friday Agreement and will see the North/South Ministerial Council meet again. After the restoration of the Executive it is hoped convene a plenary meeting of the Council as soon as possible, at which a schedule of sectoral meetings will be agreed.

I look forward to working with the new Minister for Enterprise Trade and Investment to promote the further development of the all-island economy. My priorities to advance North/South co-operation will be focused in the areas of Science Technology and Innovation; Trade and Investment Promotion; Labour Market and Skills; and Enterprise and Business Development. I will also be examining the strategic direction of InterTradeIreland for the period 2008-2010.

Job Creation.

18. **Mr. Sherlock** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the enterprise element of the special local area plan for Mallow recently agreed; if he will be seeking assurances or commitments from Greencore or if he will be targeting particular resources from his Department or its agencies, to ensure employment opportunities are created on the site of the former sugar factory in Mallow; and if he will make a statement on the matter. [15478/07]

29. **Mr. Sherlock** asked the Minister for Enterprise, Trade and Employment the action he proposes to take to bring replacement jobs and investment to Mallow and the wider east Cork community following the closure of the sugar plant in 2006 and other job losses in Cork to date in 2007; the reason the Government has apparently abandoned Cork in its job creation and investment schemes; and if he will make a statement on the matter. [15456/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 18 and 29 together.

The Industrial Development agencies continue to promote the greater Cork area for industrial development. In terms of new foreign investment, pharmaceuticals, medical technologies, information and communications technology and internationally traded services are among the area's strongest performers in recent years.

Last year, new projects were announced for the region which will result in over 2,300 new jobs at full production. The Amgen announcement of 1,100 new jobs at an €820 million facility is of particular importance as it is a major global project that has chosen Cork as its development

location. In addition, one of the largest online retailers in the world is creating 450 jobs and a further company is creating 250 financial services jobs. In 2005, over 600 new jobs were announced in various overseas companies. The development of indigenous industry in Cork continues to be supported by Enterprise Ireland and the County and City Development Boards.

As regard the sugar factory site in Mallow, I should point out that on 21 March, 2006, An Taoiseach, the Minister for Agriculture and Food and myself, together with Minister of State Michael Ahern, met a delegation of various interests and concerned parties. At that time, I indicated my intention to ensure that possible alternative uses of the company's facility would be explored. There is now a €500 million development plan for the site. This includes enterprise space of 800,000 sq.ft., an hotel, recreational facilities and plans to create up to 2,000 jobs.

I am satisfied that the combined efforts of the Industrial Development agencies and local area interests will continue to bring new investment and job opportunities to both Mallow and Co. Cork generally. Already in 2007, there have been new job announcements for Cork including Glaxo Smith Kline which is to create 150 jobs, Abtran which is to create 100 jobs and De Care Systems which is also to create 100 jobs.

Personal Injuries Assessment Board.

19. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the number of cases currently before the Personal Injuries Assessment Board; the number of cases for which rulings have been given since its inception; the number of these cases that have been referred to the Courts for further action or appeal; the number of staff currently employed by the PIAB; the intended total number of staff to be employed by the PIAB; the date by which he expects the PIAB to be fully staffed; the date on which a review will be undertaken on staffing levels in the PIAB; and if he will make a statement on the matter. [15470/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): At the end of March 2007 there were 6,307 cases with the PIAB in the 90-day "consent to process" period i.e. PIAB has received a claim and has issued formal notice to the responding party and is awaiting consent to process from that party. There were a further 5,238 cases in the nine-month statutory assessment process, where the responding party has indicated that liability is not contested and damages are being assessed. It should be noted that arising from a deadline of 30th March 2007 imposed by the reduction from 3 to 2 years in the statute of limitation in personal injury cases, volumes of claims in PIAB in the 90-day "consent to process" period have increased significantly.

The PIAB has indicated that it has sufficient resources in place to deal with the increase.

Approximately 9,300 assessments have been made to date, 6,500 of these having been issued by the end of 2006. Of the assessments issued 4,976 have been accepted, 3,011 have been rejected and authorised to proceed to litigation, and responses are awaited on the balance.

Some of the rejected assessments will have been resolved since PIAB involvement and others will proceed to the Courts. The PIAB would not be aware of the number of these cases which actually proceed to litigation, although it is believed that a significant proportion are settled outside of the Courts once an authorisation issues from the PIAB.

The Board currently employs 76 staff members (up from 53 in May 2006) and is in the process of recruiting to bring numbers towards the staffing level of 85 agreed with my Department. There are no plans at this time to further review staffing levels in the PIAB.

Labour Inspectorate.

20. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment the data recording and analysis system in operation in the Labour Inspectorate, including the specific types and level of data collected, the records kept of employers found in breach of employment legislation, the analyses carried out, and the results that have been generated therefrom. [15610/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The data recording and analysis system for recording case information within the Labour Inspectorate is known as RECONCILE. This system captures data and information inputted by Labour Inspectors arising from inspections into compliance with certain employment rights legislation and manages case workflow in terms of production of standard documentation and the logging of communications and contacts.

The system holds a database of breaches under the legislation in which the Inspectorate has an interest and relevant employer and employee information relating to such breaches. Information stored and tracked as part of a case includes employer names, trading names, legal entity names, addresses, business sector details, trading status, employees names and Personal Public Service (PPS) numbers, any breaches examined and detected during the inspection, the legislation under which the inspection was carried out, the amount of arrears owed, the case outcome and details of communications and contacts with employers, employees and other parties connected to the case.

Insofar as analysis is concerned the system generates a number of standard reports to facilitate case management and workflow, management reporting and, in the case of initiation of pros-

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ecutions, referral to the Chief State Solicitor's Office.

The RECONCILE system is currently being reviewed to examine that its functionality and capabilities, insofar as the requirements of the enhanced Labour Inspectorate and, in due course, the new employment rights compliance model, are being met.

Finally, certain records and data collected during the course of inspections, which do not lend themselves to inputting and/or scanning to the case management system, are held separately on individual case files.

Employment Rights.

21. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment his views, in view of the stark difference in the number of work permits issued to Romanian and Bulgarian nationals as against the number of PPS numbers issued to Romanian and Bulgarian nationals in 2007, on whether there is a significant problem of so called false contracting being used to exploit such workers; the steps he is taking to ensure that workers are not exploited through incorrect use of contracts to avoid employers' duties and responsibilities; and if he will make a statement on the matter. [15458/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Nationals of Romania and Bulgaria may only come to Ireland to be employed by an employer if they are the subject of an employment permit application. Up to 24th April, 2007 of this year, 18 new employment permits were issued in respect of Romanian nationals, and 5 new employment permits in respect of Bulgarian nationals.

I understand that the Department of Social and Family Affairs issued 6,877 PPS numbers up to 14th April, 2007 to Romanian nationals and 327 to Bulgarian nationals. Since January, when 3,237 PPS numbers were issued to Romanian nationals and 110 to Bulgarian nationals, there has been a steady downward trend in the number of PPS numbers issued, with 1,216 issued to Romanians and 88 to Bulgarians in March, and 419 issued to Romanians and 19 to Bulgarians for the first 2 weeks of April, 2007.

Under EU rules nationals of Romania and Bulgaria may come to Ireland and set up a business here and be self-employed. However, the self employment must be genuine.

A major package of measures has been agreed by the parties to Towards 2016, the new Social Partnership Agreement, to provide for enhanced public confidence in the system of employment rights compliance. New legislation will be published by my Department later this year which will empower the Labour Inspectorate to join with the Department of Social and Family Affairs and the Revenue Commissioners to work

together in Joint Investigation Units. Such units will have a particular focus on the employment status of workers. In addition, Sections 31 and 38 of the Social Welfare and Pensions Act 2007 (No. 8) provide for exchanges of employment information between the Minister for Enterprise, Trade & Employment/the National Employment Rights Authority and the Minister for Social and Family Affairs and the Revenue Commissioners so as to facilitate Joint Investigations of employments suspected of contravening the law.

I am informed by the Department of Social and Family Affairs and the Revenue Commissioners that attention is paid by them to the matter of bogus self employment in the course of their compliance activities and appropriate action taken. Complaints in relation to bogus self-employment should be referred to all or any of the following – the Labour Inspectorate of the National Employment Rights Authority, the Department of Social and Family Affairs or the Revenue Commissioners.

New legislation, to be published by my Department later this year, will provide for enhanced employment rights measures including the establishment of the National Employment Rights Authority, which has already been established on an interim basis. Providing for greater clarity in the application of employment rights legislation to employees and the self-employed will be considered in the context of drawing up that legislation.

The package of measures provided for under Towards 2016 will be supported by enhanced employment rights promotional and educational efforts. The Social Partners and other organisations such as the Department of Social and Family Affairs and the Revenue Commissioners will be invited to bring their knowledge and networks to bear on the design and delivery of this education and awareness programme which, it is anticipated, will also address the issues associated with bogus self-employment.

Towards 2016 also includes a number of other specific commitments in relation to employment status and in relation to the "Hidden Economy". The Government and social partners have agreed under Towards 2016 to review the application of the existing Code of Practice on employee status with a view to more effective implementation. My Department will be actively involved in that review. In addition, the Government and the social partners agreed under Towards 2016 to continue and expand the Hidden Economy Working Group, which comprises representatives of Office of the Revenue Commissioners, the Department of Social and Family Affairs, the Irish Congress of Trade Unions, the Irish Business and Employers Confederation, the Small Firms Association and the Construction Industry Federation.

Greenhouse Gas Emissions.

22. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the steps he has taken to offset the carbon emissions of his State car; and if he will make a statement on the matter. [15477/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Government recently published the National Climate Change Strategy 2007 to 2012. The strategy reiterates the target, set in the White Paper “Delivering a Sustainable Energy Future for Ireland”, of 33% energy savings across the public sector and commits the Government to the introduction of an Energy Efficiency Programme, with targets and standards, for Government Departments, State Agencies, Local Authorities, the Health Service and the public sector overall. Every public service organisation will be required to adopt specific targets for reducing emissions, and to measure and report progress in their annual reports. In addition, the Strategy requires Government Departments to offset carbon emissions resulting from official air travel. However, the strategy does not contain specific requirements for Government Departments to offset carbon emissions from the use of State cars. The management of the fleet of State cars is, of course, the responsibility of the Garda Síochána. My Department will be adopting measures in line with the strategy to reduce its carbon emissions. The approach is to take measures which will reduce the overall emissions of the Department, rather than to identify individual causes of greenhouse gas emissions and individually seek to offset emissions on an item by item basis.

Labour Inspectorate.

23. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment the number of labour inspectors currently employed by the Labour Inspectorate of his Department; the number of labour inspectors currently available for assignment on normal duties; the number of labour inspectors currently in training following recruitment; the status of the recruitment campaign to increase the Labour Inspectorate to 90 inspectors; if he expects all 59 additional labour inspectors to be employed by the second quarter of 2007, as indicated in his previous statements to the Houses of the Oireachtas; and if he will make a statement on the matter. [15464/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Under the National Social Partnership Agreement “Towards 2016”, the commitment to staffing of the Labour Inspectorate is “to progressively increase the number of Labour Inspectors from 31 to 90 by end-2007”. The necessary arrangements and selection processes to recruit the additional Inspectors are well advanced,

including arrangements for the recruitment of ten Labour Inspectors with specialist language skills. There are now 38 Inspectors employed by the Labour Inspectorate, seven of whom are in training following their appointment to the Labour Inspectorate on 16 April last. The total staff complement of NERA is currently 83.

In accordance with the commitment given in Towards 2016, it is expected that the remaining 52 Labour Inspectors will be in place by end-2007.

Industrial Development.

24. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment if he has assisted smaller manufacturing firms to realise the potential of information technology; and if he will make a statement on the matter. [15562/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): A National eBusiness strategy was launched by my colleague Michael Aherne T.D., Minister of State with responsibility for Trade and Commerce in December 2004. The strategy outlines actions required to assist SMEs, including micro-enterprises, and particularly those in the non-ICT producing sectors of the economy, to use ICTs in a way that will maximise their competitive advantage. The strategy covers four broad areas: How to build ICT management and user skills; Supports by the development agencies; Provision of information; and Performance monitoring and research.

At the implementation level, the State Development agencies under the auspices of my Department are now well engaged in providing support to companies to maximise the benefits of ICT.

Enterprise Ireland is heavily engaged in mainstreaming eBusiness within manufacturing firms in Ireland and in particular among small and medium sized companies — and, to that end, the unit dedicated to eBusiness is undertaking a wide range of activities. These activities include the following: Embedding ICT management skills in SMEs; Knowledge Events; Building awareness of the impact of new technologies on businesses; Promoting the use of ICT as marketing and sales channel; Conducting ICT reviews with client companies as part of overall business reviews; and Improving access for SMEs to top class ICT business consultants.

Enterprise Ireland has introduced the eBusiness Management Initiative for clients which provides support for eBusiness management training and consultancy, which builds on the success of previous initiatives. The objective of the programme is to improve the productivity and competitiveness of small and medium sized companies through the absorption of appropriate Information and Communication Technologies and the development of ICT management skills.

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The programme has a budget of €1 million euro and will run until the end of 2007.

Enterprise Ireland, through its dedicated eBusiness web site and electronic newsletter raises awareness and disseminates knowledge about the impact of ICT developments at a business level. Enterprise Ireland also promotes the marketing and sales opportunities presented by new technologies such as the European initiative eMarketservices

The County and City Enterprise Boards, who also operate under the aegis of my Department, provide a considerable amount of support to manufacturing firms in the micro-enterprise sector. These supports can take the form of financial assistance for start-ups and expansions as well as other softer forms of assistance such as training and mentoring. A focus on realizing the potential of information technology would often be a key element of such interventions.

In addition, I have today launched the Tech-Check programme which will also be delivered by the CEBs. The programme will enable small businesses to access a highly subsidized review of their use of technology by independent experts including recommendations for the future use of technology appropriate to the individual firm. This programme has been devised in line with a recommendation by the Small Business Forum that the State should make a programme of ICT Audits available to the small business sector in order to promote the greater use of ICT within the sector.

Additionally, I launched the Innovation Vouchers initiative in March this year, which is also based on a recommendation by the Small Business Forum, and is being administered by Enterprise Ireland. Innovation Vouchers give small companies access to the vast knowledge available in Irish Institutes of Technology, Universities and other public research bodies. The vouchers, worth €5,000 each, can be exchanged for advice and expertise, including in the area of information technology, from an Irish research provider and used by small Irish companies to bring in knowledge that is new to that company.

The Government is fully committed to ensuring that the application of ICT is fully utilised by Irish companies and we will continue to provide support and assistance going forward.

Local Authority Schemes.

25. **Mr. O'Dowd** asked the Minister for Enterprise, Trade and Employment the role he played in limiting the ability of local authorities to impose punitive charges on local businesses; and if he will make a statement on the matter. [15553/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Planning and Development Act 2000 set out a framework to facilitate

an updating and modernisation of development contribution schemes by Local Authorities. Under section 48 of this Act, elected members of Local Authorities are empowered to adopt a scheme of development contributions following a public consultation process. To assist these new arrangements for development contribution schemes, the Department of Environment, Heritage and Local Government also issues guidelines to local authorities. All local authorities implemented new arrangements by March 2004. The first of these schemes will fall to be reviewed over the next year or so.

Arising from concerns raised by the Small Business Forum and others about the level and range of Development Contributions levied by Local Authorities I raised this matter with my colleague, the Minister for Environment, Heritage and Local Government. An Inter-Departmental Committee was then set up to look at the broad operation of locally determined development contribution schemes and the related development contribution guidelines. I understand that the report of the Group will be published shortly following which revised Guidelines may issue to Local Authorities.

Greenhouse Gas Emissions.

26. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the carbon footprint of each of the agencies under the remit of his Department for 2006; and if he will make a statement on the matter. [15476/07]

33. **Ms Burton** asked the Minister for Enterprise, Trade and Employment the steps he is taking to minimise the carbon footprint of agencies under the remit of his Department; the carbon auditing that has been undertaken by agencies under the remit of his Department; and if he will make a statement on the matter. [15460/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 26 and 33 together.

Agencies under the remit of my Department are conscious of the need to achieve a high level of energy efficiency. Although there is no formal policy in place in relation to energy efficiency in most of the agencies, a number have undertaken efficiency surveys and carbon footprint audits to ensure efficiency measures are met.

A number of buildings occupied by agencies are leased and therefore the agencies would have no direct control in the efficiency measures applied at the time these buildings were originally fitted out: However, newer premises either leased or bought will have stipulated sustainable energy efficiency measures such as optimising heating and lighting controls and water saving measures in their fit out requirements. Waste recycling is also standard practice throughout all buildings

occupied by the agencies. Staff are encouraged to video or call conference rather than travel to official meetings, and wherever feasible to use public transport.

The recently published National Climate Change strategy 2007-2012 sets out measures to be adopted by the Civil and Public Sector to reduce greenhouse gas emissions. These include a requirement that each public sector body adopt greenhouse gas reduction targets, and measure and report progress on achieving these targets in their annual reports.

Job Losses.

27. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the steps he has taken to combat job relocation from here to more competitive economies; and if he will make a statement on the matter. [15606/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Vibrant, successful and growing economies have strong flows of capital investment as firms decide where it is optimum to invest and locate different aspects of their value chain. In this context and with the extending influence of globalisation, every major economy of the European Union experiences both inflows and outflows of plants and jobs. There will always be changes to firms' production capacity as companies react to market signals or changing circumstances in their individual product sectors.

The Irish economy is no different from other developed economies. However, what sets us apart is our ability to replace lost jobs with alternative skilled and rewarding employment.

Our best response to the realities of globalisation is to ensure that Ireland remains attractive for investment from increasingly higher value added products and services, and for broad based enterprise growth. Enterprise support policies have consistently evolved to meet the needs of both foreign direct investment and growth orientated indigenous firms. This flexible and adaptable approach to sustaining a competitive enterprise environment will not change.

Industrial Development.

28. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment his plans to implement a programme of affirmative action and other support for businesses and enterprises with particular focus on redressing the imbalance in gender, regional, rural and social participation and start-ups operating in the Irish language; the mechanisms of proposed plans; the dates on which these will be effected; and if he will make a statement on the matter. [15627/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The County and City

Enterprise Boards are the principal government agencies at local level with responsibility for enterprise promotion and micro business development. The key objectives of the Boards are to stimulate and promote local enterprise culture and entrepreneurship and to assist new business start-ups and the expansion and growth of existing small business.

The Enterprise Boards pursue these objectives by providing a number of crucial services to businesses and individuals across a diverse range of sectors, including a business information service, business mentoring, business consultancy, business training programmes, and various business networking opportunities. Financial assistance may, subject to some conditions, also be offered to assist with business start-up or business expansion.

The fact that the Boards operate at the local level throughout the country means that their interventions are targeted at assisting businesses, and those who are planning to establish businesses, in local communities including those in rural areas. In this way, the CEBs are making a significant contribution to ensuring balanced regional development.

Women, who are currently under-represented in the labour force and in business ownership, are significant beneficiaries of the interventions delivered by the CEBs representing, for example, some 60% of participants on CEB organised training events. In addition to their mainstream activities, the CEBs also provide some dedicated interventions aimed at women such as their support for Women in Business networks that operate throughout the country.

Enterprise supports in the Gaeltacht areas are provided by Údarás na Gaeltachta, which comes under the aegis of my colleague, Minister Ó Cuív, Minister for Community, Rural and Gaeltacht Affairs.

Question No. 29 answered with Question No. 18.

EU Directives.

30. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment the number of EU Directives for which his Department has responsibility remaining to be implemented; the directives that are overdue; the number of reasoned opinions received from the EU Commission since 2002 regarding delays or non-implementation of such directives; and if he will make a statement on the matter. [15472/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): There are currently a total of sixteen Directives due to be transposed by my Department up to 2010. Four of these Directives are overdue and the following is the position with regard to implementation progress. Directive 2004/22/EC of 31 March 2004 concerning har-

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monisation of measuring instruments had a transposition deadline of 30 April 2006 and has an expected date of implementation of 27 April 2007. Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees had a transposition deadline of 18 August 2006 and has an expected date of implementation of 15 May 2007. Directive 2006/109/EC adapting Directive 94/45/EC on the establishment of a European Works Council reason of the accession of Bulgaria and Romania had a transposition deadline of 1 January 2007 and has an expected date of implementation of 29 September 2007. Directive 2004/109/EC on minimum transparency requirements for listed companies had a transposition deadline of 20 January 2007 and has an expected date of implementation of 30 May 2007.

Another five Directives are due for transposition during 2007 and seven further Directives are scheduled to be transposed in 2008 and subsequent years.

My Department has received 23 Reasoned Opinions from the European Commission related to overdue Directives since 2002. The outstanding issues concerning all but one of the Directives have been resolved satisfactorily. Proceedings are ongoing in the European Court of Justice in relation to a finding against Ireland for incorrect transposition of Directive 92/100/EC related to rental rights and lending rights in the field of intellectual property. Corrective measures are being taken in the context of draft legislation to introduce a public lending right. On 16 April the Copyrights and Related Acts (Amendment) Bill 2007 was published. This bill will be introduced to the Oireachtas as soon as possible.

Trade Missions.

31. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment if he will report on plans for a trade mission to Egypt and Jordan in 2007; if it is intended that there be a Ministerial delegation as part of this trade mission; the estimated cost of the trade mission; his goals and targets for the trade mission; and if he will make a statement on the matter. [15465/07]

40. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment if he will report on plans for a trade mission to Bulgaria in 2007; if it is intended that there be a Ministerial delegation as part of this trade mission; the estimated cost of the trade mission; his goals and targets for the trade mission; and if he will make a statement on the matter. [15462/07]

66. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment if he will report on plans for a trade mission to Russia in 2007; if it is intended that there be a Ministerial delegation as part of this trade mission; the esti-

mated cost of the trade mission; his goals and targets for the trade mission; and if he will make a statement on the matter. [15457/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I propose to take Questions Nos. 31, 40 and 66 together.

It is planned to run Ministerial-led, separate, Trade Missions to Russia, Bulgaria and Egypt (but not Jordan), later this year. These missions will be organised by Enterprise Ireland (EI), to support the business development work of that Agency for their client companies by: Winning access for EI and EI clients to key decision-makers and influencers in target sectors; Helping the companies to consolidate existing business relationships and open new ones; Projecting Ireland as a competitive source of world class expertise, products and business partnership, and building on the positive impression of Ireland's economic success in the countries concerned; enhancing relationships between Ireland and the destination countries at business and Government levels; and providing a networking framework to encourage the companies to exchange experience and contacts.

These three trade missions will include a comprehensive schedule of engagements, meetings between the Irish companies and target customers, a series of political meetings, meeting Irish interests in those countries and the hosting of a key networking event. This event will bring together the Irish companies, their customers (existing and new), and senior business contacts of EI.

In relation to the likely budget for these missions, it is not possible at this early stage to quantify the exact costs.

The Goals and Targets for the missions are as follows: Contribute to Enterprise Ireland strategic objectives of increasing Irish client company exports by €3 billion by end 2007, by facilitating business meetings between Irish suppliers and local partners and customers resulting in increased exports to these markets; Assist EIs High Potential Start Up clients, by enabling them to invite key target customers to the EI events and to network with larger customers; Assist Enterprise Ireland in developing new business contacts with foreign buyers in key strategic sectors; Network with other Irish companies and individuals successfully doing business in those countries; Allow first time visitors the opportunity to assess how these countries can fit into their company's business growth strategy; and Raise the profile of Ireland through the participation of an Irish Government Minister in the events during the Mission. Some of these markets are heavily influenced by political considerations, which make the participation by a Minister highly valued by the companies, as a means of enhancing their business relationships. This is especially

important in markets where a significant proportion of decision-making and expenditure of interest to Irish companies is by companies which are government controlled, thus Government access via Ministerial led trade missions is vitally important.

Company Closures.

32. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the action he proposes to take to bring replacement jobs and investment to Ballivor in particular and County Meath in general following the closure of the NEC plant; the reason the Government has apparently abandoned County Meath in its job creation and investment schemes; and if he will make a statement on the matter. [15455/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Following the closure of the plant in question, finding alternative employment for the area and the county was a priority for the Industrial Development agencies. In this regard, a major financial services project which will provide 700 jobs was announced for Navan in 2006. This project will be of significant benefit to the whole county. Another financial services company, which announced the creation of 290 jobs in 2005, commenced operations in Navan last October having recruited 50 people for this location.

The facility in Ballivor is being promoted for new investment and three potential investors have been introduced to the management of this facility. The Development agencies continue to work with local interests to facilitate job opportunities for Ballivor and the surrounding area. Indeed, I understand that a significant number of the former employees in Ballivor have found alternative employment with IDA Ireland supported companies in the Midlands and East.

Question No. 33 answered with Question No. 26.

National Minimum Wage.

34. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the position of the investigation on the disclosure that Polish workers employed by a contractor at the ESB power station in Moneypoint were being paid well below the national minimum wage; the sanctions or penalties available against companies in such situations; the measures taken by his Department to date to ensure full compliance with all labour standards by all contractors particularly those working for State companies; and if he will make a statement on the matter. [15471/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Following the identification, in early

2006, of anomalies in the employment contracts of some sub-contracted staff at the Moneypoint Environmental Retrofit Project (MERP) site, both the ESB and the Labour Inspectorate conducted investigations into the matter. As a result of these investigations a Memorandum of Understanding between the ESB, the contractor and sub-contractor was agreed in March, 2006 providing, among other matters, for the payment of the appropriate industry rates, and the associated arrears, to the workers concerned. Contractors Administration Services (CAS), who are retained by the ESB to monitor payment and employment conditions at the Moneypoint site, have confirmed that these rates continue to be applied to the relevant workers.

The ESB is satisfied that the monitoring of the conditions of employment for contracted and sub-contracted staff at the Moneypoint site is working effectively in terms of ensuring that workers are remunerated in accordance with the agreed industry standards and bringing immediate attention to, and taking prompt action to address, any discrepancies that arise.

The Labour Inspectorate's role has been to ensure that statutory minimum rates of pay and other conditions of employment for the workers involved are adhered to, that any breaches of the legislation that arise are rectified and any arrears paid. Ultimately the Labour Inspectorate may initiate proceedings against employers in relation to such breaches. Employees also have access to the Rights Commissioner Service or the Labour Court in this regard.

I share the Deputy's concern to ensure that that Irish employment rights legislation is applied in full insofar as employees engaged on Public contracts are concerned. In this regard, assurances were sought in March last year from all State Agencies that the statutory terms applicable to all workers in Ireland, regardless of nationality, were being adhered to in relation to all public contracts involving the supply of labour.

The Deputy will also be aware that the National Partnership Agreement, Towards 2016, provides for a number of measures designed to enhance employment rights compliance. The new National Employment Rights Authority has been established on an interim basis while work is progressing on new employment rights legislation. A reconfiguration of the Labour Inspectorate is planned which will see its resources almost treble together with a process of regionalisation being implemented. In tandem with these activities a major programme of 'Education and Awareness' in respect of employment rights entitlements and obligations is to be researched and delivered.

The Government also signalled, in the context of the National Partnership talks, that the issue of better compliance with employment law was a high priority. This led, among other matters, to an agreement among the Social Partners on the importance of public procurement policy as a

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mechanism for contributing to the maintenance of employment standards and norms, including in respect of wage levels, while also ensuring competitive tendering and value for money in public expenditure. A number of specific measures were agreed in Towards 2016 insofar as supporting employment rights through public procurement is concerned.

I would urge those who may have information in relation to possible breaches of employment rights legislation to contact the Labour Inspectorate of the new National Employment Rights Authority.

Departmental Staff.

35. **Ms Burton** asked the Minister for Enterprise, Trade and Employment if there has been a negative impact on the work of his Department or its agencies from the Government's Public Service Staffing Reduction Programme; and if he will make a statement on the matter. [15459/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): There has not been a negative impact on the work of my Department and the Agencies under the aegis of my Department arising from the Government's Public Service Staffing Reduction Programme. All services carried out by my Department and Agencies have been maintained to the highest standard.

National Consumer Agency.

36. **Mr. Connaughton** asked the Minister for Enterprise, Trade and Employment if the National Consumer Agency is accessible to all people who have queries or complaints by low cost calls or by website; if not the reason for same; and if he will make a statement on the matter. [15561/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The National Consumer Agency operates a Lo-Call helpline number 1890 432 432 from 8.00 am to 6.00 pm Monday through Friday to assist consumers in relation to queries or complaints. The Agency also provides comprehensive consumer information and advice on its website at www.consumerconnect.ie. Consumers can email their queries or complaints to ask@consumerconnect.ie.

The Consumer Strategy Group recommended that the provision of easily accessible information and advice should be a core function of any new consumer agency. It was for this reason that the NCA identified the establishment of a low cost helpline and the development of a web-based information portal as priorities for the new Agency. I commend the NCA on the speed in which it has established these important consumer information facilities and I am confident

that they will be recognized and used as a valuable resource by consumers themselves.

Regulatory Programme.

37. **Mr. English** asked the Minister for Enterprise, Trade and Employment the amount of times he has published specific annual reports on reducing the regulatory burden; if he has published none, the reason this is so; and if he will make a statement on the matter. [15555/07]

44. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment his views on the evidence from Benchmarking Ireland's Performance that the effectiveness and quality of Ireland's labour market regulation has fallen three places in OECD rankings since 2000; if he supports the European Commission's proposal to reduce administrative costs by 25% by 2012; and, if so, the way he will achieve such a reduction. [15609/07]

47. **Ms O. Mitchell** asked the Minister for Enterprise, Trade and Employment the reason his Department failed to act on the report of the Joint Enterprise Committee published in April 2005; and if he will make a statement on the matter. [15550/07]

57. **Mr. Deenihan** asked the Minister for Enterprise, Trade and Employment his views on whether he has presided over a regulatory framework that is flexible, proportionate and up to date; and if he will make a statement on the matter. [15552/07]

68. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment the work he has done to reduce the regulatory burden on SMEs; and if he will make a statement on the matter. [15559/07]

69. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment his view of the recommendations of the report of the Joint Committee on Enterprise published in April 2005; and if he will make a statement on the matter. [15551/07]

75. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the amount by which the regulatory burden has grown on business over the past ten years; and if he will make a statement on the matter. [15556/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 37, 44, 47, 57, 68, 69 and 75 together.

International benchmarking reports suggest that the regulatory burden in Ireland is relatively light. The IMD (International Institute for Management Development) World Competitiveness Yearbook 2006 ranks Ireland 8th out of 61 coun-

tries surveyed for the extent to which bureaucracy does not hinder business activity. The World Economic Forum's Global Competitiveness Report 2006-07 ranks Ireland 17th out of 125 countries surveyed for having a low burden of government regulation. The World Bank's 'Doing Business' report for 2006 ranked Ireland 10 out of 175 countries in terms of ease of starting and running a business.

While it appears, therefore, that Ireland enjoys a relatively favourable position, it remains important that every effort be made to maintain and improve this position, that the concerns of business are addressed on an ongoing basis, and that, Ireland's economy remains competitive.

To that end, in November 2005 I established the Business Regulation Forum to advise on any changes necessary to ensure that existing or proposed regulations, impacting on business, meet the criteria set out in the Government White Paper "Regulating Better". The White Paper, published by the Department of the Taoiseach in 2004, set out an action programme to ensure that regulations are more rigorously assessed, more easily accessible and better understood.

The Business Regulation Forum included a number of business representatives, who gave their views on regulatory burdens directly. Research was also undertaken by the Forum into business experiences with regulation in Ireland. The Forum received more than 40 submissions from businesses. It also completed six in-depth business case studies by interviewing business people about their day-to-day experience of the regulatory burden. The Forum also drew on other research and reports such as the ESRI Business Regulation Survey (carried out on behalf of the Dept of the Taoiseach) and the report of the Small Business Forum.

Yesterday I launched the report of the Business Regulation Forum. The Forum identified five areas of regulation that impose the biggest administrative burden on the business sector, i.e. Taxation, Health and Safety, Environment, Statistics and Employment & Company Law and recommended that a reduction programme be carried out to lower the burden on business in these areas.

To take this work forward, including the development of a response to the European Council invitation to Member States to set a target for reducing administrative burdens, I have asked the Secretary-General of my Department, to lead a cross-Department and Agency effort, in consultation with the business sector and the Irish Congress of Trade Unions, focussing on the priority areas identified.

Specifically in relation to labour market regulation, Ireland strongly supports the thrust of policies which seek to ensure that the appropriate regulatory environment is in place. A key objective in the formulation and development of Irish employment rights legislation is that of ensuring that across all sectors it continues to be appro-

priate to the changing needs of our economy and society. Our aim is to create a balance between the twin goals of effective protection of workers' rights and the streamlining of obligations placed on businesses.

Third Level Institutions.

38. **Mr. McCormack** asked the Minister for Enterprise, Trade and Employment the steps he has taken during his time in office to enable small businesses in the manufacturing and internationally traded service sectors to gain access to research based knowledge, expertise and facilities in higher education institutes; and if he will make a statement on the matter. [15560/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is vitally important to ensure that supports are available to help companies achieve successful R&D results through interfacing with third level institutions and other potential solution providers.

A broad range of collaboration supports is made available through Enterprise Ireland. This includes the Innovation Vouchers scheme, which I recently launched, which give small companies access to the vast knowledge available in Irish Institutes of Technology, Universities and other public research bodies. The vouchers, worth €5,000 each, can be exchanged for advice and expertise from an Irish research provider and used by small Irish companies to bring in knowledge that is new to that company.

Further key collaboration supports provided through Enterprise Ireland include the Applied Research Enhancement Scheme and Industry Led Networks. The Applied Research Enhancement Scheme provides funding for the establishment of applied research centres in Institutes of Technology. These centres aim to build sufficient research scale to allow them to make an impact on industry in their locality through collaboration. The Industry Led Networks programme provides support for research in areas defined by networks of companies in specific industry sectors and creates collaboration between the companies and researchers in order to ensure the transfer of technology. Particular efforts are made to involve SMEs.

The total Enterprise Ireland budget targeted at supporting industry R&D collaboration with higher education institutes is €22.5m in 2007. These programmes are being implemented as part of a suite of measures being introduced to achieve the targets set out in the Government's Strategy for Science, Technology and Innovation 2006 – 2013. Enhanced R&D activity will help ensure high-value, knowledge intensive activities that will support high-value added jobs and prosperity in the future.

Greenhouse Gas Emissions.

39. **Mr. Stagg** asked the Minister for Enterprise,

[Mr. Stagg.]

Trade and Employment the carbon footprint of his Department for 2006; and if he will make a statement on the matter. [15474/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The carbon footprint of my Department for 2006 is not available. Greenhouse gas emissions attributable to the public sector in general, arise from energy use in public sector buildings. These are not reported on separately in the annual Environment Protection Agency's National Inventory Report but are included in the emissions from the Industry, Commercial and Services sector. Specific data for the public sector in general and for my Department in particular is, therefore, not available for 2006. However, under the National Climate Change Strategy 2007 – 2012 it is understood that specific data on greenhouse gas emissions will be collated from now on in respect of the public sector in general by the Environment Protection Agency and my Department will liaise with the Department of the Environment, Heritage and Local Government in the matter.

Question No. 40 answered with Question No. 31.

41. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the steps he is taking to offset the carbon emissions caused by official travel of Ministers and staff of his Department; and if he will make a statement on the matter. [15480/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I presume the Deputy's question relates to air travel. As outlined in the National Climate Change Strategy 2007 – 2012, the Government, pending the inclusion of aviation in the Emissions Trading Scheme, has decided that it will voluntarily introduce a carbon-offsetting scheme for all air travel on Government business, including flights by Ministers and by civil servants, from the beginning of the Kyoto commitment period in January 2008. Practical arrangements will be put in place to enable each Department to compute annually the emissions associated with its air travel and to make a contribution to an appropriate fund to secure verified emission reductions of an equivalent amount. My Department will, of course, comply with this Government decision.

Economic Competitiveness.

42. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he has identified the issues affecting a lack of competitiveness in the economy; the steps he has taken or proposes to take to address the issue; and if he will make a statement on the matter. [15605/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Sustaining a strong enterprise environment is key to competitiveness for modern economies. Having enterprise policies that are flexible and evolve with business need is equally important. This ensures that Ireland is a profitable and secure location in which to invest is equally important.

A number of important advisory groups such as the Small Business Forum, the Enterprise Strategy Group and the Business Regulation Group have identified a range of competitiveness issues across their different areas of focus. My Department's enterprise support objectives include making sure that implementing these recommendations takes place as a priority. Initiatives to improve competitiveness wherever possible are a priority both for my Department and its enterprise development agencies.

Complementing the work of these advisory groups, the National Competitiveness Council (NCC) gives us an annual competitiveness health check. The reports and findings of the NCC are considered by Government and inform action-orientated follow-up across the relevant Government Departments.

Personal Injuries Assessment Board.

43. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the communication he has had with the Personal Injury Assessment Board regarding the preference of many claimants for court action over PIAB awards in the hope of larger compensation packages; his views on whether amending legislation is necessary to arrest this trend; and, if so, the expected publication date and statutory provisions of the legislation. [15607/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Personal Injuries Assessment Board awards mirror Court Awards, as both refer to a Book of Quantum to determine the appropriate award to be given. Some claimants, as is their right, choose to reject the award and commence litigation proceedings in the hope of receiving greater compensation. I have no proposals to interfere with this right.

The PIAB is a new body that has significantly changed the environment for making personal injuries claims. It was always expected that a certain proportion of assessments would be rejected and my Department is regularly briefed by the PIAB on the level of acceptance of PIAB assessments. Approximately 9,300 assessments have been made to date, 6,500 of these having been made by the end of 2006. Of the assessments issued 4,976 have been accepted, 3,011 have been rejected and authorized to proceed to litigation and responses are awaited on the balance. Some of the rejected assessments will have been resolved since PIAB involvement and others will proceed to the Courts.

However, notwithstanding the foregoing, I am proposing to publish legislation shortly to give effect to a Joint Oireachtas Committee on Enterprise and Small Business recommendation that where, not having accepted a PIAB award, the subsequent court award is not greater than the PIAB award, legal costs should not be allowed to the claimant.

Question No. 44 answered with Question No. 37.

FÁS Training Programmes.

45. **Mr. Deenihan** asked the Minister for Enterprise, Trade and Employment the way he has ensured that the present apprenticeship programmes for which he has responsibility have been kept responsive, competitive and productive; and if he will make a statement on the matter. [15558/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am very conscious of the need to ensure that all our training programmes, not just the apprenticeship programmes are kept responsive, competitive and productive in order to ensure that the Irish labour force is capable of meeting the future skills demands of employers.

FÁS has the statutory responsibility for the organisation and control of designated apprenticeship by the powers conferred on it by the Industrial Training Act 1967 and the Labour Services Act 1987. It operates the Statutory Apprenticeship system in co-operation with the Department of Education and Science, employers and unions.

The National Apprenticeship Advisory Committee oversees the development of the standards based process and advises the Board of FÁS on all matters pertaining to apprenticeship. This committee is made up of representatives of the social partners in industry, the educational sector and FÁS.

In 2003 the National Apprenticeship Advisory Committee commissioned an independent consultant to examine the relevance of the existing Standards Based Apprenticeship system against contemporary requirements. Arising from this examination process the N.A.A.C. decided to conduct a comprehensive review of the 26 designated apprenticeships in 2003.

Nominated social partner, educational and FÁS technical experts reviewed each individual apprenticeship. Following the curricula re-design phase a comprehensive, structured and inclusive consultation process was initiated by the National Apprenticeship Advisory Committee.

As a consequence of this process the National Apprenticeship Advisory Committee presented recommendations to the FÁS Board for approval on 26 different recommendations. On receiving FÁS Board approval, FÁS commenced the implementation of the revised curricula into the

training and educational system on a phased basis in 2006.

FÁS is also currently engaged in developing potentially new occupational apprenticeships in partnership with the appropriate sector stakeholders. To assist this process the National Apprenticeship Advisory Committee convened a number of workshops to develop and agree a framework for the future designation of new apprenticeship occupations.

Equality Issues.

46. **Mr. S. Ryan** asked the Minister for Enterprise, Trade and Employment the steps he is taking to ensure better and more equal access to the workforce for older persons who wish to continue working; and if he will make a statement on the matter. [15469/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Employment Equality Acts 1998 and 2004, administered by the Department of Justice, Equality and Law Reform, among other things, protects against discrimination on the ground of age in relation to access to employment. However, they also permit an employer to decide on a retirement age in a particular employment to give flexibility to employers and employees, having due regard to the nature of the work being performed.

There is no age discrimination in employment rights legislation and there are no provisions in employment or equality law that impose a compulsory retirement age in relation to employment.

In addition, the Equality Act 2004 removed the upper age limit of 66 for bringing claims under the Unfair Dismissals Acts 1977-2005. The removal of the age cap of 66 years for statutory redundancy is also included in the recently published Protection of Employment Bill 2007.

Ireland has experienced a significant rise in the employment of older workers in the past 10 years with the employment rate rising by 10%. The employment rate for older workers is 53%, which is already ahead of the EU target for 2010 of 50%.

The March FÁS/ESRI job vacancy data indicate that the demand for labour remains strong. The survey indicates that employers anticipate a rise in their current employment levels over the coming months. This will help to increase employment levels across all age groups including older workers. In addition, employment rates among the lower age groups are high and this will feed through to higher employment rates for older workers in the future.

In the light of the continuing demand for labour, emphasis is being placed on encouraging people including older workers to return to or remain in employment. Initiatives taken in this regard include: The Preventive Process, whereby those on the live register are referred to FÁS for assistance, was extended to those aged 55-64 on a national basis in 2006, with the live register

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period for referral being reduced from six months to three months; The Community Employment scheme was extended, since 2004, to allow for those over 55 years of age to avail of a six-year period to engage in useful work and training within their community; and Expanding the Workforce provides a gateway for women returnees into the labour market. Many of these women fall within the older age groups.

In addition, FÁS offers training courses suited to the needs of both jobseekers looking for employment and employees wishing to improve their skills. Increased funding has been allocated to FÁS to enhance training for those in employment, including older workers, under the One-Step-Up Initiative, as well as to the independent Skillnets Training Networks Programme. This will allow workers the opportunity to acquire new skills (including portable skills) and competencies so as to perform higher added-value tasks. Training is being focused on those with low level of qualification and in low-level occupations so that they are better prepared and more inclined to stay in the labour market.

Question No. 47 answered with Question No. 37.

Work Permits.

48. **Ms McManus** asked the Minister for Enterprise, Trade and Employment his views on claims that there are anomalies with regard to the administration of the work permits scheme in regard to non-EU doctors; and if he will make a statement on the matter. [12004/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Temporary Registered Doctors are granted permission from the Garda National Immigration Bureau to live and work in the State for up to 7 years. The changing short-term nature of their work patterns is such that this is the best way to facilitate them working here. For countries that are visa required the doctor must, in support of their application for a visa, be able to provide documentation from the Medical Council stating that he/she is eligible for temporary registration. They must also furnish a letter from a hospital in Ireland confirming an offer of employment. Finally they will need a passport valid for at least 12 months. By the end of 7 years they must have passed an examination to obtain full registration with the Medical Council. Failing full registration they must leave the State.

Energy Consumption.

49. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment the action taken by his Department and its agencies to date to ensure maximum energy efficiency and minimum carbon footprint in their daily operations; the cost of these actions; the steps he will take in

the remainder of the first half of 2007 toward the goal of reducing energy consumption in his Department and its agencies; and if he will make a statement on the matter. [15435/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): To reduce energy consumption in the Department and to ensure maximum energy efficiency and the minimum carbon footprint in its daily operations, my Department through its Green Team, which was established some years ago, has over the past few years initiated the following actions:

- Ensured that all lighting in the Department's eight buildings is switched off overnight;
- Ensured that the Office of Public Works, which looks after the replacement of electric light bulbs in my Department's buildings, uses energy efficient bulbs and long life bulbs wherever possible when electric light bulbs are being replaced;
- Ensured that the central heating arrangements for the Department's buildings are switched on and off to achieve optimum energy efficiency;
- Ensured that the staff in the Department have been exhorted to:
 1. switch off all their computer equipment (base units, monitors and peripheral devices) at the end of each working day;
 2. switch off their PC monitors at lunch time and while attending meetings etc;
 3. ensure that the last person leaving each individual office switches off all electric lights, printers, photocopiers and heaters.

My Department also operates a Travel Pass Scheme for interested members of staff in order to encourage staff to use public transport in lieu of car transport. These initiatives have had no adverse cost implications for my Department and have resulted in energy cost savings, which would be impossible to quantify. My Department will continue to monitor its own energy consumption and will where practicable continue to implement steps to ensure maximum energy efficiency and the minimum carbon footprint in the daily activities of the Department. As regards the agencies of my Department, the Deputy will appreciate that ensuring maximum energy efficiency and minimum carbon footprint in their daily operations is an operational issue for the agencies concerned and the Deputy can rest assured that the agencies have taken similar actions to my Department over the past few years and will continue to do so.

Job Creation.

50. **Mr. O'Shea** asked the Minister for

Enterprise, Trade and Employment the action he proposes to take to bring replacement jobs and investment to Nenagh and north Tipperary following the series of job losses and factory closures to date in 2007; the reason the Government has apparently abandoned north Tipperary in its job creation and investment schemes; and if he will make a statement on the matter. [15461/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): While job losses are always regrettable, they are a feature of economic development in all countries as various sectors expand and contract in response to market forces. However, I have been assured by the agencies under the remit of my Department that they are actively endeavouring to attract new investment, to encourage the start-up of new businesses, to grow existing businesses and to develop the labour market in Tipperary North.

IDA Ireland, is marketing North Tipperary for inward investment within a regional context and the National Spatial Strategy provides a framework for the achievement of this goal. Proximity to Limerick and Cork and its location along the Limerick/Dublin and Cork/Dublin corridors are strong selling points for the area, as is international access through Shannon Airport.

The transition to a knowledge based economy can only be achieved by winning new investments in innovation driven, high value, high skills sectors. The development of Gateway and Hub locations is crucial to the development of the regions. These regions must possess the population, skills base, business services, infrastructure and vibrant enterprise base that is capable of attracting and winning FDI in competition with similar locations internationally.

IDA has five supported companies in North Tipperary, employing 610 (as per end of year employment survey in December 2006). Employment in IDA supported companies has achieved relative stability over the last three years, having declined from a peak of 1,486 in 2000. Initiatives involving Local Authorities, IDA Ireland and other strategic partners, specifically focused on the task of developing North Tipperary's offering to potential investors are to be encouraged. The Thurles Marketing Group was established in 2002 with a view to developing a pilot marketing initiative in North Tipperary as part of the implementation of the County Economic and Cultural Strategy 2002-2012. IDA Ireland, Shannon Development and the North Tipperary Enterprise Board have contributed to the work of this Group the focus of which was to promote Thurles as a location for business investment, not only for FDI but also as a location for indigenous investment.

Responsibility for the provision of industrial property solutions within the Mid-West region lies with Shannon Development. IDA Ireland works closely with Shannon Development in the promotion and marketing of tailored property solutions. Initiatives undertaken by Shannon

Development include the Development of the Tipperary Technology Park in Thurles and the acquisition of a 29 acre site in Roscrea with a view to developing a Business Park appropriate to the needs of the area. Enterprise Ireland has responsibility for the development of indigenous industry is focussed on the creation of new jobs through supporting entrepreneurs who are setting up New High Potential Start Up Companies. In addition, the Agency is working with its existing companies to increase efficiencies, as productivity and competitiveness improvements are critical for client companies to survive and indeed achieve sustained export growth. I am satisfied that the efforts of the agencies together with the expenditure under the National Development Plan will continue to bear fruit in terms of economic development for the people of North Tipperary.

Proposed Legislation.

51. **Mr. Gormley** asked the Minister for Enterprise, Trade and Employment the reason, in view of the fact that the lack of controls on the arms trade is a major factor in fuelling conflict, undermining sustainable development, and ongoing violations of human rights, the Government has not sought to bring the Control of Exports Bill 2007 before Dáil Éireann since it passed in Seanad Éireann on 1 March 2007. [15616/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I have no function in the matter of ordering Dáil Business.

Health and Safety Regulations.

52. **Ms McManus** asked the Minister for Enterprise, Trade and Employment his views on the Health and Safety Authority report that found inadequate health and safety procedures in most of the hospitals visited; and if he will make a statement on the matter. [12078/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Health and Safety Authority carried out a programme of inspections in hospitals in 2005 and 2006. The accident and emergency departments of 17 hospitals were covered in 2005 and the 2006 inspections covered the entirety of 16 hospitals. Following the 2005 inspections, advice letters were issued in all cases with recurring themes, notably, violence, training, risk assessments, manual handling, fire, stress, chemical agents and biological agents. 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 health care staff. In this regard, 12 Improvement Notices under the Safety, Health and Welfare Act 2005 were issued by the Authority. The inspections carried out highlighted problems and inadequacy of procedures in most of the hospitals in the following

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areas: risk assessments for manual handling and for ergonomics; procedures for dealing with violence and aggression in overcrowded departments; handling of chemical and biological agents; prevention of slips, trips and falls; overcrowding and congestion; and infection control. I understand that the Authority has followed up on these inspections, where appropriate, with the Health Services Executive. This year the Authority, as part of its 2007 Programme of Work, is following up on the inspections carried out in 2006 to ensure compliance in relation to issues which arose then. The main objective of the inspection programme is to improve health and safety management systems and practices in the health care sector. Inspections will again 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.

Departmental Travel.

53. **Mr. Stagg** asked the Minister for Enterprise, Trade and Employment the international flights taken by Departmental staff on Department business to date in 2007; the number of flights to each destination; the number of domestic flights taken to date in 2007; the origin and destinations involved; the cost of flights; the flights that were taken on Government aircraft and those taken on normal scheduled airlines; if the carbon impact of these flights is taken into account during planning; and if he will make a statement on the matter. [15483/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Table 1 set out below provides details of international flights taken by staff of my Department on official business on scheduled flights from 1 January 2007 to 20 April 2007. The table shows the final destination for each journey, the number of flights to each destination and the cost involved. My Department's staff have not taken any domestic flights on scheduled aircraft to date in 2007. The cost of many international flights taken by my Department's staff is recoupable in whole or in part from organisations such as the European Commission. Of the total cost of €71,634.18 for flights on Table 1, it is estimated that €28,831 is recoupable. Table 2 provides details of flights which staff of my Department made on Government aircraft to date in 2007. In all cases, the staff in question travelled with me or with the Minister of State with responsibility for Trade and Commerce at my Department. The carbon impact of flights is not accounted for at present by my Department. However, as outlined in the National Climate Change Strategy 2007–2012, pending the inclusion of aviation in the Emissions Trading Scheme, the Government has decided that it will

voluntarily introduce a carbon offsetting scheme for all air travel on Government business, including flights by Ministers and civil servants, from the beginning of the Kyoto commitment period in January 2008. Practical arrangements will be put in place to enable each Department to compute annually the emissions associated with its air travel and to make a contribution to an appropriate fund to secure verified emission reductions of an equivalent amount. Notwithstanding the Government's commitment in this regard, the carbon impact of flights must also be balanced against the considerable benefits accruing to Ireland from business transacted on the journeys in question in terms of promoting trade, attracting inward investment and influencing international policy.

Table 1 – Details of international flights taken by staff of the Department of Enterprise, Trade and Employment on official business from 1 January 2007 to 20 April 2007

Destination ¹	No. of flights	Cost ²
		€
Alicante	4	980.17
Amsterdam	4	1,235.66
Barcelona	1	209.28
Berlin	1	84.67
Berlin	3	1,022.07
Bilbao	2	630.83
Boston	1	1,696.57
Brussels	121	34,332.20
Bucharest	1	301.59
Budapest	1	221.01
Capetown	1	2,732.12
Copenhagen	1	312.08
Dusseldorf	1	85.03
Geneva	10	3,883.41
Krakow	1	175.69
London	8	1,765.21
Madrid	3	340.11
Milan	1	327.19
Munich	2	584.04
Paris	14	4,684.94
Port of Spain (Trinidad)	1	4,606.93
Riyadh	1	3,803.26
Sicily	1	752.75
Singapore	1	4,770.44
Strasbourg	2	1,372.37
Venice	1	160.65
Vienna	2	563.91
	190	71,634.18

Notes to Table 1

¹ The majority of flights listed on Table 1 originated in Dublin. However, in three cases, flights to the final destination shown above were from a hub airport.

² It is estimated that €28,831 of the total cost of flights on Table 1 is recoupable.

Table 2 — Details of flights by staff of the Department of Enterprise, Trade and Employment on Government aircraft in the course of official business from 1 January 2007 to 25 April 2007

Origin	Destination	No. of flights
Baldonnell	Brussels	2
Baldonnell	Paris	2
Baldonnell	Knock	1
Baldonnell	Cork	3
	Total	8

Note: The cost of the use of Government aircraft is a matter for the Department of Defence.

Departmental Bodies.

54. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment the reform of FÁS he has instigated since unemployment has fallen to below 5%; and if he will make a statement on the matter. [15557/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The role and functions of FÁS are reviewed on an ongoing basis through the formation of its Statements of Strategy. The current FAS Strategy Statement outlines the vision and direction for FAS for the period 2006 to 2009. The Strategy is closely aligned to the policy goals of my Department and was developed in close collaboration with my Department. In addition a comprehensive internal and external consultation process involving all relevant stakeholders was undertaken by FAS. In the past, labour market policy emphasis has been on those outside the workforce. The Strategy recognises the changes in the labour market including the low level of unemployment and an increased emphasis is placed on the need to rebalance education and training towards up-skilling those in work. Additional funding has been provided to FÁS to enable them to increase capacity and activity in this area through the 'One Step Up' and other initiatives. FAS also continues to provide a range of services to the unemployed with particular emphasis on the those who have difficulty in accessing the labour market such as people with disabilities, women returnees and early school leavers. The focus in this area will be on the provision of training and employment programmes, which will assist these groups to enter or re-enter the labour market or progress to further job-related training. The FAS statement of Strategy is available on the FAS website at www.fas.ie.

Environmental Support Schemes.

55. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment the dedicated supports available to companies from agencies under the remit of his Department aimed at increasing awareness of, and promoting, eco

efficiency in their operations; the number of companies to date who have taken advantage of these supports; the cost to the State of these supports; and if he will make a statement on the matter. [15454/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Enterprise Ireland (EI) operates two direct financial support schemes that help Irish SMEs to increase awareness of and promote eco-efficiency in their operations. These are the Environmental Management System (EMS) Support Scheme and the Environmentally Superior Products (ESP) Support Scheme. The EMS Support Scheme has been in operation since late 1998 and since then 105 Irish SMEs have been approved for funding. The total funds approved by Enterprise Ireland in that time amount to €775,123. The actual drawdown of funds in that period has been €441,512. Shannon Development has approved grant payments of €61,812 to eight different companies under the scheme. To date €18,850 has been paid to these companies. The ESP Support Scheme has been running since 1999 and has supported 40 Irish SMEs to date with total approvals over the life of the scheme to date being €1m. Associated costs of the scheme are approx. €15k per annum covering mainly staff costs. Eco efficiency is also an increasingly important element in the attraction and retention of Foreign Direct Investment. In this context IDA has fostered strong links and co-operation with other agencies and stakeholders such as Forfas, Sustainable Energy Ireland (SEI) and Enterprise Ireland with a view to increasing client company awareness and access to energy efficiency programmes which are run by SEI. In addition, IDA is also liaising with its client companies in the area of renewable energy options. While the County Enterprise Boards do not operate a specific eco dedicated scheme, they are nevertheless ready to support, against their normal range of evaluation criteria, any viable eco business proposal that may come forward for consideration.

FÁS Training Courses.

56. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment the number of persons who undertook FÁS training courses in 2006; the percentage of these who were unemployed, who were in part-time employment and who were employed full time; his plans for FÁS for 2007; and if he will make a statement on the matter. [15486/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): A total of 69,000 persons commenced FÁS training courses in 2006 with roughly 35% of those attending training for employment and 65% attending training that were in employment. In addition, 176,000 persons attended Safe Pass and Construction Skills train-

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ing and a further 9,000 persons attended Evening Courses. A training element was also included for 32,300 persons on Community Employment and Job Initiative schemes in 2006. Statistics concerning numbers in part-time employment are not captured. Plans for FÁS in 2007 are to increase training numbers by roughly 5%. FÁS has been granted additional funding to help meet demand for apprenticeship training and increase capacity for those in employment.

Question No. 57 answered with Question No. 37.

Enterprise Planning.

58. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the actions that have been taken in his Department and in the State agencies under its aegis to prepare for an influenza epidemic, as set down in the business continuity report. [15608/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I assume the Deputy is referring to the report “Business Continuity Planning – Responding to an Influenza Pandemic” which I launched at the end of February. I am very supportive of the work being undertaken at central level in the area of emergency planning. One of the key risks being considered at this level is that of an influenza pandemic. An influenza pandemic would have a very significant impact on economic activity and could pose a major threat to business continuity. My Department, in conjunction with Forfas, undertook a study to assess the levels of preparedness in Irish business for pandemic flu. The study found that small to medium size enterprises in particular were not prepared for this risk and there was therefore a need to provide guidance in this area. The resultant Report provides businesses with the necessary information and tools to develop pandemic preparedness plans. It includes an introduction to the threat posed by influenza pandemic and issues arising for enterprise, a checklist for enterprises to use in their planning process and a comprehensive user guide. Ten illustrative case studies of enterprises across a broad range of sectors are also included. I am confident that the Report provides excellent advice to the enterprise sector and I am pleased to say that the European Centre for Disease Prevention and Control has acknowledged this Report as an excellent contribution to the broader pandemic planning agenda.

Adult Education.

59. **Mr. Gogarty** asked the Minister for Enterprise, Trade and Employment his views on the evidence from benchmarking Ireland’s performance that Ireland has dropped three places

relative to the EU-15 in terms of life-long learning for 25 to 64 year olds. [15613/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The broader responsibility for the promotion of life long learning lies with the Department of Education and Science. My own Department is primarily concerned with the job of enhancing the skills of workers to ensure a more effective labour market and to sustain and enlarge a competitive and productive national economy. In cooperation with the Department of Education and Science we are now preparing a joint report for the European Commission that will detail our respective contributions to the advancement of life long learning and the wide range of approaches that are being deployed at national, regional and local levels to facilitate access to learning at every stage of life. This is an area that has attracted special attention in the national agreement with the social partners – Towards 2016. The recently published National Skills Strategy sets out clear long-term objectives in developing Ireland’s human capital through upskilling, training and education for the period to 2020. The Strategy will be essential in ensuring that Ireland’s education and training systems are able to meet the future demands of industry in the medium to longer term. One of the key recommendations of the National Skills Strategy is the need to raise the educational and skills levels of 500,000 people in employment. The upskilling of 500,000 individuals within the workforce leading to awards on the National Framework of Qualifications is a significant challenge, which will require new and innovative delivery models. It will require convincing both employers and employees of the need to and value of upskilling in a knowledge economy. The Government, employers and individuals will have to work together if we are to achieve this objective.

Industrial Relations.

60. **Mr. M. Higgins** asked the Minister for Enterprise, Trade and Employment the number of person-hours lost to his Department and its agencies to date in 2007 due to industrial action; if pending strike notices are in place against his Department or any of its agencies; and if he will make a statement on the matter. [15466/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): There has been no person-hours lost either in my Department or in the Agencies under the aegis of my Department to date in 2007, due to industrial action. There are no pending strike notices in place against my Department or any of the agencies under the aegis of my Department.

Employment Rights.

61. **Mr. Gilmore** asked the Minister for

Enterprise, Trade and Employment if his attention has been drawn to the practice of false contracting being used across a wide range of industries in order that employers can avoid many of their duties towards employees; if he will engage in a public information campaign to highlight the legal situation surrounding false contracting and the methods available for reporting it; the number of false contracting cases identified in 2006; and if he will make a statement on the matter. [15489/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Irish employment rights law makes a distinction between a contract of service, which applies to an employer-employee relationship, and a contract for service, which applies in the case of an independent sub-contractor. In effect, employment rights legislation does not apply to independent sub-contractors with the exception of the Safety, Health and Welfare at Work Act, 1989 and the Equality Act, 1998. In most cases it will be clear whether an individual is employed or self-employed. Where there is doubt in relation to the employment status of an individual the relevant Departments and Agencies will have regard to the Code of Practice for Determining Employment or Self-Employment Status of Individuals. This Code was drawn up and agreed in 2001 by the Office of the Revenue Commissioners, Department of Social and Family Affairs, Department of Enterprise, Trade and Employment, the Irish Congress of Trade Unions and the Irish Business and Employers Federation. A number of criteria are set out in that Code for determining whether an individual is an employee or self-employed. These include whether the person is under the control or direction of another person, owns his/her own business, supplies labour only, receives a fixed wage, is exposed to financial risk, assumes responsibility for investment and management, supplies materials for the job, can sub-contract the work, works set hours or a given number of hours per week/month, etc. A major package of measures has been agreed by the parties to Towards 2016, the new Social Partnership Agreement, to provide for enhanced public confidence in the system of compliance. New legislation will be published this year to provide for enhanced employment rights measures including the establishment of the National Employment Rights Authority. Providing for greater clarity in the application of employment rights legislation to employees will be considered in the context of drawing up that legislation.

The Social Welfare and Pensions Act, 2007, which came into operation on 30 March, 2007, provides for the disclosure of relevant employment data between the Office of the Revenue Commissioners, the Minister for Social and Family Affairs and the Minister for Enterprise, Trade and Employment to facilitate the oper-

ation of the National Employment Rights Authority. This legislation effectively enables the Labour Inspectorate to join with inspectors from the Department of Social and Family Affairs and the Office of the Revenue Commissioners to work together in Joint Investigation Units. Such units will have a particular focus on the employment status of workers. Since the enactment of the legislation, exchange of information activity has already taken place between the bodies.

The package of measures provided for under Towards 2016 will be supported by enhanced employment rights promotional and educational efforts. The Social partners and other organisations such as the Department of Social and Family Affairs and the Office of the Revenue Commissioners will be invited to bring their knowledge and networks to bear on the design and delivery of this education and awareness programme which, it is anticipated, will also address the issues associated with bogus self-employment. The Department of Social and Family Affairs and the Office of the Revenue Commissioners will have details of the number of bogus self-contractors identified in 2006 in the context of their specific responsibilities. The Labour Inspectorate encountered a claim in 2006 by an employer that workers were engaged on a sub-contract basis and was not, therefore, subject to employment rights legislation. In this case the Scope Section of the Department of Social and Family Affairs, following consideration of all the relevant facts, decided that the workers involved were employees. This decision facilitated an Employment Appeals Tribunal award in favour of a number of former workers in that enterprise.

Appointments to State Boards.

62. **Mr. Gormley** asked the Minister for Enterprise, Trade and Employment the number of appointments he will make to State boards and other public bodies before June 2007; and the positions that will be filled and are expected to be made by the Government between now and then. [15615/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Following is the information requested by the Deputy.

Enterprise Ireland—

there is currently one vacancy on the Board of Enterprise Ireland which is in the process of being filled.

Labour Relations Commission—

6 Rights Commissioners will be appointed before 31 May 2007, 5 under the terms of Towards 2016, and 1 arising from a vacancy.

National Competitiveness Council—

As 4 members of the Board of the NCC are required to retire on 31 May each year, 4 appoint-

[Mr. Martin.]

ments will be made subsequent to these retirements.

NSAI—

1 appointment to the Board of the NSAI will be made before June 2007.

National Employment Rights Authority (NERA)—

Appointments to the Advisory Board of the NERA may be made before 31 May 2007.

Departmental Bodies.

63. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment the rights the Employment Rights Agency will have to acquire and keep its own data; and the resources that will be allocated to the agency for data collection and analysis. [15611/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Under the Data Protection Acts certain persons and bodies who control the contents and use of personal data (Data Controllers) are required to register details regarding this data with the Office of the Data Protection Commission, which maintains a Public Register. This Department is registered as a Data Controller with the Office of the Data Protection Commissioner under a number of different headings, including Employment Rights and Compliance Section. This section has been subsumed into the National Employment Rights Authority (NERA), which has been established on an interim basis. Pending the enactment of legislation to establish this body on a statutory basis, the Department's registration under the Data Protection Act provides the right for NERA to acquire and keep data for the purpose of checking compliance and enforcement of employment rights legislation. Once NERA is established on a statutory basis, they will be required to register in their own right under the Protection Act. As the Deputy is aware substantial resources have been allocated to the establishment of NERA. The interim body is currently setting up its organisational structure, procedures and processes. NERA are very conscious of the need to have effective systems in place for data collection and analysis purposes and will ensure that resources are available within the organisation to meet this need.

Grocery Industry.

64. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the steps being taken to promote FAIRTRADE products both within and outside his Department; and if he will make a statement on the matter. [15482/0]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):

I am aware of the formal trade campaign with a very specific focus on raising consumer awareness which operates under the certification of the FAIRTRADE mark and to have fair trade products widely available and used. The objectives of the campaign are recognized as positive, as trade is increasingly recognized as an important and effective lever for development and hence the alleviation of poverty. Ireland, in common with other EU Member States has placed a very clear emphasis on the need to assist developing countries in their integration into the world economy as a necessary condition for their future development. Such integration, which is one element in the process of poverty reduction in the developing countries will be deeper and fairer if anchored in the WTO multilateral trading system. I am aware that the Department of Foreign Affairs, through Irish Aid, supports Fairtrade Mark Ireland's public awareness and development education programme and also supports access to Fairtrade certified markets for small farmers through Irish Fairtrade Networks in Central America. The decision to use any fair trade product by my Department would of course be subject to compliance with Public Procurement rules and it is a matter for the enterprises supplying services such as cafeteria services in the Department to make their own commercial decisions in sourcing their supplies.

Energy Consumption.

65. **Dr. Upton** asked the Minister for Enterprise, Trade and Employment the steps he is taking to minimise the carbon footprint of his Department; the carbon auditing that has been undertaken by his Department; and if he will make a statement on the matter. [15490/07]

Minister for Enterprise, Trade and Employment (Mr. Martin):

To minimize the carbon footprint of my Department in its daily operations, the Department through its Green Team, which was established some years ago, has over the past few years initiated the following actions:

- Ensured that all lighting in the Department's eight buildings is switched off overnight;
- Ensured that the Office of Public Works, which looks after the replacement of electric light bulbs in my Department's buildings, uses energy efficient bulbs and long life bulbs wherever possible when electric light bulbs are being replaced;
- Ensured that the central heating arrangements for the Department's buildings are switched on and off to achieve optimum energy efficiency;

- Ensured that the staff in the Department have been exhorted to:
 1. switch off all their computer equipment (base units, monitors and peripheral devices) at the end of each working day;
 2. switch off their PC monitors at lunch time and while attending meetings etc;
 3. ensure that the last person leaving each individual office switches off all electric lights, printers, photocopiers and heaters.

My Department will continue to monitor its energy consumption and will where practicable continue to implement steps to minimise the carbon footprint of the Department in its daily activities. No carbon auditing has been undertaken by my Department. However, under the National Climate Change Strategy 2007 – 2012 it is understood that specific data on greenhouse gas emissions will be collated in respect of the public sector in general by the Environment Protection Agency and my Department will liaise with the Department of the Environment, Heritage and Local Government in the matter.

Question No. 66 answered with Question No. 31.

Ministerial Travel.

67. **Mr. M. Higgins** asked the Minister for Enterprise, Trade and Employment the number of journeys made on Government aircraft by Ministers or staff of his Department or its agencies to date in 2007; the origin and destination of each journey; the cost of each journey to the State; the reason a Government aircraft was used rather than scheduled air travel or surface travel; and if he will make a statement on the matter. [15467/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Since the beginning of 2007, I, Ministers of State and staff of my Department have made 8 journeys on Government aircraft. The journeys undertaken were as follows:

International Flights:

Minister Martin

Baldonnell-Cork-Paris, 14 January 2007 — EI Trade Mission

Baldonnell-Cork-Brussels-Baldonnell, 19 February 2007 — Competitiveness Council

Minister Ahern

Baldonnell-Cork-Brussels-Cork-Baldonnell, 11 February 2007 — Informal meeting of Trade Ministers

Baldonnell-Cork-Paris-Baldonnell, 20 February 2007 Meeting with French Trade Minister

Domestic flights:

Baldonnell-Cork-Knock-Cork-Baldonnell, 22 February 2007 — Jobs announcement and Company events

Baldonnell-Cork-Baldonnell, 27 March 2007 — Jobs announcement

Baldonnell-Cork-Baldonnell, 29 March 2007 — Jobs announcement

Baldonnell-Cork-Baldonnell, 25 April 2007 —Pharma/Biotech industry dinner.

The cost of flights on Government aircraft is a matter for the Department of Defence. Government aircraft are used where scheduled commercial flights are not available or are not feasible given tight schedules.

Questions Nos. 68 and 69 answered with Question No. 37.

Whistleblower Provisions.

70. **Mr. Gogarty** asked the Minister for Enterprise, Trade and Employment the reason for the delay in the publication of legislation for whistleblower protection; if he is satisfied that the proposed sectoral approach will satisfy the terms of Article 13.2 or Article 33 of United Nations Convention Against Corruption, and that such an approach will provide the legal safeguards necessary to protect those who wish to expose malfeasance in good faith. [15614/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Whistleblowers Protection Bill 1999, following a Government decision which agreed to address the issue of whistleblowing on a sectoral basis as distinct from a “one size fits all” approach, as envisaged in the Bill, was removed from the Dáil Order Paper following a motion, debate and vote on 4th April 2006.

By virtue of the Government decision, Ministers in the course of preparation of Bills are required to include whistleblowing provisions, as appropriate, having regard to the nature, purpose and scope of the proposed legislation in question. Such whistleblowing provisions have been included in various enactments since adoption of the sectoral approach. Legislation is prepared in consultation with the Office of the Parliamentary Council having regard to the need for Ireland to meet its international obligations. I am satisfied with the sectoral approach to the inclusion of whistleblowing provisions is working well.

Research Funding.

71. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment his views on whether the system of grants and supports to businesses who wish to conduct research and development is sufficiently simplified; if it is not,

[Mr. Hayes.]

the reason he has not ensured this before now; and if he will make a statement on the matter. [15564/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Enterprise Development agencies under the aegis of my Department are committed to continuous evaluation and modification of their service delivery models in order to best meet the needs of client companies. As part of the development of the implementation strategy to achieve the targets set out in the Strategy for Science, Technology and Innovation 2006 — 2013 (SSTI), Enterprise Ireland and IDA Ireland undertook significant work in 2006 under the umbrella of the SSTI implementation group ‘Technology Ireland’ in rationalising and simplifying their R&D scheme offerings to firms.

The overall objective is to get more firms involved in doing research and development, to increase the amount of R&D that existing performers are doing and, to raise the quality and sophistication of the R&D they perform. This should facilitate a planned progression for companies doing R&D, thereby improving in-firm technological capacity and capability over time. The range of supports will be set out in an easily understood package for promotion to companies.

The newly designed schemes are each due to be launched by IDA and Enterprise Ireland in the third quarter of 2007 following completion of the notification process of the schemes under the new Community Framework for State Aid for Research and Development and Innovation to the EU Commission.

Equal Opportunities Employment.

72. **Mr. S. Ryan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the provisions of employment law that discriminate against employees over 65 years of age; his plans to correct these anomalies; if primary or secondary legislation will be required for each of these anomalies to be corrected; his views on whether it is desirable to facilitate those who wish to continue working past 65 years of age; and if he will make a statement on the matter. [15479/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): There is no age discrimination in employment rights legislation and there are no provisions in Employment or Equality law that impose a compulsory retirement age in relation to employment. I would point out that the upper age limit of 66 years for bringing claims under the Unfair Dismissals Acts 1977 to 2005 was removed by the Equality Act 2004. The effect of this is that a person who is over the age of 66 when dismissed may take a case under the Unfair Dismissals Acts unless he/she has already reached the normal

retirement age for that employment, if one exists. The removal of the age cap of 66 for statutory redundancy is included in the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Bill 2007 which is designed to give effect to certain commitments arising from “Towards 2016”.

The Employment Equality Acts 1998 and 2004, administered by the Department of Justice, Equality and Law Reform, protect against discrimination on the ground of age and on other grounds, in relation to access to employment. However, the Acts also permit an employer to decide on a retirement age in a particular employment. The purpose of such provisions is to give flexibility to employers and employees, having due regard to the nature of the work being performed. Such retirement age limits are not in breach of the Employment Equality Acts or the Unfair Dismissal Acts.

Decisions in relation to retirement are influenced by a range of issues and the challenge is to give people the flexibility and choice to work past 65. Obstacles to people working at an older age include benefit and pension entitlements and this issue is being reviewed by the Department of Social and Family Affairs in consultation with the Pensions Board. Under the terms of the Social Partnership agreement “Towards 2016”, the Government is committed to the continued participation of older people in the labour market which will be encouraged and facilitated to meet the challenge of an ageing society. Indeed, Ireland has experienced a significant rise in the employment of older workers in the past 10 years with employment rates rising by 10%. The employment rate for older workers in Ireland at 53% already exceeds the EU 2010 target of 50%, and is well ahead of the comparable rate for the EU 25, of 42.5% (2005).

Industrial Development.

73. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment the number of site visits made by Enterprise Ireland or the IDA to County Kerry in each of 2005, 2006 and to date in 2007; the number of same in which a Minister or Minister of State of his Department participated; and if he will make a statement on the matter. [15468/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): In the period from the beginning of January, 2005 to the end of March, 2007, there have been a total of 7 IDA sponsored visits by overseas investors to Kerry. Details of those visits are set out in the following tabular statement. The visits are arranged as part of the day-to-day operational activities of the agency and there was no ministerial involvement. In the main, itineraries for site visits relate to mobile investments, normally from overseas. The Enterprise Ireland portfolio of indigenous com-

panies is not of its nature very mobile, and the Agency reports that there were no such visits to Kerry in the period in question.

IDA Ireland continues to actively promote Kerry as a destination for FDI in line with the framework offered by the National Spatial Strategy with emphasis being placed on the linked Hub locations of Tralee and Killarney. The Agency's strategy for Kerry has been to promote the County as part of a broad integrated region with the North of the County being part of the Mid West Region. Based on the strengths of the region, IDA is particularly targeting the ICT (including software), and Globally Traded Business sectors. The attractiveness of Kerry for inward investment has to be seen within a regional context, and particularly with reference to its location regarding the Gateway cities of Limerick/Shannon and Cork. In addition, the Agency continues to work with its existing portfolio of client companies under the auspices of the Strategic Competitiveness Programme, which is designed to help consolidate and grow their existing operations in the region where possible.

Enterprise Ireland's activity is focused on the creation of new jobs through supporting entrepreneurs setting up new High Potential Start-Up Companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions. The Agency continues to work with companies in its portfolio to assist them grow their sales and exports and improve innovation in order that they can compete on world markets.

Furthermore, Shannon Development has been given a new, more focused, regional economic development remit in the Mid-West region, which includes North Kerry, and its activities complement those of the other national agencies. Among the activities undertaken by the Agency in this regard is the development of the Kerry Technology Park Tralee in cooperation with IDA Ireland, Tralee Institute of Technology, the Local Authority and the private sector. The Park provides state-of-the-art accommodation and facilities for both indigenous industry and foreign investors. I am satisfied that the work of the agencies, together with the roll out of the National Development Plan will continue to bear fruit in terms of additional investment and jobs for the people of Kerry.

Table showing the number of IDA sponsored Site Visits to Kerry in each of the years 2005, 2006 and 2007 (end March)

Year	Number of visits
2005	4
2006	2
2007 (end March)	1

Skills Strategy.

74. **Ms Enright** asked the Minister for Enterprise, Trade and Employment the way he has supported the upskilling of low skilled workers in the manufacturing sector; and if he will make a statement on the matter. [15563/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Government is fully committed to investing in the upskilling of the Irish labour force. That is why this year this Department will invest nearly €480 million in training programmes operated by FAS, Skillnets and others organisations. Out of this sum €280 million will be allocated to training programmes to prepare people to enter employment. A further €70 million is being provided to train those already in employment. In addition, €130 million, a significant increase on last year's provision, has been made available to fund apprenticeship training programmes and so to cater for the historically high numbers of apprentices.

One of the initiatives that will receive funding from the Department this year is FÁS Basic Workplace Education Fund. This initiative aims to address the basic skills needs of the employed including literacy, numeracy and basic IT communications. There are currently eight Basic Education Fund programmes and they all are designed to enhance employees' basic skills to enable them to cope with frequent and ongoing changes in work practices. The budget for this fund has increased from €2 million in 2006 to €3 million in 2007.

The recently published National Skills Strategy sets out clear long-term objectives in developing Ireland's human capital through upskilling, training and education for the period to 2020. The Strategy will be essential in ensuring that Ireland's education and training systems are able to meet the future demands of industry in the medium to longer term.

One of the key recommendations of the National Skills Strategy is the need to accelerate the upskilling of 500,000 people in employment. According to the Strategy over 70% or 1.43 million of our current workforce will still be in employment in 2020. The upskilling of 500,000 individuals within the workforce leading to major awards on the National Framework of Qualifications is a significant challenge, which will require new and innovative delivery and funding models. It will require convincing both employers and employees of the need to and value of upskilling in a fast paced knowledge economy of the future. The Government, employers and individuals will have to work together if we are to achieve this objective. The Government, the relevant Government Departments and State Agencies are fully committed to working with both employers and employees to improve the skills profile of the Irish labour force.

Question No. 75 answered with Question No. 37.

Science and Technology Groups.

76. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment if he has plans to adopt an all-Ireland research and development strategy which will include central and local government, businesses, trade unions and educational institutions; the mechanisms included in proposed plans; and if he will make a statement on the matter. [15622/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): On 18 June last year, the Government launched a comprehensive Strategy for Science, Technology and Innovation to 2013, based on the work of the Cabinet Subcommittee on STI, which I chair, and the Interdepartmental Committee on STI, lead by my Department. I can assure the Deputy that our STI Strategy was developed in consultation with stakeholders in the STI arena, including enterprise and academia and I presented it in detail to those stakeholders in July last year, where it was widely welcomed and endorsed. The Strategy was prepared in a whole of government and an all-island context, with a dedicated chapter on the benefits and opportunities of the all-island and international dimensions of STI and how these are being, and will be, addressed under the Strategy.

Excellent progress is already being made, with the Higher Education Research Group (HERG) and Technology Ireland (TI) established as the mechanisms to deliver the Strategy. The HERG and TI bring together all of the Government Departments and Agencies with a research remit. The all-island approach is embedded throughout the STI Strategy and, as the current NDP makes clear, throughout the Government's policy on STI. Close linkages are being developed between our officials, agencies, institutions and our advisory science councils to ensure that synergies and mutual challenges are identified. The Cabinet Subcommittee on STI (at its March 2007 meeting) approved the compilation of an inventory of existing Department to Department and Agency to Agency N/S R&D cooperation. When completed, this will assist in identifying further promising new areas and effective existing models for widening and deepening R&D collaboration.

A Number of specific actions are underway or proposed. We are liaising with our Northern counterparts to maximize drawdown by the two administrations from the EU's Framework Programme for Research, FP7, for collaborative research. The all-island trade and business development body, InterTradeIreland is engaged with a mapping study of all of the publicly funded research performing centres on the island of Ireland, which will be of great benefit to both administrations in taking forward future planning

in this key area. In addition, the Government has already made clear that a future call by Science Foundation Ireland for a Centre for Science, Engineering and Technology (CSET) will be made on an all-island basis. A ground-breaking partnership between the United States and Ireland, North and South, on research in key areas such as diabetes and cystic fibrosis is bringing researchers from the three jurisdictions together for dialogue and common approaches, with a view to developing collaborative R&D projects.

Employment for People with Disabilities.

77. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment if people with disabilities are eligible to participate in the National Employment Action Plan; if not, when they will be included; and if he will make a statement on the matter. [15302/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The National Employment Action Plan Preventive Strategy (NEAP) involves a systematic referral of certain cohorts of registered unemployed persons by the Department of Social and Family Affairs (DSFA) to FÁS for assistance.

The National Development Plan (2007-2013), Towards 2016, and the Department of Enterprise, Trade and Employment's Sectoral Plan under the Disability Act 2005, contain a commitment to extend the activation process to other disadvantaged groups. In this regard a High Level Inter-Departmental Group has been set up, comprising representatives from the Departments of Enterprise, Trade and Employment, Social and Family Affairs, the Taoiseach and FÁS to examine how best this can be progressed having regard to the specific needs of each group. Through this group particular attention will be given to the circumstances pertaining to people with disabilities with a view to developing an appropriate and tailored activation process. This process will also be informed by the lessons learned from a recent pilot disability initiative which was developed and implemented by FÁS, in conjunction with the DSFA and the HSE in the Midlands region. The recommendations and findings of an external evaluation are currently being studied.

I am informed by FÁS that, currently, all people with disabilities who voluntarily present to FÁS for assistance receive priority in relation to accessing training, employment programmes or any other job-seeking related services provided by FÁS. Such clients are 'caseloaded' by FÁS as necessary, so as to provide an intensive guidance and support service, until they secure employment or are deemed to be 'job-ready'. In addition, FÁS has developed a range of tailored programmes and interventions to assist people with disabilities enter/re-enter the workforce, e.g. the Wage Subsidy Scheme, the Supported

Employment Programme, Personal Reader Grant, Workplace Equipment Adaptation Grant, access to Specialist Training Providers and other individualised supports.

Visa Applications.

78. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a long term visa will be issued to a person (details supplied) on humanitarian grounds; if he will clarify the procedure involved; and if he will make a statement on the matter. [15668/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question has been granted a visa and is currently in the State on a visit. If she now wishes to remain on a longer term basis she must seek such permission, by written application, to the General Immigration area of my Department. Contact details are on my Department's website, www.justice.ie.

Citizenship Applications.

79. **Mr. Aylward** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress to date in the application for naturalisation by a person (details supplied) in Dublin 3. [15672/07]

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 19 June 2006. Officials in that Section are currently processing applications received in the latter half of 2004 and have approximately 11,000 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 early 2009. I will inform the Deputy and the person in question when a decision is reached in the case.

80. **Mr. Aylward** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress to date in the application for naturalisation by a person (details supplied) in Dublin 15. [15673/07]

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 13 May 2005. Officials in that Section are currently processing applications received in the latter half of 2004 and have approximately 1,800 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 late 2007. I will inform the Deputy and the person in question when a decision is reached on the case.

81. **Mr. Aylward** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress to date in the application for naturalisation by a person (details supplied) in Dublin 15. [15674/07]

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 19 April 2006. Officials in that section are currently processing applications received in the latter half of 2004 and have approximately 6,700 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 late 2008. I will inform the Deputy and the person in question when a decision is reached in the case.

Stardust Tribunal.

82. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the terms of reference of the eminent legal person being appointed to review the findings of the Stardust Tribunal of 1982. [15679/07]

83. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the latest position with regard to the appointment of an eminent legal person to review the findings of the Stardust Tribunal of 1982. [15680/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 82 and 83 together.

I can inform the Deputy that Mr. John Gallagher, SC, has been nominated to carry out an independent examination of the issues raised in the submission made by the Stardust Victims Committee. I understand that the terms of reference for this exercise have been discussed with the Committee's Solicitor and will be reviewed further with Mr. Gallagher, in advance of their being finally settled.

Sexual Offences.

84. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that action is being taken to allay the concerns of residents (details supplied); if the person referred to is registered with the Gardaí;

[Mr. Gregory.]

the regularity of the contact between the Gardaí and the person; and if he will make a statement on the matter. [15681/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Sex Offenders Act, 2001 sets out the obligations on persons convicted of a range of sexual offences. A convicted sex offender must notify his/her name(s), date of birth and current home address to the Garda Síochána within seven days of the conviction for the sexual offence concerned or, where the offender is sentenced to imprisonment, from the date of full release from prison. Thereafter, the offender must notify the Gardaí of any change of name or address within seven days of that change. Notification of any address where the offender spends either as much as seven days or two or more periods amounting to seven days in any twelve month period must also be given to the Gardaí. If the offender intends to leave the State for a period of seven days or more s/he must inform the Gardaí of this fact and the address at which s/he intends to stay and also notify the Gardaí of his/her return. If s/he did not intend to stay away for more than seven days but did, s/he must inform the Gardaí within a further seven days.

The provisions of the Act extend to any sex offenders entering this jurisdiction from abroad who have an obligation to register in their own countries. Section 13 of the Act provides that a person convicted outside the State of an offence that would constitute an offence in this jurisdiction for which the person would be subject to the notification requirements of the Act and who enters the State, must comply with these requirements within seven days.

The Act makes it mandatory for a convicted sex offender to inform their employer or future employer of their conviction if their job entails having unsupervised access to children. The Act also allows for a Chief Superintendent of An Garda Síochána to request the court to make a sex offender order, whereby a sex offender can be prohibited from behaving in a particular way, where such behaviour is perceived by the court as having a potential danger to the welfare of children. It should be noted that Garda clearance is now required for potential employees in a number of occupations which entail access to, or authority over, children.

The Domestic Violence and Sexual Assault Investigation Unit of An Garda Síochána monitor and manage the notification provisions. There are nominated Garda Inspectors in each Garda Division who have responsibility for the monitoring of persons subject to the requirements of the Act in their Division. As soon as the Domestic Violence and Assault Investigation Unit is advised by a relevant authority, such as the Irish Prison Service, the Courts Service or a foreign

law enforcement agency, of the impending release or movement of sex offenders into their area this information is immediately passed to the nominated Inspectors, who are advised of information relevant to their Division. Any child protection issues arising are advised to the relevant health services authorities, as provided for under the Children First guidelines.

There is a very good co-operation in the sharing of information between An Garda Síochána and other law enforcement agencies. Last November I signed a Memorandum of Understanding (MoU) between Ireland and the UK to assist in the sharing of information on sex offenders. The MoU is part of the work undertaken following the Intergovernmental Agreement on North/South Co-operation on Criminal Justice Matters signed on behalf of the Irish and British Governments in July 2005. In addition, under the Agreement, a Registered Sex Offender Advisory Group has been established consisting of representatives of An Garda Síochána, the Police Service of Northern Ireland, my Department and the Northern Ireland Office. As part of its work, this Group evaluates the potential for sharing information, examining the registration criteria in both jurisdictions for sex offenders and identifying areas for further co-operation.

Based on five years experience in the operation of the Act, I am proposing a series of changes to the Act with the aim of strengthening the protection it offers to the community. These will include raising the penalty for failure to register from 12 months to five years imprisonment, thus making it an arrestable offence, and giving probation officers power to prosecute offenders who fail to comply with the terms of a post release supervision order.

Closed Circuit Television Systems.

85. **Mr. N. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform his view on having closed circuit television cameras installed in an area (details supplied) in County Cork owing to the high level of incidence of crime in this area. [15729/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): CCTV Systems have become an important and effective tool which is used as a support to policing and public safety and they can also act as a useful deterrent to crime and public disorder.

Garda CCTV schemes are planned and implemented on the basis of identified operational need. These schemes are usually located within the commercial and recreational areas of our towns and cities. I have been informed by the Garda authorities that there are no plans at present for the installation of a Garda CCTV scheme in the town referred to by the Deputy. I have also been informed that Senior Garda Management in the region monitor crime trends in the

area on a continuous basis and they are currently satisfied with the policing service being provided to the local community.

I launched the Community-based CCTV Scheme in June 2005 in response to the demonstrated demand from local communities across Ireland for the provision of CCTV systems. This Scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community CCTV systems. Pobal has been engaged to administer the Scheme on behalf of my Department. Grant aid funding of up to €100,000 is available from my Department with the Department of Community, Rural and Gaeltacht Affairs providing matching funding for successful applications from RAPID areas. Pre-development grants of up to €5,000 are also available to establish the need for CCTV in a given area. The second round of funding under the Community-based CCTV Scheme was advertised in December 2006 with a closing date for receipt of applications of end-February 2007. I have been informed by Pobal that no application under this Scheme was received from any group in the town to which the Deputy refers. However, it will be open to local groups to apply for funding in future rounds of this scheme.

Citizenship Applications.

86. **Ms O'Sullivan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on an application by persons (details supplied) in County Limerick for long-term residency and naturalisation; and if he will make a statement on the matter. [15738/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation from the persons referred to in the Deputy's question were received in the Citizenship Section of my Department on 6 September 2006. Officials in that Section are currently processing applications received in the latter half of 2004 and have approximately 10,100 applications on hand to be dealt with before those of the individuals 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 applications will commence in the first half of 2009. I will inform the Deputy and the persons in question when I have reached a decision on the applications.

Child Abduction.

87. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to a matter (details supplied); and if he will make a statement on the matter. [15739/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no record of the persons in question having made an application to the Central Authority for Child Abduction which operates within my Department. The Central Authority for Child Abduction operates for the purpose of the Hague Convention on the Civil Aspects of International Child Abduction. The purpose of the Convention is to facilitate the return of children who have been wrongfully removed from one contracting state where they are habitually resident to another contracting state. As Mongolia is not a party to this Convention, the Central Authority has no function in the matter. However, the persons involved might seek the assistance of An Garda Síochána if they have not already done so or the Department of Foreign Affairs, who may be able to offer some consular assistance in this regard.

Prison Building Programme.

88. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that he has complied with the mandatory requirements of EU Environmental Directives in proceeding with his plans to put a prison in Thornton Hall. [15740/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I am fully satisfied that all requirements under European Union Environmental Directives have and will be adhered to now and in the future.

Residency Permits.

89. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 83 of 1 February 2007, when an application for a person (details supplied) for permanent residency will be processed; and if he will make a statement on the matter. [15748/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency.

[Mr. McDowell.]

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date. An application for long term residence from the person referred to by the Deputy was received in December 2006. I understand that applications received in June 2006 are currently being dealt with.

Garda Strength.

90. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the next intake of students into Templemore will be; when the next graduation will be; the number of students he expects will be concerned in each; and if he will make a statement on the matter. [15768/07]

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 am further informed by the Garda authorities that the next intake of Garda recruits to enter the Garda College, Templemore, will take place on Tuesday, 8 May, 2007. It is anticipated that 275 Garda recruits will enter the Garda College on that date. There is a graduation ceremony taking place today and it is anticipated that 254 Probationer Gardaí will graduate. The next graduation is to take place on 26 July, 2007. Figures for this graduation will not be available until closer to the date.

91. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the most up to date figure for the number of fully attested members of An Garda Síochána; the number of students in Templemore; the number of fully-trained members of the Garda Reserve; and the number of trainee Gardaí. [15769/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the total personnel strength (all ranks) of An Garda Síochána on 24 April 2007, including recruits in training was 14,234 of which 13,158 had completed all five stages of training. I have also been informed that the total number of Garda trainees in the Garda College, Templemore, on 24 April, 2007 was 495. This figure is comprised of 230 Phase 1 Student Gardaí and 265 Phase 3 Student Gardaí. The total number of Gardaí trainees on 24 April, 2007 was 1,076. This figure is comprised of 230 Phase 1 Student Gardaí, 581 Phase 2 Student Gardaí and 265 Phase 3 Student Gardaí.

There are currently 36 fully operational Garda Reserve members. 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 commence training every four to six weeks with the next group commencing this coming Saturday, 28th April 2007.

Crime Levels.

92. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of reported stabbing incidents for each year since 1997 to date in 2007; and if he will make a statement on the matter. [15770/07]

93. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of fatal stabbing incidents for each year since 1997 to date in 2007; and if he will make a statement on the matter. [15771/07]

94. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of detections, prosecutions and convictions for fatal stabbing incidents for each year since 1997 to date in 2007; and if he will make a statement on the matter. [15772/07]

95. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of detections, prosecutions and convictions for non-fatal reported stabbing incidents for each year since 1997 to date in 2007; and if he will make a statement on the matter. [15773/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 92 to 95, inclusive, together.

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 since the third quarter 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.

Refugee Status.

96. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an appeal in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [15796/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my replies to Dáil Questions No. 120 of 22 February, 2007, No. 407 of 31 January, 2007, No. 151 of 14 December, 2006 and No. 56 of 30 November, 2006, in relation to this case.

I wish to inform the Deputy that the position remains unchanged.

Family Reunification.

97. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to the application for family reunification in the case of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [15797/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a Family Reunification application on behalf of his wife in November 2004 and his 2 children in May 2005.

The Immigration Division of my Department has informed me that the application in respect of the children has recently been approved.

The application in respect of his wife is currently under consideration and my Department will be in contact with the person concerned in the near future concerning this application.

Citizenship Applications.

98. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress to date in respect of an application for naturalisation in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [15798/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question Number 124 on Thursday 8 March 2007. The position remains as stated.

Residency Permits.

99. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [15799/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Questions Nos. 240 of Thursday, 25th May, 2006; 440 of Wednesday, 27th September, 2006; 93 of Thursday 9th November, 2006, and 200 of Wednesday, 22nd November, 2006, and the written replies to those Questions. The position is unchanged.

Departmental Studies.

100. **Ms C. Murphy** asked the Minister for Finance the progress that has been made in the development of a Liffey Valley Park; if funds have been earmarked for its development; if so, the amount of same; and if he will make a statement on the matter. [15704/07]

Minister of State at the Department of Finance (Mr. Parlon): A Steering Group was formed to consider the feasibility of establishing a Liffey Valley Park as originally envisaged with the acquisition of St. Catherine's Park, Lucan. The Group comprised officials representing the County Councils of Fingal, Kildare, South Dublin and the Office of Public Works.

Within the current statutory and operational ambits of the relevant public authorities the Group examined management models, made an inventory of resources, and established a realisable vision for the concept and recommendations for implementation.

To assist the Steering Group in its deliberations a firm of specialist Consultants was engaged to carry-out a detailed feasibility study. The study was completed in late 2006 and made widely available. Recommendations include: an initial focus on publicly-owned property in a central section of the valley corridor; establishing an identity for and public awareness of the concept; better integration of the activities of the various public bodies; maintaining environmental quality and improving public access; and a 'launch programme' of demonstrative initiatives/projects.

While no central funds have been made available each public body may make progress from within existing resources.

Disabled Drivers.

101. **Mr. Bruton** asked the Minister for Finance

[Mr. Bruton.]

the amendments proposed by the review group on the motor tax concessions for persons with a disability; the estimated cost of implementing these recommendations; and if he will make a statement on the matter. [15666/07]

Minister for Finance (Mr. Cowen): A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report did not provide a cost for the recommendations and options that were outlined. However it noted the potential for costs to rise in the event of reforming the Scheme by pointing out that up to 92,000 people considered themselves to be disabled, while at the time of the Report only 7,900 persons were covered by the Scheme.

Based on the most recent data available from the Revenue Commissioners, it is estimated that the number of claimants in the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme in 2006 was approximately 11,000 and the cost was over €67 million.

The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme. In respect of the long-term recommendations, including the qualifying disability criteria, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme. This consideration is undertaken on a regular basis.

Tax Code.

102. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is due a tax rebate; and if he will make a statement on the matter. [15675/07]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the taxpayer has been paying tax on the emergency

code since commencing his first employment in December 2006. A certificate of tax credits and standard rate cut off point for 2007 has now issued to him and a copy was sent to his employer. Any tax over deducted from the taxpayer since January 2007 will be refunded to him by his employer. A PAYE balancing statement for 2006 has also issued to him outlining the final position for the year. No tax deductions were made from the taxpayer's earnings in 2006 and, therefore, no refund of tax is due to him for that year.

Health Services.

103. **Mr. Noonan** asked the Minister for Health and Children if free optical treatment is available to a person (details supplied) in County Limerick whose prescribed lenses are expensive; and if she will make a statement on the matter. [15641/07]

Minister for Health and Children (Ms Harney): Child health examinations are provided by the Health Service Executive (HSE) to children under 6 years of age and children attending national school in accordance with Section 66 of the Health Act, 1970. Under Section 67 of that Act, children are eligible for HSE ophthalmic services in respect of problems noted at child health examinations.

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.

104. **Mr. Quinn** asked the Minister for Health and Children when it is proposed to provide an improved speech therapist service to a person (details supplied) in the special needs unit of a school in County Donegal. [15713/07]

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 Execu-

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

105. **Mr. N. O’Keeffe** asked the Minister for Health and Children if she will arrange for a person (details supplied) in County Cork who is currently hospitalised to be transferred to a community hospital. [15649/07]

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.

Nursing Home Subventions.

106. **Mr. N. O’Keeffe** asked the Minister for Health and Children the position regarding an application for nursing home subvention by a person (details supplied) in County Cork; and if she will assist in having this patient admitted to long term care. [15650/07]

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 Aids and Appliances.

107. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an assessment for aids and appliances; and if she will make a statement on the matter. [15651/07]

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 Service Staff.

108. **Mr. P. Breen** asked the Minister for Health and Children if the Health Service Executive have plans to allocate extra speech therapists to a school (details supplied) in County Clare; and if she will make a statement on the matter. [15659/07]

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.

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.

Health Services.

109. **Mr. Allen** asked the Minister for Health and Children the situation regarding a person (details supplied) in County Cork who is being threatened with eviction due to the Health Service Executive not paying an adequate subvention for their care; and if she will make a statement on the matter. [15684/07]

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 Compensation Scheme.

110. **Mr. English** asked the Minister for Health and Children if her Department and the Health Service Executive will allow for no fault insurance claims for families of children with cer-

[Mr. English.]

ebreal palsy; and if she will make a statement on the matter. [15707/07]

Minister for Health and Children (Ms Harney):

I have asked the Chairman of the Advisory Group on No Fault Compensation for Brain Damaged Infants to consult with the interests who were represented on the group to ascertain if there is sufficient agreement on the principles and structure of a scheme that might allow the group to complete its work and submit a report to me.

Home Help Service.

111. **Mr. Kehoe** asked the Minister for Health and Children if additional home help hours are to be made available for a person (details supplied) in County Wexford to assist them with living alone; and if she will make a statement on the matter. [15722/07]

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 Service Allowances.

112. **Mr. Kehoe** asked the Minister for Health and Children if the diet supplement for a person (details supplied) in County Wexford can be backdated from the time they would have been eligible to it; and if she will make a statement on the matter. [15723/07]

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.

113. **Mr. Kehoe** asked the Minister for Health and Children the status of the domiciliary care allowance for a person (details supplied) in County Wexford; when a decision will be made; and if she will make a statement on the matter. [15724/07]

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.

Recreational Facilities.

114. **Mr. Deasy** asked the Minister for Health and Children if dedicated funding has been made available to the Health Service Executive to fund youth cafés under her new recreation policy for teenagers; the amount of funding that has been made available in 2007. [15726/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The National Children's Strategy includes a commitment to develop a National Recreation Policy for children between the ages of 12 and 18 years. The preparation of the policy is nearing completion and it is my intention to publish it shortly.

One of the key aspects of the policy is the provision of more recreational facilities and in particular, the establishment of youth cafés, identified by young people as their single biggest need. The policy recognises that youth cafés offer great potential for providing a wide range of developmental, educational and information programmes to young people and that the provision of such services within these settings will require a cross-Departmental and inter-Agency collaborative approach through a formal partnership process.

Individual Government Departments and agencies, as key funding and delivery bodies at national and local level, will continue to retain responsibility for the implementation of actions and measures that fall within the remit of their operational responsibilities. The implementation of the policy is being discussed with the relevant Government Departments and Agencies.

Hospital Waiting Lists.

115. **Mr. N. O'Keefe** asked the Minister for Health and Children the reason for the delay in having a person (details supplied) called to a hospital; and if her attention has been drawn to the fact that they were advised that they would be called in February 2007 and that they are aged 94 years. [15728/07]

Minister for Health and Children (Ms Harney):

Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter

investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to this case.

Accident and Emergency Services.

116. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 258 of 6 March 2007, which according to Parliamentary Question No. 261 of 5 April 2007 was due to issue shortly. [15747/07]

Minister for Health and Children (Ms Harney): My Department has been advised by the Parliamentary Affairs Division of the Health Service Executive that a reply to the Deputy's question of 6 March 2007 issued on the 24th April 2007.

Hospital Services.

117. **Ms Shortall** asked the Minister for Health and Children if she will set out in full the basis for the decision to transfer St. Luke's Hospital; and the reports, reviews, consultation and other advice that was relied upon in making this decision. [15749/07]

Minister for Health and Children (Ms Harney): The Government's policy on radiation oncology is based on the Report on "The Development of Radiation Oncology Serves in Ireland". The Report was prepared by a multi-disciplinary group of experts in radiation oncology, medical oncology, public health and palliative care, including significant expertise from St. Luke's Hospital and the Irish Cancer Society. The Report has had significant international endorsement from such bodies as the US National Cancer Institute and the American Cancer Society. The Report recommended that there should be two radiation oncology treatment centres located in the Eastern region, one serving the southern part of the region and adjacent catchment areas and one serving the northern part of the region and adjacent catchment areas. A detailed request for proposals issued to six hospitals in Dublin in June 2004 and an International Panel submitted its advice to me in January 2005.

The decision to transfer St. Luke's Hospital was taken by the Government in the context of this advice and its consideration of the National Plan for Radiation Oncology Services. The decision is designed to ensure that radiation oncology, one element of cancer care, is integrated with all other aspects of care, including surgery and medical oncology. This is in line with best international practice. I am convinced that

this model will provide better patient centred treatment with improved quality of service and outcome for patients. The Board of St. Luke's Hospital and its Executive Management Team are fully committed to supporting the Government's decision in relation to the development of radiation oncology. A transfer on similar lines took place last year in Northern Ireland when radiation oncology services transferred to Belfast City Hospital, a major academic teaching hospital.

In progressing the transfer, I will build on the expertise and ethos of St. Luke's. I have ensured that experts at St. Luke's are centrally involved in the planning and delivery of the National Plan. The plan consists of large centres in Dublin (at Beaumont and St. James's Hospitals), Cork and Galway and two integrated satellite centres at Waterford Regional Hospital and Limerick Regional Hospital. The Chief Executive at St. Luke's will lead the management team of the new facility at St. James's. I also appointed the Chairman of St. Luke's to chair a National Radiation Oncology Oversight Group which is advising me on progress on the implementation of the plan.

Discussions on transfer, facilitated by the HSE, are taking place involving the Chief Executives of both hospitals. A working group is in place to develop close working relationships and ensure a smooth transition. In addition and in recognition of the role for St. Luke's in the new facility at St. James's, I will pursue discussions with the Boards of both Hospitals about its governance and a re-configuration of the Boards. The twin goals are to ensure continuity of expertise and ethos in the care of cancer patients and the effective integration of multi-disciplinary patient care at the one site.

Health Repayment Scheme.

118. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive a refund under the health repayment scheme. [15753/07]

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.

Services for People with Disabilities.

119. **Mr. Connaughton** asked the Minister for Health and Children the reason a person (details supplied) in County Galway, who has an intellectual disability, is not entitled to a full time place; if her attention has been drawn to the fact that

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the person would have access to occupational therapy, physiotherapy and speech therapy if they were attending on a full time basis; and if she will make a statement on the matter. [15760/07]

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 Services.

120. **Mr. Durkan** asked the Minister for Health and Children if extra funding or services can be offered to a company (details supplied) in Dublin 7 for this organisation to continue to assist persons with an acquired brain injury; if she or her Department have received correspondence from individuals or groups recently in this regard; her plans to address this issue in early date; and if she will make a statement on the matter. [15793/07]

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 Cards.

121. **Mr. Durkan** asked the Minister for Health and Children if a medical card will issue in the case of a person (details supplied) in County Cork; and if she will make a statement on the matter. [15794/07]

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.

122. **Mr. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15795/07]

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.

Fishing Vessel Licences.

123. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when a response will be issued to a person (detail supplied) in County Donegal; and if he will make a statement on the matter. [15669/07]

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 has informed me that the MFV “Áine Íde” was re-measured by the Marine Survey Office of the Department of Transport as required by Article 4 of Council Regulation (EEC) No. 2930/86 as amended by Council Regulation (EEC) No. 3259/94. The certificate of survey issued by the Marine Survey Office specified that the vessel’s registered length is 19.5 metres and 142 GT under the aforementioned Article 4 and that the change arose because of the new measurement rules used under the relevant EU Regulations.

Grant Payments.

124. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when a response will be issued to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [15670/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The decommissioning of fishing vessels schemes are implemented by Bord Iascaigh Mhara (BIM) and I am advised that the person referred to has been advised by BIM in relation to the position of his application for a decommissioning grant for his vessel.

The person referred to applied to BIM on 23rd October 2005 to decommission his vessel under the “Scheme to permanently withdraw capacity from the demersal and shellfish sectors of the Irish fishing fleet”. The application was evaluated by BIM and considered by the Decommissioning Approvals Board, which is made up of officials from BIM, Enterprise Ireland, the South and East Regional Assembly, the BMW Regional Assembly and the Department, at a meeting on the 16th November 2005.

The application was not approved as it did not meet the mandatory criteria of having carried out fishing activities for the minimum of 75 days in each of the two periods of 12 months from 1st October 2003 to 1st October 2005. This mandatory criteria is set down under EU Regulation

2792/1999 which establishes the rules inter alia for grant aiding the decommissioning of fishing vessels. The applicant was informed of this decision on the 16th November 2005 and was again written to on the 1st September 2006, following the appointment of an Appeals Officer, and informed of the procedures for lodging an appeal in respect of the decision of the Decommissioning Approvals Board.

Telecommunications Services.

125. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources when he will make an announcement regarding the tender for the full broadband enablement of the State; and the cost of this initiative in 2007 and 2008. [15677/07]

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).

Despite Government and private investment in broadband it is recognised that there remain areas of the country where the private sector is unable to justify the commercial provision of broadband connectivity. Accordingly, the new National Broadband 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. This Scheme will, when it is fully rolled out, ensure that all reasonable requests for broadband from houses and premises in unserved and rural areas are met.

A Steering Committee is currently considering all elements of the proposed scheme and the Department will commence the tender process in the coming weeks. The cost of the scheme will be determined through the tender process.

Harbours and Piers.

126. **Mr. Walsh** asked the Minister for Communications, Marine and Natural Resources if he will approve expenditure to complete works on a pier (details supplied) in County Cork; and if he will make a statement on the matter. [15693/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Garnish Pier is owned by Cork County Council and responsibility for its maintenance, repair and upkeep rests with the Local Authority in the first instance.

In 2006, the Department allocated funding of €217,500 which represented 75% of the total project cost of €290,000. The allocation was for Phase

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2 of the development which involved raising the height of the pier and adjoining wave wall.

I have recently received an application for funding under the Department's 2007 Harbours and Coastal Infrastructure Programme from Cork County Council to complete Phase 2 works in 2007.

I hope to shortly be in a position to announce my Departments Harbours and Coastal Infrastructure Programme 2007. All funding approvals are based on available Exchequer funding and overall national priorities going forward.

Alternative Energy Projects.

127. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if there is grant assistance for a person who wishes to erect a 10.5 meter high tower wind turbine generator for their private dwelling; and if he will make a statement on the matter. [15715/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department does not provide grant aid for wind turbines. The current renewable energy support programme, known as the Renewable Energy Feed In Tariff (REFIT), is a fixed feed in tariff mechanism. This means that an applicant may submit an application at a fixed price based on technology and, in the case of wind, the capacity of the project. The reference price values and indexation permitted in REFIT programme are capable of delivering projects without recourse to grant aid. The terms and conditions of REFIT are available on my Department's website at www.dcmnr.ie.

Telecommunications Services.

128. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources the percentage of schools currently connected to a broadband service with speeds greater than 1024 kbps. [15741/07]

129. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources the person who was awarded the Smart Telecom contract to ensure broadband connection for over 1,000 schools. [15742/07]

130. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources the amount spent to date in connecting schools to broadband; and the amount of additional money required to complete the task. [15743/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 128 to 130, inclusive, together.

Broadband internet connectivity is being rolled-out to all recognised primary and post-primary schools. This project is being undertaken in partnership with industry in the context of a Government — Telecommunications and Internet Federation (TIF) Agreement to provide local broadband connectivity to schools. The broadband connectivity is being provided via a Schools National Broadband Network supported by HEAnet, which will provide managed Internet access, email, security controls, content filtering and other services designed to enhance the educational process. A Broadband Support Service Desk has also been established to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity within the schools network. Over €18m has been invested in the project since its commencement.

The bandwidth provided to schools is based on a tiering system that recognises that larger schools (with more students) require more bandwidth than smaller schools. Approximately 59% of schools currently connected with a broadband service have a bandwidth greater than 1024 kbps.

Following a competitive public procurement process, contracts were finalised in June 2005 by the Department of Education and Science with six service providers for the provision of local broadband access to 3,925 schools. The count of the number of schools countenanced under this arrangement has since been amended to take into account the effect of a number of school closures, amalgamations and new opening and stands currently at 3,940. Smart Telecom was one of the six service providers selected.

Roll out of the local connectivity and router installation commenced in June 2005. As of 23rd April, 3,796 schools have had their local connectivity installed. Smart Telecom has completed connection to 1,178 of these schools.

The Commission for Communications Regulation advise that Smart Telecom is still an authorised operator. Smart Telecom is continuing to provide local broadband connectivity to the schools installed by it.

The National Development Plan contains a provision of €252m for ICT in schools, the essential purpose of which is to advance the embedding of an e-Learning culture in teaching and learning in schools. The Department of Education and Science intends to publish a new ICT strategy this year covering the period of the National Development Plan to 2013. A Strategy Planning Group has been put in place to advise on the most appropriate prioritisation of measures and their phasing over the timescale of the National Development Plan. As part of the development of this comprehensive new strategy, it will be necessary to consider and address a wide range of issues including the maintenance of the national broadband network for schools.

Harbours and Piers.

131. **Mr. N. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources if additional funding has been announced recently in respect of a special programme in addition to a funding announcement he made a number of months ago (details supplied). [15766/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Ballycotton Pier is owned by Cork County Council and responsibility for its maintenance, repair and upkeep rests with the Local Authority in the first instance.

In 2006, the Department allocated funding of €375,000 which represented 75% of the total project cost of €500,000. The allocation was for part of Phase 1 of the development involving sheet piling to the pier.

I have recently received an application for funding under the Department’s 2007 Harbours and Coastal Infrastructure Programme from Cork County Council to complete the sheet piling at the pier in 2007.

I hope to shortly be in a position to announce my Departments Harbours and Coastal Infrastructure Programme 2007. All funding approvals are based on available Exchequer funding and overall national priorities going forward.

Country	Permits Issued 2004	Permits Refused 2004	Permits Issued 2005	Permits Refused 2005	Permits Issued 2006	Permits Refused 2006
Australia	906	8	926	17	879	30
Canada	269	6	315	9	335	16
New Zealand	550	11	527	9	531	18
U.S.A.	926	19	1,046	30	1,037	26

Skills Strategy.

134. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the way he proposes to meet his targets in relation to the upskilling of the labour force; and if he will make a statement on the matter. [15711/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The recently published National Skills Strategy sets out clear long-term objectives in developing Ireland’s human capital through upskilling, training and education for the period to 2020. The Strategy will be essential in ensuring that Ireland’s education and training systems are able to meet the future demands of industry in the medium to longer term.

One of the key recommendations of the National Skills Strategy is the need to raise the educational and skills levels of 500,000 people in employment. The upskilling of 500,000 individuals within the workforce leading to awards on the National Framework of Qualifications is a significant challenge, which will require new and

Departmental Investigations.

132. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism if he has concluded his investigation into the circumstances in which a third party became aware of the detail of parliamentary questions tabled to him in December 2006 prior to their publication; the outcome of that investigation; and if he will make a statement on the matter. [15665/07]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I refer the Deputy to the reply to Parliamentary Question 575 (15068/07) answered on 24th April last.

Work Permits.

133. **Ms C. Murphy** asked the Minister for Enterprise, Trade and Employment the number of applications that have been made for work permits in 2004, 2005 and 2006 from applicants who are from countries with a strong traditional pattern of migration from Ireland namely USA, Canada, Australia and New Zealand; the number that were granted and refused; and if he will make a statement on the matter. [15708/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Employment Permits Section have set out below the figures as requested above.

innovative delivery models. It will require convincing both employers and employees of the need to and value of upskilling in a knowledge economy. The Government, employers and individuals will have to work together if we are to achieve this objective.

This will be achieved through significant additional investment in the labour force. In the course of the National Development Plan overall about €7.7 billion in public funds will be used to support training and skills development. This is indicative of the importance that the Government attaches to having a skilled, productive, flexible and mobile workforce that will support national competitiveness and sustain economic and social prosperity into the future.

My Department will this year invest nearly €480 million in training programmes operated by FÁS, Skillnets and others organisations to upskill the labour force. Out of this sum €280 million will be allocated to training programmes to prepare people to enter employment. A further €70 million is being provided to train those already in

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employment a significant increase on allocations in recent years. In addition, €130 million, a significant increase on last year's provision, has been made available to fund apprenticeships training programmes and so to cater for the historically high numbers of apprentices.

In order to ensure that we meet our objectives on upskilling I will ask the Expert Group on Future Skills Needs to identify the most suitable initiatives to incentivise employers and workers to fully engage in training and education at all stages and at all ages.

The Expert Group will also report annually to me on progress in relation to the findings contained within the National Skills Strategy.

Housing Management Companies.

135. **Ms C. Murphy** asked the Minister for Enterprise, Trade and Employment the changes he anticipates will be needed in company law in order to deal with the specific circumstances of licensing management companies; and if he will make a statement on the matter. [15701/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Residential management companies are generally constituted as companies limited by guarantee under the Companies Acts and are required to comply with the relevant provisions of company law.

The operation of such companies under their relevant memorandum and articles of association is a matter for determination by the company members, who generally are the owners of the properties in question.

The Companies Acts do not seek to regulate for specific areas of activity in which companies may engage, nor do they seek to provide for the licensing of companies to undertake specific activities. Such regulation or licensing is seen as a matter for the Department or Agency with sectoral responsibility for the activity concerned.

However, the General Scheme of the Companies Consolidation and Reform Bill, which has recently been finalised by the Company Law Review Group, proposes to include certain provisions in company legislation which will facilitate the operation of residential management companies. These provisions include an exemption for such companies from the normal limit of 99 members which applies to private companies limited by shares, and a provision whereby the membership of a residential management company will transfer automatically from the vendor to the purchaser of the underlying property to which the membership relates, upon the sale of that property.

I expect to receive a copy of the Company Law Review Group Report and its General Scheme shortly, at which point I will consider the proposals therein in consultation with my Government colleagues.

Redundancy Payments.

136. **Mr. Perry** asked the Minister for Enterprise, Trade and Employment the guidelines in relation to the payment of redundancy to employees once an institution closes and ceases business; if the employer has the right to advise the employees that their redundancy package will be paid at a later date once the premises closes; when are the employees entitled to receive their redundancy; and if he will make a statement on the matter. [15736/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

Payment of Statutory Redundancy is, in the first instance, the responsibility of the employer. When a redundancy situation arises in an employment, an employer must give at least 2 weeks notice of termination of the employment in accordance with the provisions of the Redundancy Payments Acts 1967 to 2003. On the date of termination or as close to possible to it, the employer should pay the statutory redundancy lump sums directly to the employees.

If the employer is unable to pay statutory redundancy to the employees but completes the necessary forms (RP50), the employees may then claim their statutory lump sums directly from the Social Insurance Fund, which is administered by this Department. Payment is made directly to the employees about four weeks from the date of receipt of the correctly completed forms in the Department. The Department then seeks to recover these debts from the employer.

If, on closure of the employment an employer fails to pay the employees their statutory redundancy entitlements within a reasonable length of time, say 2 weeks, or does not give them the necessary forms to claim the statutory lump sums from the Social Insurance Fund, it is then open to the employees to bring appeals against their former employer before the Employment Appeals Tribunal for a decision in the matter. This must be done within twelve months of the termination of employment.

If the Tribunal, on hearing the case, finds in favour of the employees, and the employer fails to pay, payment can be then be made directly to the employees from the Social Insurance Fund on foot of the Tribunal Order. The department then seeks to recover these debts from the employer.

Economic Competitiveness.

137. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the extent to which he has identified the cause or causes of job relocation to other economies; the action he has taken to address these issues; and if he will make a statement on the matter. [15782/07]

138. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the number

of jobs relocated to other economies in the past five years; and if he will make a statement on the matter. [15783/07]

140. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the extent to which he has identified the main factors affecting the competitiveness of the Irish economy; the action he has taken or proposes to take to address the issues arising therefrom; and if he will make a statement on the matter. [15785/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 137, 138 and 140 together.

There are many factors that influence a firm's decision to relocate. Firms adjust their plant location and utilisation strategies to address matters such as accessing new markets, moving production nearer to customers, meeting firm or market specific customer relationship issues, accessing technology or other competitive considerations. The result is flows of investment and employment across borders. Ireland successfully manages this process, while winning many prestigious and value added investment, and enterprise policies have enabled the economy to replace lost jobs with others of equal or higher value.

It is not possible to audit the extent to which job losses in the economy arise due to firms relocating abroad. Forfás, however, undertakes an annual survey of employment in companies supported by the enterprise development agencies. Last year, full time employment in agency assisted companies expanded by 5,927 to over 305,000. This reflects robust employment growth in the wider economy where the number of jobs is at an historic high of over 2 million.

The National Competitiveness Council benchmarks Ireland's competitiveness performance on an annual basis. We have also had the benefit of the advice and views of the Enterprise Strategy Group, the Small Business Forum, the Better Regulation Group and have policies in place to act on their recommendations. Together with our Strategy for Science, Technology and Innovation and our National Skills Strategy, I am satisfied that we are taking the measures needed to meet the challenges of global competition.

Trade Balance Statistics.

139. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he is satisfied himself that trade balances are sufficiently favourable to the Irish economy; and if he will make a statement on the matter. [15784/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): For over ten years, Ireland has had a very significant surplus on its merchandise exports. For example, last year we had a surplus of €28.3bn on exports of €88.7bn. This is an

extremely healthy position. In relation to services trade, where data is not as well developed, we had a deficit last year of €8.3bn on services exports of €54bn and that deficit has been declining over the last few years. The combined trade surplus last year, counting both merchandise and services trade, was €20bn, an improvement of almost €1bn on the previous year.

Question No. 140 answered with Question No. 137.

Economic Competitiveness.

141. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he is satisfied that Irish products are sufficiently competitive on world export markets; if he has taken action to address the issue; and if he will make a statement on the matter. [15786/07]

146. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he is satisfied that Irish export markets are sufficiently well placed to meet competition in the future; and if he will make a statement on the matter. [15791/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 141 and 146 together.

Statistics for Merchandise Trade performance in 2006 show that these exports increased by 2% on 2005. Exports from Enterprise Ireland's client base of indigenous companies is expected to show a significantly higher increase. This is a very creditable performance, against a background of a difficult global trading environment, and shows that Irish exports have remained competitive on world markets. Roughly similar gains were made in the previous two years. In relation to Services exports, the rate of growth is very impressive, with these exports growing by 17% last year, which followed increases of 9% and 14% respectively, in the previous two years.

The strategy of diversifying our export markets abroad, by concentrating on the wider EU, the US and Asia and the ongoing process of building on the higher value sectors of the economy, particularly in the knowledge-based areas, will ensure that Irish exporters will continue to rise to the challenges posed by the global trading environment and increase the value of their sales incrementally, for the future.

Trade Balance Statistics.

142. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if current trends in respect of imports reflect goods previously produced within this economy; and if he will make a statement on the matter. [15787/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): In 2006 Ireland's total mer-

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chandise imports were valued at €60.4bn. The major categories of such imports were, in descending order, Computers (€10.4bn), Road vehicles (€4bn), Electrical machinery (€3.8bn), Petroleum and related products (€3.7bn), Miscellaneous manufactured articles (€3bn), Medicinal and Pharmaceutical products (€2.2bn) and Telecommunications and Sound Equipment (€2.1bn).

In relation to some of these categories, it should be appreciated, that while many of these also feature in our exports, there is a pattern of semi-finished goods moving into and out of the country, as different processes are undertaken and as components are assembled. The fact that we are significant importers of the same goods in respect of which we are also major exporters, is a normal feature of globalised trading patterns.

It is true that there are other goods in the lower value — added sectors where Ireland is not as competitive as heretofore and such products are imported to a greater extent than in the past. However this trend is far outweighed by the very strong level of exports in the higher value added sectors of the economy, particularly in knowledge-based activities.

Work Permits.

143. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the number of work permits applied for to date in 2007; the number approved, refused or pending; the way these figures compare with the previous four years; and if he will make a statement on the matter. [15788/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Officials in the Employment Permits Section of my Department have informed me the number of work permit applications received up to the 20th April 2007 is 7547, the number issued is 4930, the number refused is 554 and the remainder are currently being processed.

Employment Permit statistics for the previous four years are contained in the following table.

Year	Permits Issued	Permits Refused
2006	24,837	1,106
2005	27,100	1,131
2004	34,007	1,286
2003	47,490	1,627

Skills Strategy.

144. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he is satisfied regarding the adequacy of skills available to the workforce for the foreseeable future; if particular specific action is required; and if he will make a statement on the matter. [15789/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): In an increasingly knowledge-based and globalised environment, the skills required are progressively becoming more sophisticated. The Government has made provision to ensure that we have the best assessment of future skills needs and the policies and training programmes in place to respond to them.

Central to this endeavour is the work of the Expert Group on Future Skills Needs. It has been monitoring developments and proposing responses since 1997. That work has involved ongoing research into labour demand and supply in a number of economic sectors.

The recently launched National Skills Strategy is the Expert Group on Future Skills Needs' latest publication. This Strategy sets out clear long-term objectives in developing Ireland's human capital through upskilling, training and education for the period to 2020.

The National Skills Strategy will be essential in ensuring that Ireland's education and training systems are able to meet the future demands of industry in the medium to longer term. The National Skills Strategy again proves that if Ireland is to progress ahead of our competitors then we need to increase our focus on skills development at a number of levels:

Firstly, we need to increase the upskilling of 500,000 people in employment. According to the Strategy over 70% or 1.43 million of our current workforce will still be in employment in 2020.

Secondly, we need to ensure that the output from our education system reaches its potential. This will involve increasing focus on increasing participation rates in upper secondary level to 90% and ensuring the progression rate to third level increases to 70%. Thirdly, we need to address the skills needs of the immigrant population and those re-entering employment.

Achieving these targets will represent a significant challenge. It will require an integrated approach by industry, individuals and Government. It will also require recognition by both employers and individuals of the significant benefits that improved training and education has to offer in both economic and industrial terms.

The Government is fully committed to working with all the relevant stakeholders to improve the skills profile of the Irish labour force, to implement the recommendations of the National Skills Strategy and safeguard Ireland's future economic success.

Enterprise and Job Creation.

145. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the extent to which he and his Department have engaged with enterprises proposing to relocate to other economies with a view to addressing the cause or causes; and if he will make a statement on the matter. [15790/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): State support for enterprise and job creation, including embedment and retention, is channelled through the industrial development agencies. While we have been very successful over the past decade in attracting investment and jobs we now face new challenges. We are no longer a low cost country with high levels of unemployment. Ireland is now a less competitive location for what might be called basic manufacturing or services type activities, with low cost destinations such as China and Central Europe much more attractive to investors engaged in these type of activities.

Consequently, the primary requirement now is for higher value added investment requiring high skill levels, in particular investment that is, as far as possible, innovation rather than production orientated and that links to an increasingly sophisticated business environment. Only economic activities with these characteristics can sustain our current cost and wage levels and allow us maintain economic growth.

IDA is actively seeking to facilitate a progression in the sophistication and breadth of its clients' Irish operations. This means not only increasing value added in their manufacturing operations, but also adding corporate level innovation (such as R&D) and service, logistics and supply chain management functions, and back office functions, alongside manufacturing. The objective is to create more rounded and strategically important operations within the overall corporation, which are better embedded and more suited to the competitive characteristics of the Irish economy in the medium to long term.

Enterprise Ireland offers an extensive suite of supports that assist client companies counteract competitive pressure without resorting to relocation. Some of the measures available include the Enterprise Ireland Productivity Improvement Fund to increase competitiveness through technology and training, a suite of R&D supports that are targeted at companies undertaking R&D for the first time, an extensive benchmarking service to encourage client companies to think about change and monitor progress, a TechSearch initiative to assist clients identify new technology acquisition opportunities, and a holistic supply chain capability building measure through the Supply Chain Management (SCM) Initiative.

I am satisfied that the strategies and policies being pursued by Agencies, in particular the focus on the elements of investment that best fit Ireland's competitive characteristics at this time and which is supported by a €13.6 billion investment in Enterprise by my own Department under the new National Development Plan, will provide the maximum positive sustainable benefit to our economy. Overall the Government is investing some €184 billion over the next seven year in securing the next step-change in our country's economic and social transformation. This investment

will enable us build on the recent unprecedented levels of economic and social progress and continue to successfully compete in the global marketplace, delivering high quality employment opportunities for our people.

Question No. 146 answered with Question No. 141.

Job Creation.

147. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the efforts that have been made to replace the jobs lost or relocated from County Kildare in the past five years; and if he will make a statement on the matter. [15792/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): State support for enterprise and job creation is channelled through the industrial development agencies. While I may give general policy directives to the agencies I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

I have been assured by the agencies under the remit of my Department that they are actively endeavouring to attract new investment, to encourage the start-up of new businesses, to grow existing businesses and to develop the labour market in County Kildare.

IDA Ireland is promoting County Kildare as part of an integrated East Region with access to a population base of 1.5 million people. In recent years Kildare has attracted some world class manufacturing companies such as Intel, Wyeth Medica, Braun Oral B and Hewlett Packard. At present, there are 24 IDA supported companies in Kildare employing approximately 10,310 people.

The success of our economy over the last decade means that Ireland is now less competitive for lower end manufacturing type activities, with low cost destinations such as China and Central Europe much more attractive to investors engaged in these type of activities. To address this market shift IDA is refocusing to higher value type activities in areas such as International Services, Software, Financial Services and Pharmaceuticals and, in 2005, IFS (a financial services company) established a facility in the Millennium Park, Naas.

To support this strategy IDA Ireland is working closely with educational institutions in the County and is also working with FAS to provide guidance in developing the skill sets needed by those already in the workforce who are interested in upskilling.

Enterprise Ireland has a wide range of supports for start up companies. The Agency is actively involved in assisting Kildare-based client companies to grow and develop their businesses.

[Mr. Martin.]

Since 2004 Enterprise Ireland has approved over €7.8m in supports for client companies in Kildare and made payments exceeding €4m to help them grow their sales and exports and improve innovation and new product development. In 2006, there was a slight increase (168) in the numbers employed in Enterprise Ireland supported companies, with 167 companies now employing 5,430 people in the County. Employment growth in Kildare compares favourably with the national average.

In addition, Enterprise Ireland has supported the development of Community Enterprise Centres in County Kildare at Allenwood, Clane and Athy. Funding of over €698,000 has been approved for these Centres, which are significantly contributing to job creation. In order to ensure that NUI Maynooth continues to develop strong links with industry in the region, the Agency has, since 2004, approved funding to the College of over €2m to support innovation partnerships with industry.

I am satisfied that the efforts of the agencies, together with the roll out of the National Development Plan will continue to bear fruit for the people of County Kildare.

Social Welfare Benefits.

148. **Mr. P. Breen** asked the Minister for Social and Family Affairs when an application for rent supplement will be processed for a person (details supplied) in County Clare; and if he will make a statement on the matter. [15764/07]

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 the person concerned made an application for rent supplement earlier this month. However, the section of his application form relating to his housing needs which has to be completed by the local authority was not completed. Accordingly, the application could not be processed. The Executive further advise that the person concerned has been requested to have the application form fully completed and returned to the executive. On receipt of the completed application form his entitlement to rent supplement will be determined.

Social Welfare Code.

149. **Mr. Deasy** asked the Minister for Social and Family Affairs if there are plans to extend the free travel scheme here to include Irish pensioners living in the UK; and if he will make a statement on the matter. [15639/07]

151. **Mr. Crowe** asked the Minister for Social and Family Affairs if his attention has been drawn to the restrictions facing people with free travel passes who have disabilities, particularly near the border; and if he has plans to introduce all-Ireland free travel passes to people with disabilities. [15642/07]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 149 and 151 together.

The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU Regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel.

The all-Ireland free travel scheme commenced on April 2nd. This scheme enables pensioners resident here and in Northern Ireland to travel free of charge on all eligible transport services on the island. The scheme extends the already existing cross-border free travel arrangements by allowing pensioners over the age of 66 and resident here to travel free of charge on all bus and rail services in Northern Ireland. Likewise, pensioners in Northern Ireland can travel free of charge on transport services in this State. Some 600,000 customers are in receipt of free travel in Ireland, of whom 430,000 are aged over 66 years. The balance of 170,000 free travel recipients are under the age of 66 and so do not qualify for the new scheme. The all-Ireland free travel scheme is based on the existence of criteria of entitlements to free travel North and South for pensioners over 66 and applies only to this category.

The extension of the scheme to an all Ireland free service for those people over age 66 represents a significant expansion in travel opportunities. I will continue to examine any opportunities to improve further and expand on what is a very comprehensive, seamless free travel scheme. Any such additional developments would have to be worked out in conjunction with the authorities in Northern Ireland.

The existing cross-border free travel scheme, introduced in July 1995, continues to apply to all free travel pass holders, to enable them make journeys from a point in Ireland to a destination in Northern Ireland. There have been a number of requests and enquiries in relation to the extension of entitlement to free travel in Ireland to

Irish born people living outside Ireland, or to those in receipt of pensions from my Department, particularly in the UK when they return to Ireland for a visit.

I have been advised that it would not be possible to extend entitlement to free travel simply to Irish born people living abroad as to do so would be contrary to European legislation which prohibits discrimination on the grounds of nationality. More recently, the European Commission has indicated that to extend the scheme to people in receipt of an Irish pension could also be considered discriminatory. I have raised the issue with Commissioner Špidla and officials from my Department met with European Commission officials on a number of occasions in an effort to clarify the legal issues involved. I am keeping this issue under review.

Social Welfare Appeals.

150. **Mr. Ring** asked the Minister for Social and Family Affairs the average delay in finalising appeals for each category of social welfare payment; the number of appeal applications received in the Social Welfare Appeals Office in 2006 and to date in 2007; the number of those appeals that were finalised; the number of appeal applicants currently waiting on an oral hearing; and if he will make a statement on the matter. [15640/07]

Minister for Social and Family Affairs (Mr. Brennan): There were 13,800 appeals received in 2006 and 14,006 finalised. There were 3,755 appeals received up to the end of March this year and 3,629 finalised. As of that date, there were 1,610 appeals listed for oral hearings. During 2006 the average time taken to process all appeals (i.e. those decided summarily and by way of oral hearing) was 21 weeks. However, if allowance was made for the 25% most protracted cases, the average time fell to 13.8 weeks.

Oral hearings are granted at the discretion of the Appeals Officer usually in circumstances where there is a conflict in evidence presented by both parties or where an oral hearing is requested by the appellant in order to present his or her case. Given the logistics involved in organising oral hearings, the average length of time is increased by 8 weeks where an oral hearing is involved.

The processing time for appeals covers all phases of the appeal process including the submission by my Department of its comments on the grounds for the appeal, further examination by my Department's Medical Assessors in certain sickness related cases and the holding of oral hearings which are currently afforded in two out of three cases determined by Appeals Officers. Circumstances may arise, normally outside of the control of the Social Welfare Appeals Office, which have the effect of unduly prolonging the time taken to process appeals. For example, delays can occur where the appellant submits new

information or evidence, often at an advanced stage in the proceedings. In some cases adjournments may be sought by the Appellant or his/her representative.

The 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. A breakdown of appeals processing times will be forwarded to the Deputy.

Question No. 151 answered with Question No. 149.

Social Insurance.

152. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the surplus in the social insurance fund on the 31 December 2006 and for each of the past 10 years. [15653/07]

Minister for Social and Family Affairs (Mr. Brennan): Details of the surplus amount in the Social Insurance Fund in each of the years since 1997 are as follows:

Year	Cumulative Surplus
1997	€8million
1998	€61million
1999	€330million
2000	€673million
2001	€1.2 billion
2002	€1.3 billion
2003	€1.5 billion
2004	€1.9 billion
2005	€2.4 billion
2006 <i>Provisional</i>	€3.1 billion

153. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the employee contributions to the social insurance fund in 2006. [15654/07]

Minister for Social and Family Affairs (Mr. Brennan): The estimated amount of employee PRSI contributions for 2006 is €1,380,234.

154. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the rate of contribution by employees to the social insurance fund. [15655/07]

155. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the effect of the halving

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of employee contribution to the social insurance fund. [15656/07]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 154 and 155 together.

The vast majority of employees pay social insurance contributions at the PRSI Class A rate. No contribution is paid where weekly earnings are €339 or less. Where earnings exceed €339 contributions are not paid on the first €127. The basic rate of employee class A contribution is 4%. Different rates of contribution apply to public and civil servants, self-employed contributors, certain Ministers of religion employed by the Church of Ireland and defence force personnel.

Each of the contribution classes has different earnings thresholds and PRSI contribution rates payable. Detailed information on the rates and thresholds applying to the different classes will be forwarded to the Deputy. It is estimated that a decrease in the rate of contribution for ordinary employees from 4% to 2% would reduce social insurance fund income by some €720 million in a full year. For the balance of employed contributors, the estimated additional cost would be some €30 million in a full year.

156. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the amount paid into the social insurance fund and the amount paid out from the social insurance fund in 2005 and 2006. [15657/07]

Minister for Social and Family Affairs (Mr. Brennan): Details of the amount paid into the social insurance fund and the amount paid out from the social insurance fund in 2005 and 2006 are as follows:

	2005	2006
	€	€
Income	6,159,018	6,997,152 (Provisional)
Expenditure	5,664,609	6,327,157 (Provisional)

The details in respect of 2006 are provisional, pending the completion of the social insurance fund account for that year.

157. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the reason there is not a bilateral agreement with Jersey in relation to PRSI contributions; and if he will initiate discussions on such an agreement. [15658/07]

Minister for Social and Family Affairs (Mr. Brennan): Ireland has a number of social security Agreements with the United Kingdom dating back to the 1960s. Some years ago it was agreed between both States that a consolidation and update of these earlier Agreements should be

carried out to take account of the legislative changes that had occurred in both States.

It was also agreed to modify these Agreements to extend their scope to people resident in the Channel Islands. Subsequently, a Convention on social security between Ireland and the United Kingdom was signed in Dublin on 14th December 2004 and the terms of the Convention were approved by Dáil Éireann on 19th April 2005.

This Agreement, when ratified will provide social protection to workers and their families moving between Ireland and the Isle of Man and the Channel Islands. The Agreement not only protects pension entitlements, but also protects entitlement to certain short term payments, for example, unemployment and sickness.

Subsequent changes in United Kingdom legislation relating to the recognition of civil partnerships required amendments to certain provisions of the proposed Agreement insofar as they relate to United Kingdom social security system. It is hoped that the ratification process will be concluded within the coming months.

Social Welfare Benefits.

158. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the reason there is such a long delay in processing applications for the carer's allowance; and if he will make a statement on the matter. [15691/07]

Minister for Social and Family Affairs (Mr. Brennan): Entitlement to carer's allowance is based on an applicant satisfying medical, means and residency conditions. In determining entitlement to the allowance there are, in certain cases, unavoidable time lags involved in making the necessary investigations and enquiries. Delays can also arise if persons applying for the allowance are not in a position to supply all the necessary information in support of their claim.

It takes fifteen weeks on average at present to finalise claims for carer's allowance. During 2006, the average was just over ten weeks and in 2005, the average was almost thirteen weeks. The reason for the current increase in average claim processing times is the increase in the number of claims being submitted.

The number of claims submitted in 2006 was more than 20% higher than the total for 2005. A number of steps were taken to deal with this, including the deployment of additional staff and a revision of processing procedures to improve efficiency. As a result, the number of claims finalised in 2006 was 9% higher than the total for 2005. While this led to an improvement in average claim processing times compared to the previous year, it did not keep pace with the increase in the volume of new claims. As a result, average claim processing times have lengthened in 2007.

The number of claims submitted so far this year shows a further increase of more than 5% compared to the same period last year. There are over

28,000 carer's allowances in payment at present, compared to 25,000 at the end of 2005 and 23,000 at the end of 2004. There are currently 2,977 cases awaiting a decision, of which 67% were received within the last eight weeks. The majority of claims currently on hands will be processed within fifteen weeks.

Many applicants for carer's allowance are already in receipt of another social welfare payment while their claim is being processed. Such payments will normally continue until entitlement to their carer's allowance is determined. Claimants who are not in receipt of any other social welfare payment may apply for supplementary welfare allowance in the interim period. The resources available to my Department must be deployed to ensure good customer service, to prevent fraud and abuse of the schemes and to achieve value for money.

My Department is engaged in an ongoing process to ensure that available resources are prioritised to the greatest extent possible on front line service delivery and to ensure that the best possible standard of response is provided across the range of schemes and services. The position will continue to be kept under review to ensure that the best possible level of customer service and customer response continues to be provided.

This approach brought about an improvement in claim processing times in 2006, compared to 2005. I am confident claim processing time will improve in the coming months.

159. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if persons (details supplied) in Dublin 5 qualify for rent allowance supplement; and if he will assist them on this issue and on their other entitlements. [15732/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of my Department by the Health Service Executive. It provides for the payment of a weekly or monthly supplement in respect of rent to eligible persons in the State whose means are insufficient to meet their accommodation needs. Certain categories of people are excluded from receipt of rent supplement. These include people where either spouse or partner is engaged in full-time employment that is in excess of 30 hours per week. The Executive has advised that the people concerned were recently in contact with the local community welfare officer. While it is open to them at any time to apply for rent supplement, the information available to the Executive suggests that rent supplement would not be payable in this case. Their Local Community Welfare Officer has referred them to the local authority to have their housing needs assessed.

160. **Mr. Ring** asked the Minister for Social and Family Affairs the position of the case of persons (details supplied) in County Mayo in view of the fact that the requested information was submitted. [15746/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance (SWA) scheme, which is administered by the Community Welfare Division of the Health Service Executive, is designed to provide immediate and flexible assistance for those in need who do not qualify for payment under other State schemes. Under the legislation governing the scheme, the Health Service Executive may make an exceptional needs payment to people on social welfare or health board payments. This is a once-off payment to meet an unforeseen or special need that cannot be met from a person's basic income. Assistance in the form of an Urgent Needs Payment can be also made to persons who would not normally be entitled to SWA to assist, for example, in cases of flood damage with immediate needs such as food, clothing, fuel, household goods and perhaps shelter. Assistance can be provided in cash or in kind. The HSE has advised that information requested from the persons concerned regarding flood damage to their home has been received in the last week and is now being examined by the local Community Welfare Service. Direct contact will be made shortly with the persons concerned regarding their claim for assistance.

161. **Mr. Durkan** asked the Minister for Social and Family Affairs further to his reply to Question No. 346 of 5 April 2007, if the applicant is entitled to a higher rate of supplementary welfare allowance while their application for residency status is still under appeal, or if €19.10 per week is deemed the maximum even in the event of a successful appeal; and if he will make a statement on the matter. [15801/07]

Minister for Social and Family Affairs (Mr. Brennan): The Dublin/Mid-Leinster Area of the HSE has advised that the person concerned is an asylum seeker in receipt of a direct provision allowance of €19.10 granted to her when she resided at accommodation provided previously through the Reception and Integration Agency of the Department of Justice, Equality and Law Reform. The HSE has further advised that in view of her moving from direct provision accommodation, the payment of this allowance is subject to review as this payment is normally only made to people in direct provision. However while the person concerned is appealing the refusal of asylum and seeking to remain in the country on humanitarian grounds, the HSE is continuing to pay the amount of €19.10 until her case has been decided by Department of Justice Equality and Law Reform. Pending this she is not

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entitled to payment under the standard supplementary welfare allowance scheme. Refugees and persons who have been granted leave to remain in the country are entitled to assistance under the social welfare system on the same basis as Irish citizens. For example, they can seek employment but if they are unable to secure employment they may qualify for jobseeker's allowance if they fulfil the standard conditions of being available for, capable of and genuinely seeking work and if their means are below the qualifying limit. Similarly, they may qualify for other supports, such as one-parent family payment, subject to the same conditions that apply to all other applicants for these payments.

EU Directives.

162. **Ms Shortall** asked the Minister for Transport the articles of Directive 2005/66/EC which have been fully transposed; the articles which have not been fully transposed; the outstanding measures that are required of his Department under this Directive that have not been implemented; the deadline that applied or applies to each; the action he is taking to fully transpose the Directive; and the reason for the delay in doing so. [15774/07]

Minister for Transport (Mr. Cullen): Articles 3 and 6 of Directive 2005/66/EC have been fully transposed. The provisions of Article 4, which has been partially transposed in respect of passenger cars with transposition in respect of small vans outstanding, and Article 5 are required to be implemented with effect from 25 May 2007. Regulations to fully transpose Articles 4 and 5 are being prepared by the Road Safety Authority who are responsible for vehicle standards.

Rural Transport Services.

163. **Mr. N. O'Keefe** asked the Minister for Community, Rural and Gaeltacht Affairs if he will give consideration to an application under the rural transport scheme by a person (details supplied) in County Cork. [15667/07]

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 — which 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.

Grant Payments.

164. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a person (details supplied) in County Mayo was refused a grant. [15750/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I understand from Údarás na Gaeltachta that, as the activity for which the grant in question was sought involved commercial fishing, assistance could not be provided because of the rules governing State Aid.

Rural Development.

165. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason it is his intention to interfere in the selection and subsequent election of chairpersons for the new rural development LEADER groups around the country; and if he will make a statement on the matter. [15759/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my previous replies to Questions Nos. 682, 683 and 689 on 24 April 2007 on this issue.

Milk Quota.

166. **Mr. Aylward** asked the Minister for Agriculture and Food the plans with her Department to have additional milk made available to farmers who wish to increase their quota levels in 2007; and if she will make a statement on the matter. [15637/07]

Minister for Agriculture and Food (Mary Coughlan): The Milk Quota Trading Scheme has replaced the Restructuring Scheme for the 2007/08 quota year and is the primary means by which milk quota is acquired by dairy producers. Yesterday I announced the aggregate results of the second stage of the scheme and I am pleased to say that overall the second Exchange has built on the success of the first. A near 100 per cent increase in the volume of quota traded through the exchange demonstrates that the scheme is meeting the requirements of most milk producers in a time of change for the sector. I am pleased that the volume of quota made available to priority categories such as young farmers and farmers with quota of less than 350,000 litres has increased by more than 30 per cent.

In the second stage, a total of just over 177 million litres of milk quota was offered for sale, with almost 124 million litres traded. Of this total, 86.2 million litres was sold on the exchange at prices ranging from 9 to 28 cent per litre, and 37.5 million litres was sold through the priority pool at

the maximum price of 12 cent per litre, with the exception of two Co-ops where the priority pool quota was sold at exchange prices of 9 and 11 cent.

My Department will now undertake a thorough analysis of the Milk Quota Trading Scheme's first year results, and a comprehensive review of the scheme will be carried out in consultation with the main farming organisations and ICOS before the detailed arrangements for quota trading in the 2008/2009 milk quota year are agreed.

Direct Payment Schemes.

167. **Mr. Aylward** asked the Minister for Agriculture and Food if she will extend the closing date for receipt of applications under the 2007 single farm payment scheme in view of the fact that a number of farmers have difficulty in accessing the help line telephone numbers advertised; and if she will make a statement on the matter. [15671/07]

Minister for Agriculture and Food (Mary Coughlan): The closing for receipt of applications under the 2007 Single Payment Scheme is 4 May 2007. In deciding on the closing date, I had in mind that, under EU Regulations, farmers could declare lands which they acquire up to 30 April 2007 in this year's Scheme and I was anxious, therefore, to give farmers every opportunity to acquire additional lands if this was necessary. I also had to bear in mind that it is important that the applications are submitted to my Department as soon as is possible. This will enable my Department to commence processing the applications in order to ensure prompt payment of the Single Farm Payment.

Since then my Department has issued pre-printed Single Payment and Payment Order of Entitlements application forms together with comprehensive information for the completion of these forms to all Scheme participants. In the case of the vast majority of farmers the issue of the application form with all of the pre-printed details will mean that, after carefully studying the form to ensure that the pre-printed details are correct, the farmer simply has to sign the form and return it to my Department.

As in previous years the issue of the pre-printed SPS application forms has been followed by a major increase in the volume of telephone queries to the eleven lo-call numbers in the Single Payment Unit.

In order to provide farmers with as much assistance as possible prior to the completion of their 2007 SPS application forms and to minimise any delays being experienced by callers to the lo-call numbers I undertook a number of additional initiatives this year. A series of countrywide Single Farm Payment one to one consultation sessions are currently in progress for farmers who have queries they wish to have answered before completing their 2007 SPS application forms.

Experienced staff from the Single Payment Unit are available for one-to-one personal consultations with individual farmers at each of the venues publicised from 6.00 pm to 10.00 pm. Farmers are assured that their queries will be dealt with in private by staff who are familiar with the queries that farmers have and have a working knowledge of the entire SPS. This facility will be of benefit to farmers with queries on the Single Farm Payment, including queries on:

- their Single Farm Payment entitlements;
- the transfer or trading of the entitlements;
- the stacking of entitlements; and
- land declarations.

I know that most farmers with queries will wish to contact the Single Payment Unit on the lo-call numbers provided. To meet the demand I extended the hours during which farmers may contact the Single Payment Unit lo-call numbers to include 6.00 pm to 10.00 pm Monday to Friday and from 1.00 pm to 6 pm on Saturday and Sunday. This after hour's service will remain in place until the closing date of 4 May.

The phone system in place allows continuous monitoring of calls to the lo-call numbers to ensure that undue delays in accessing any particular number can be addressed. Staff in the Single Payment Unit constantly monitors the volume of calls to each lo-call number to ensure that farmers contacting the lo-call numbers do not experience any undue delays. Where any such delays are identified specific measures are taken to minimise these.

I do not propose to extend the closing date for receipt of applications beyond 4 May. In fact, no approach has been made to my Department to grant an extension. However I will certainly keep the position with regard to access to the lo-call numbers in the Single Payment Unit under constant review over the coming week.

Rural Environment Protection Schemes.

168. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food if she will reintroduce REP scheme 3 until such time as REP scheme 4 is agreed at EU level; and if she will make a statement on the matter. [15687/07]

Minister for Agriculture and Food (Mary Coughlan): It is not legally possible to reintroduce REPS 3, which formed part of the 2000–2006 Rural Development Plan. Under the relevant EU Regulations, no new REPS 3 contracts could start after the end of that programming period, i.e. December 2006.

REPS 4 will form part of the new Rural Development Plan for the period from 2007–2013 which was sent to the European Commission in 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 pur-

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sue early approval. My officials are in ongoing contact about it with their counterparts in the Commission services.

Farm Retirement Scheme.

169. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food when the details of the early retirement pension for farmers will be available; when farmers can make application; and if she will make a statement on the matter. [15688/07]

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.

Grant Payments.

170. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food when a top of single payment will be made to a person (details supplied) in County Kerry; and the reason for the delay in paying same. [15689/07]

Minister for Agriculture and Food (Mary Coughlan): The person named was paid €12,992.72 under the 2006 Single Payment Scheme. Entitlements had to be merged as part of a partnership agreement. There is a Dairy Premium top-up that is now being processed and this additional payment will issue shortly.

171. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the reason a single payment has not been made to persons (details supplied) in County Kerry; and the reason for the delay. [15690/07]

Minister for Agriculture and Food (Mary Coughlan): The persons named submitted an application under the Single Payment Scheme on 27 April 2006.

Outstanding issues relating to the payment have now been resolved and payment will issue shortly.

172. **Mr. McEllistrim** asked the Minister for Agriculture and Food the reason persons (details supplied) in County Kerry were only paid half of their single farm payment when they were informed three months ago that they would be paid in full. [15692/07]

Minister for Agriculture and Food (Mary Coughlan): The persons named submitted an application under the Consolidation measure of the Single Payment Scheme. This case has now been processed and is accepted for Consolidation. Payment will issue in the coming days.

173. **Mr. Perry** asked the Minister for Agriculture and Food if she will make a favourable decision on the installation aid application of a person (details supplied) in view of the fact that the lands were in the process of being transferred under a deed of transfer; and if she will make a statement on the matter. [15712/07]

Minister for Agriculture and Food (Mary Coughlan): Additional information in relation to the application for payment, IAS 2, under the Installation Aid Scheme submitted by the person named was sought by my Department by letter of 22 March 2006 and further clarified at a recent meeting between officials of my Department and the person concerned. As no reply has yet been received to the issues raised in this letter, it is not possible to progress this application further.

Installation Aid Scheme.

174. **Mr. Kehoe** asked the Minister for Agriculture and Food if the upper income limit for eligibility for installation aid is €40,000 or €50,000; and if she will make a statement on the matter. [15714/07]

Minister for Agriculture and Food (Mary Coughlan): The 2007–2013 Rural Development Programme provides for the continuation of the Installation Aid Scheme for eligible young farmers who are set-up in farming for the first time on or after 1 January 2007. The Scheme will be introduced as soon as EU approval is received for the Programme at which time the detailed eligibility criteria will be set down.

Question No. 175 withdrawn.

Grant Payments.

176. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not been granted their 2006 single farm payment; if her attention has been drawn to the fact that all the legal work has been completed following their father's death; and if she will make a statement on the matter. [15758/07]

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 25th January 2007. During processing of the application it was necessary for an official of my Department to write to the person named to request specific documentation relating

to the application. The requested documentation was received and the application is now fully processed. Payment of €7294.80 in respect of 21.97 entitlements transferred by way of inheritance issued to the person named on the 24th April 2007.

177. **Mr. Crawford** asked the Minister for Agriculture and Food the situation regarding a person (details supplied) in County Cavan and their entitlements which were applied for over 12 months ago; her views on whether persons benefiting from inheritance should have to wait this long; if there is encouragement for young farmers to remain in farming; and if she will make a statement on the matter. [15778/07]

Minister for Agriculture and Food (Mary Coughlan): As indicated to the Deputy in a previous answer the person named submitted an application for an allocation of entitlements from the 2005 Single Payment Scheme National Reserve under Categories A B and D.

Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and who had leased out his/her holding to a third party during the reference period 2000 to 2002. The person named was deemed unsuccessful under this category as the leased land was not acquired free of charge or for a nominal fee.

Category B caters for farmers who made an investment in production capacity in a farming sector for which a direct payment under Live-stock 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 in relation to investment in land and was deemed successful.

A formal letter outlining my Department's decision on the National Reserve has issued to the person named and the relevant payment due has issued.

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 was not eligible under this category in 2005.

The person named submitted an appeal against this decision. This appeal was forwarded to the Independent Single Payments Appeals Committee who have completed their review and they have upheld my Department's decision. A 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 person named has been deemed eligible under this category and a letter outlining my Departments decision and the relevant payment due will issue shortly.

The Deed of Transfer relating to the lands acquired by the person named is dated after the closing date for receipt of Single Payment applications in 2005. Therefore, it was not possible to take it into consideration when processing the 2005 National Reserve application. However it is eligible under the 2006 National Reserve.

World Trade Negotiations.

178. **Mr. Durkan** asked the Minister for Agriculture and Food if she has studied the IFA pre-election submission; her intentions to address the issues raised therein with particular reference to the World Trade Organisation and Ireland's position as a food producing country; and if she will make a statement on the matter. [15779/07]

Minister for Agriculture and Food (Mary Coughlan): While the IFA submission has been forwarded to me, it is a pre-election submission addressed to political parties.

I have consistently taken a very clear position in relation to the WTO negotiations. As an open economy which is dependent on trade, Ireland has much to gain from the conclusion of a new WTO agreement and I am committed to an ambitious and balanced outcome to the current negotiations. However, I am determined that agriculture will not carry a disproportionate burden in achieving progress and that it will not be sacrificed for the sake of an overall agreement. My over-riding objective has been to ensure that, in accordance with the agreed EU negotiating mandate, a new WTO agreement will not necessitate further reform of the CAP. In this context, I will continue, as I have done in the past, to avail of every opportunity to emphasise the absolute necessity that the Commission remains within the terms of the negotiating mandate. I will also continue to work closely with like-minded Ministers in other Member States to seek support for my position.

Adult Education.

179. **Mr. Morgan** asked the Minister for Education and Science if she has plans to ensure that State agencies and Departments become more proactive in coordinating their involvement in promoting life-long education and training on an all Ireland basis, as per commitments under the current Common Chapter. [15776/07]

Minister of State at the Department of Education and Science (Mr. Haughey): While the Further Education Section, which is the lead section of my Department in the area of lifelong learning as it relates to adults, operates in conjunction with its counterpart in Northern Ireland in certain activities, these activities did not form part of the Common Chapter.

Schools Building Projects.

180. **Mr. Gogarty** asked the Minister for Education and Science the efforts being made to ensure that a school (details supplied) in County Galway is kept open until an alternative school is built; the efforts being made to plan and build such a new school; her views on whether it is reasonable for students to have to be bussed to schools in other towns; and if she will make a statement on the matter. [15638/07]

Minister for Education and Science (Ms Hanafin): The Trustees of the school referred to by the Deputies have confirmed their intention to close the school on a phased basis. As the Deputy may be aware, this school is a voluntary secondary school and the decision to withdraw as providers of education is within the remit of the Patron body, that is the Sisters of Mercy.

The Department has been informed by the Sisters of Mercy that the phased closure will commence in September 2007 with no intake of first year students and all junior cycle pupils will be given the option of proceeding to the senior cycle including the opportunity of to avail of a transition year.

The Deputy should note that the existing site and school buildings are not in the ownership of the Department. The Trustees have recently reaffirmed to the Department that the current site will not be available for the provision of post-primary education once the school closes.

Having considered the immediate implications of the decision by the Sisters of Mercy, I can confirm that my Department will facilitate the enrolment in the neighbouring Community School of students from the area in question by amending the existing catchment area. The area in question is an All-Girls Catchment Area and the boys from that area traditionally go to the neighbouring Community School where school transport is available for eligible boys.

The Government is conscious that many parts of South Galway are experiencing significant population growth and is determined to ensure sufficient school provision into the future. The question of where the expanded capacity will be located will be determined by an analysis of the pattern of population growth in the areas in terms of geographical location compared to where existing second level provision is situated.

Schools Recognition.

181. **Mr. Kenny** asked the Minister for Education and Science when a gaelscoil (details supplied) in County Dublin will get permanent recognition; and if she will make a statement on the matter. [15660/07]

Minister for Education and Science (Ms Hanafin): The Department is currently assessing an application for permanent recognition from the school to which the Deputy refers. A decision will be taken in the matter as soon as possible.

School Accommodation.

182. **Mr. Kenny** asked the Minister for Education and Science her views on whether, in view of the long waiting lists for primary schools in an area (details supplied) in County Dublin, a review of catchment areas is needed for primary schools in this area; and if she will make a statement on the matter. [15661/07]

Minister for Education and Science (Ms Hanafin): I am conscious of the extent of housing developments in the Lucan area and the pressure that this has created for school places. In light of this, the Department has expanded capacity significantly at both primary and post primary level to cater for existing and newly emerging demands for pupil places.

There are twelve primary schools in the Lucan area including two new state of the art multi-denominational schools and a new Gaelscoil which commenced operation in September 2005. These developments together with a number of extensions to existing schools, the provision of temporary accommodation and the re-organisation of one school to enable the enrolment of an additional two junior infant classes has increased capacity significantly in the area. In addition, Scoil Mhuire, Archbishop Ryan JNS, St Thomas NS and Scoil Áine were recently given approval to commence the architectural planning process for major extensions and design teams for these projects will be appointed shortly.

Through a combination of these measures, the Department is satisfied that, between them, the schools have adequate accommodation to cater for current demand. The Department monitors primary pre-enrolment lists in the area on an ongoing basis to ensure adequate capacity and will provide extra accommodation if needed.

At post primary level, recent building projects have increased capacity to 3,000 pupil places. Current enrolment is 2,476 pupils. Therefore, capacity exceeds demand by over 500 places currently. A building project for Lucan Community College will further increase capacity by 200 pupil places. We will continue to monitor demand to ensure that there are sufficient places into the future.

Schools Building Projects.

183. **Mr. Broughan** asked the Minister for Education and Science when she will make an announcement on the future of a school (details supplied) in Dublin 5; and the way she envisages this campus being preserved for educational and community uses. [15678/07]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the decision to close the school was taken by the Trustees because in line with demographic changes in the area, the school has experienced a steady decline in student numbers in recent years. Current enrolments in feeder primary schools indicate that this decline will continue. In fact, a general decline in enrolments in the area where the school is located has resulted in considerable spare capacity at post primary level. With such a decline in student numbers it would be difficult for the school to offer a broad and balanced curriculum.

When the school closes in June this year, the Department will take over ownership of the property. We will retain the property for educational use and will not sell any part of it. A number of different educational options are being considered.

184. **Mr. Walsh** asked the Minister for Education and Science when work will commence on the provision of a new gaelscoil for Clonakilty, County Cork; and if she will make a statement on the matter. [15694/07]

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 were approved to progress under the School Building and Modernisation Programme. These will be progressed by way of appointment of design teams.

Special Educational Needs.

185. **Mr. Aylward** asked the Minister for Education and Science if she will review the special needs requirements of a person (details supplied) in County Kilkenny who currently has three and a half hours per week with a view to having one to one resource made available to them. [15695/07]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organiser (SENO), is responsible for processing applications from schools for special needs supports (SEN) such as resource teaching and special needs assistant (SNA) support on the basis of applications in respect of individual pupils.

The NCSE has confirmed that the pupil in question has an allocation of 3.5 individual resource teaching hours per week and also has shared access to the existing SNA support in the school. It is open to the parent to make direct contact with the local SENO regarding the SEN supports that are in place. Contact with the relevant SENO can be made by accessing the NCSE website at www.ncse.ie or by contacting the NCSE, Mill Street, Trim, Co. Meath, telephone number (046) 9486400.

School Transport.

186. **Mr. P. Breen** asked the Minister for Education and Science the reason persons (details supplied) in County Clare are not facilitated with school transfer; and if she will make a statement on the matter. [15696/07]

Minister of State at the Department of Education and Science (Mr. Haughey): Under the terms of my Department's Post Primary School Transport Scheme, a pupil is eligible for transport if s/he resides 4.8 kilometres or more from her/his local post primary education centre, that is, the centre serving the catchment area in which s/he lives.

Pupils who are eligible for transport to the education centre in the catchment area in which they reside may avail of 'catchment boundary' transport to an education centre in another catchment area provided spare seats are available on the school bus.

The Transport Liaison Officer for County Clare has advised my Department that the pupils referred to in the details supplied are eligible for catchment boundary transport but the service is currently operating to capacity.

School Enrolments.

187. **Ms C. Murphy** asked the Minister for Education and Science if a new primary school will open in September 2007 in Celbridge; if enrolments are being accepted for this school; if a board of management or patron is in place; and if she will make a statement on the matter. [15697/07]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that I have approved the establishment of a new Parish primary school in Celbridge to commence operation next September. The relevant Sections in the Department have been notified of my decision. This will activate the required sanctions to enable all of the appropriate procedures to put in place to get the school up and running.

Court Proceedings.

188. **Ms C. Murphy** asked the Minister for Education and Science the number of children who are currently the subject of court challenges in

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relation to the provision of education; the number that relate to primary level and to second level; and if she will make a statement on the matter. [15698/07]

Minister for Education and Science (Ms Hanafin): The number of children who are currently the subject of court proceedings in relation to the provision of education are as set out below:

- Overall — 70
- Primary — 43
- Post-Primary — 27

However, it should be noted that a number of cases relating to education provision involve special educational need and/or home tuition rather than the primary or post primary sector per se. Further, the Deputy may wish to note that in some circumstances the child may have made the transition from primary to post primary in the course of proceedings, or that litigation may have arisen in respect of school non-attendance; there are a number of cases relating to minors in which the provision of education is one of a number of factors at issue between the parties, e.g. the provision of certain therapies, psychological assessment and related matters. Accordingly, the above provision of a breakdown of figures for primary and post primary level does not reflect the complexity of the matters before the Courts.

The information supplied relates only to minors, and does not include any legal challenges in respect of adult education. The above figures relate to educational provision: they do not include litigation arising in respect of Children Detention Schools and related matters which are the subject of the Children Act 2001 as amended by Part 12 of the Criminal Justice Act 2006. The Deputy's reference to the "provision of education" has been taken to exclude those cases which do not relate to education provision e.g. actions relating to abuse in residential institutions; personal injuries claims by students or school staff against schools; school transport; industrial relations matters.

School Accommodation.

189. **Ms C. Murphy** asked the Minister for Education and Science the number of successful appeals under Section 29 in 2005 and 2006 by county; the number of children who subsequently failed to be accommodated in the chosen school; the number who were provided with home tuition; and if she will make a statement on the matter. [15699/07]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy on a county by county basis is not available within my Department and would involve an inordinate amount of administrative time to com-

pile. However, I can inform the Deputy that in 2005 and 2006 a total of 300 and 263 appeals respectively were completed by my Department under Section 29 of the Education Act, 1998. These figures cover both first and second level students.

The position in relation to 2005 is that 41 appeals were withdrawn. A further 50 appeals were resolved by local agreement and 36 were resolved by an independent facilitator. The remaining 173 cases were heard by an appeals committee and of these 73 were upheld, in other words the appeal was successful.

In 2006, 65 appeals were withdrawn. A further 15 appeals were resolved by local agreement and 22 were resolved by an independent facilitator. The remaining 161 cases were heard by an appeals committee and of these 73 were upheld in favour of the appellant.

Where an appeal is upheld the Secretary General of my Department may direct the school in question to enrol the pupil and schools are obliged to comply with the Secretary General's directions. No statistical information is available in relation to schools that have yet to comply with the Secretary General's direction in relation to appeals which have been upheld.

Home tuition is sanctioned by my Department as an interim measure for the duration of an appeals process where a child is out of school or until an appropriate school placement has been secured. The information requested in relation to home tuition sanctions pending the outcome of Section 29 appeals is not readily available.

Special Educational Needs.

190. **Ms C. Murphy** asked the Minister for Education and Science the means of calculating the number of children with special education needs at primary level who will require special education at second level; the measure in the planning section that exists to ensure an appropriate school place is available in the school year it is needed for each child; the estimated number of children requiring a place in September 2007; the number of places available; and if she will make a statement on the matter. [15700/07]

Minister for Education and Science (Ms Hanafin): 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 from primary and post primary schools through its network of Special Educational Needs Organisers (SENOs). The SENO is also a focal point of contact for parents and schools.

The SENOs are appointed to districts which include primary and post primary schools and planning for transition to post primary schools occurs within this local environment. The approach taken is outlined in the guidelines which the NCSE issued to schools in March 2007.

The NCSE estimates that, based on 2005/2006 enrolment figures, approximately 5,000 pupils will require post primary placement in September 2007. The established practice is for my Department to make educational provision available for students up to, and including, the school year in which they reach eighteen years of age. Depending on the assessed needs of the student, such provision may be made in special schools or special classes or in mainstream primary or post-primary schools. Teaching support, care, transport and specialised equipment are provided as appropriate.

Computerisation Programme.

191. **Mr. Kehoe** asked the Minister for Education and Science the number of schools connected to broadband by county and type of school; and if she will make a statement on the matter. [15717/07]

192. **Mr. Kehoe** asked the Minister for Education and Science the number of schools each of the broadband companies have completed connection to; and if she will make a statement on the matter. [15718/07]

193. **Mr. Kehoe** asked the Minister for Education and Science the number of schools who were connected to a company (details supplied) before their collapse; if they have been connected to another supplier; and if she will make a statement on the matter. [15719/07]

194. **Mr. Kehoe** asked the Minister for Education and Science the amount of the original budget for broadband connection for schools that has been spent; the amount of additional money being committed to complete the project; and if she will make a statement on the matter. [15720/07]

195. **Mr. Kehoe** asked the Minister for Education and Science the Government target in relation to the connection of schools to broadband; and if she will make a statement on the matter. [15721/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 191 to 195, inclusive, together.

The Schools Broadband Access Programme involves the provision of broadband internet connectivity to all recognised primary and post-primary schools. This project is being undertaken in partnership with industry in the context of a Government — IBEC/TIF (Telecommunications and Internet Federation) Agreement to provide local broadband connectivity to schools. The Agreement provides for the establishment of a three year €18m joint Government-IBEC/TIF Fund, with industry contributing €5m per annum

and the Government contributing €1m per annum.

The broadband connectivity is being provided via a Schools National Broadband Network supported by HEAnet, which will provide managed Internet access, email, security controls, content filtering and other services designed to enhance the educational process. A Broadband Support Service Desk has also been established to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity within the schools network. The overall cost of the Schools Broadband Access Programme, including the initial set-up and ongoing costs over the three years, were estimated at some €30m. At this stage, in the second year of the programme, approximately €18 million has already been spent.

Following a public tendering process, contracts were finalised in 2005 with six Service Providers for the provision of local access connectivity to 3,925 schools and with a further Provider for the installation of a broadband router at school level where appropriate. Roll out of the local connectivity and router installation commenced in June 2005 and the vast majority of schools (97%) have been successfully connected to the Network. My Department is monitoring the position of the outstanding schools, where the installation is awaited due to building programmes or installation difficulties. My Department is arranging for some 31 additional new schools to be connected to the Network.

The breakdown of the 3,796 schools that have been successfully connected to the Network by individual service providers is as follows:

- BT Ireland: 288
- Digiweb Ltd: 1,598
- High Speed Data Solutions Ltd: 55
- Irish Broadband Internet Services Ltd: 508
- Last Mile Ltd: 169
- Smart Telecom: 1,178

The position in relation to Smart Telecom is that the company is continuing to provide services as an authorised operator approved by the Commission for Communications Regulation.

A further 72 schools have had broadband access provided under the Hermes and Advanced Deployment programmes and therefore currently have broadband connections independent of the Schools Broadband Access Programme. The number of primary and post-primary schools with broadband connectivity by county (based on the Schools Broadband Access Programme installations and the Hermes and Advanced Deployment programmes) is appended for the Deputy's information.

It should be noted that a number of the schools that have not been connected under the Schools Broadband Access Programme will have their own independent broadband connectivity.

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Number of Schools Connected to Broadband By County

County	Number of Primary Schools Connected to Broadband	Number of Post-Primary Schools Connected to Broadband	Total Number of Schools Connected to Broadband
Carlow	40	11	51
Cavan	78	11	89
Clare	116	18	134
Cork	360	82	442
Donegal	171	26	197
Dublin	431	172	603
Galway	234	45	279
Kerry	141	25	166
Kildare	96	27	123
Kilkenny	78	15	93
Laois	63	10	73
Leitrim	39	9	48
Limerick	141	34	175
Longford	41	9	50
Louth	71	17	88
Mayo	178	28	206
Meath	101	16	117
Monaghan	63	11	74
Offaly	67	12	79
Roscommon	93	8	101
Sligo	70	15	85
Tipperary	161	31	192
Waterford	74	18	92
Westmeath	73	15	88
Wexford	100	20	120
Wicklow	84	19	103
Total	3,164	704	3,868

Schools Building Projects.

196. **Mr. S. Ryan** asked the Minister for Education and Science the status of the new school building for a school (details supplied) in County Dublin. [15725/07]

Minister for Education and Science (Ms Hanafin): As the school to which the Deputy refers only has temporary recognition, it is not entitled to capital funding and the issue of a new school building does not arise at this time. When permanent recognition is awarded, the question of a permanent building for the school will be addressed.

Higher Education Grants.

197. **Ms O'Sullivan** asked the Minister for Education and Science if SSIA account interest will be taken into account in deciding higher education grant qualification for the 2007 to 2008 academic year; and if she will make a statement on the matter. [15737/07]

Minister for Education and Science (Ms Hanafin): In relation to SSIA income, I want to assure the Deputy that the Government is determined to ensure that SSIA savers are treated fairly in the calculation of reckonable income under my Department's maintenance grant schemes.

This is being achieved in two ways: firstly, income from SSIA's is being treated exactly the same as income from similar savings and investment products; and secondly, the reckonable income limits for student grants have been increased considerably in recent years.

Since SSIA's were introduced, the amount of income to be included in respect of them is the government grant earned on the savings in the relevant tax year plus, in the case of savings accounts, the gross interest earned in the relevant tax year, and, in the case of investment accounts, the investment profit earned in the relevant tax year. Investment losses sustained in the relevant tax year are deductible.

The same position has long applied to interest earned on other savings products, including deposit accounts, post office savings certificates, life assurance bonds etc. The treatment of SSIA is therefore consistent with the traditional treatment of other similar investments over many years. The Department of Finance is aware of this approach to the assessment of income for eligibility for student support.

So, in applying for a grant for the 2007/08 academic year, only the relevant income earned, as outlined above, on the SSIA in 2006 has to be declared. The maximum that the Government grant to any SSIA saver could have amounted to last year, as in any year of the SSIA scheme, is €762. This has been the position since SSIA's were introduced.

In relation to the income limits which apply when a person's eligibility for a grant is being assessed, the Deputy will be pleased to know that these have increased significantly since SSIA's were introduced.

The 2003/04 academic year was the first year in which the full year SSIA income had to be included in applying for a grant, as the reference tax year for the purpose of grant assessment was 2002.

For the 2003/04 academic year, the income limit for a family with 4 children was increased from €23,770 to €35,165— an increase of nearly 48%.

The income limits have continued to rise each year, to the point where the limit for a family with 4 children this year is €41,055 — an increase of nearly 73% on the amount allowed in the 2002/03 academic year.

As these increases show, this Government has shown a clear determination to improve the grant system to ensure that students get as much support as possible.

But, not only have we increased the income limits significantly, we have also made other improvements to the grants system:

- We have introduced two new income thresholds to allow for 25% and 75% grants as well as the 50% and 100% rates;
- We have brought in a new 'top-up grant' to target extra funding at those who need it most; and
- We have increased grant payment rates.

Indeed, the maximum level of the ordinary maintenance grant available this year is €3,110 — compared to €2,390 in 2002. The maximum level of the Top Up Grant in 2006/07 is €5,970 — compared to €3,000 in 2001/02.

This year, over €228 million has been allocated for the third level student support schemes.

School Transport.

198. **Mr. Ring** asked the Minister for Education and Science if she will sanction the extension of

a school transport service in County Mayo to facilitate a person (details supplied). [15751/07]

Minister of State at the Department of Education and Science (Mr. Haughey): 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. Pupils living off the main route of a service are generally expected to make their own way, or to be brought to convenient pick-up points along the main route. Home pick-ups were never envisaged as being part of the School Transport Scheme.

Bus Éireann, which are responsible for the day to day operation of the school transport scheme, on behalf of my Department, have advised that the pupil referred to by the Deputy, in the details supplied, resides 1.76 kilometres from the pick up point.

The family should liaise with Bus Éireann regarding the availability of a payable extension to the current service.

Grant Payments.

199. **Mr. Ring** asked the Minister for Education and Science her views on providing a computer to a school (details supplied) in County Mayo. [15752/07]

Minister for Education and Science (Ms Hanafin): Irish Summer Schools are privately run institutions and are not recognised primary or post-primary schools eligible for support under the ICT in Schools Programme. However, my Department does provide grant aid to recognised providers towards the cost of provision of these summer courses. Individual providers may apply to my Department for recognition of their courses and for the purposes of grant payments.

Schools Building Project.

200. **Mr. Deasy** asked the Minister for Education and Science the cost of providing prefabricated buildings for the past ten years at a school (details supplied) in County Waterford; and the cost per year. [15767/07]

Minister for Education and Science (Ms Hanafin): The total amount spent on temporary accommodation from 1999 to the end of 2006 is €551,303. The breakdown of costs per year is outlined in the following table.

There is currently a permanent School Building project at an early stage of architectural planning at the school referred to by the Deputy. My Department has recently received a revised Stage 1/2 submission which is currently being examined. If the revised submission is approved, the project will be authorised to progress to the next stage of architectural planning.

Progression of the project to tender and construction will be considered in the context of the

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Department's multi-annual School Building and Modernisation Programme.

Holy Cross NS, Waterford

Year	Amount
	€
1999	12,023.10
2000	29,373.09
2001	56,053.10
2002	76,246.06
2003	70,499.72
2004	65,057.24
2005	101,854.04
2006	140,196.75
Total	551,303.10

Higher Education Grants.

201. **Mr. Durkan** asked the Minister for Education and Science if a higher education grant is payable in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15780/07]

Minister for Education and Science (Ms Hanafin): Under the terms of the Third Level Student Support Schemes, administered by the Local Authorities and Vocational Education Committees on behalf of my Department, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether or not a grant was paid previously.

The schemes also provide that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification.

However, the grant scheme was amended to provide financial assistance to eligible candidates who already hold a postgraduate qualification and who wish to enter a further postgraduate course at a higher level, which represents progression from the level at which the first qualification was attained.

I understand that the candidate referred to by the Deputy is currently pursuing a postgraduate course and wishes to subsequently undertake a further postgraduate course at Higher Diploma level. It would appear that the Higher Diploma will not represent progression in this instance and the candidate, therefore, would not be eligible for grant assistance.

It is not open to me, or my Department, to depart from the terms of the maintenance grants schemes in individual cases.

Local Authority Staff.

202. **Ms C. Murphy** asked the Minister for the

Environment, Heritage and Local Government the staff numbers employed at the end of 2006 by each county, city and town council; and if he will make a statement on the matter. [15702/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Based on the information supplied by local authorities, the number of staff, expressed in whole time equivalents, employed by local authorities (including town councils) at the end of 2006 are included in the table below. Separate statistics for Town Councils are not yet available.

End of December 2006

Local Authority	Total
<i>County Councils</i>	
Carlow	344
Cavan	501
Clare	922
Cork	2,623
Donegal	1,240
Dún Laoghaire/Rathdown	1,302
Fingal	1,592
Galway	1,029
Kerry	1,266
Kildare	1,035
Kilkenny	606
Laois	407
Leitrim	323
Limerick	856
Longford	383
Louth	769
Mayo	1,240
Meath	762
Monaghan	471
Offaly	512
Roscommon	591
Sligo	584
South Dublin	1,389
North Tipperary	552
South Tipperary	726
Waterford	605
Westmeath	552
Wexford	873
Wicklow	876
<i>City Councils</i>	
Cork	1,561
Dublin	6,699
Galway	488
Limerick	549
Waterford	448

Note: Figures for County Councils include Town Councils.

Motor Taxation.

203. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount collected by county in motor tax for 2006 including the amount collected through the online service; and if he will make a statement on the matter. [15703/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The amount of motor tax, which includes driving licence duties and other related charges, collected by each local authority and through the online motor tax service operated by my Department, for 2006 is set out in the following table.

Motor Tax Receipts 2006

County	Total Receipts
Carlow	10,151,892
Cavan	11,512,562
Clare	19,323,658
Cork	75,322,247
Donegal	24,766,816
Galway	36,335,693
Kerry	23,079,015
Kildare	26,113,408
Kilkenny	14,987,442
Laois	11,495,839
Leitrim	5,172,730
Limerick Co.	22,054,207
Longford	6,309,337
Louth	16,112,357
Mayo	20,542,009
Meath	26,976,043
Monaghan	11,033,944
Offaly	11,782,405
Roscommon	10,900,252
Sligo	10,421,545
N. Tipperary	12,528,299
S. Tipperary	15,857,063
Waterford Co.	10,607,297
Westmeath	13,730,214
Wexford	24,978,708
Wicklow	19,583,073
Dublin City	131,409,353
Limerick City	6,507,959
Waterford City	7,093,046
Online	243,016,800
Total	879,705,213

Road Safety.

204. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the dialogue his Department and the Department of Enterprise, Trade and Employment has had in

relation to the practical implementation of new safety rules relating to road improvement works; if he has been contacted by local authorities about difficulties being experienced; if so, the local authorities that have been in contact and the issues they have identified; if specific provision has been made for the additional signage and traffic management that must now accompany the road works; if so the amount by county; and if he will make a statement on the matter. [15705/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A number of meetings have been held between my Department, the Department of Transport and the Department of Enterprise, Trade and Employment to discuss issues relating to the management of road works in the interest of road safety. My Department is also in regular, informal contact with local authorities in relation to this issue and the associated cost implications, and I have received correspondence from the Association of County and City Councillors on the issue. In addition, my Department is participating in the work of a sub-committee of the Local Government Management Services Board to assist in developing updated best practice guidelines, for the management of safety of road works, for use within the local government sector. I understand these new guidelines will be finalised very shortly.

In the case of works on non-national roads, costs associated with the proper and safe management of such works, are a matter for local authorities to be funded from their own resources supplemented by State road grants provided by my Department. Funding of works on national roads is a matter for the National Roads Authority and my Department has no function in the matter.

Accessibility Audits.

205. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if it is intended to make provision for the implementation plans which are required following completion of accessibility audits as required by the Disability Act 2005; if a special fund will be introduced; if local authorities will be permitted to recruit additional staff to deal with the implementation plans; and if he will make a statement on the matter. [15706/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As required under the Disability Act 2005, my Department's sectoral plan was approved by the Houses of the Oireachtas in October 2006. The plan, covering my Department, its partner bodies and local authorities, provides for a range of positive measures which will promote and pro-actively encourage equal opportunities for persons with disabilities to participate in the economic, social and cultural life of the community.

[Mr. Roche.]

Under the sectoral plan each local authority is committed to carrying out an accessibility audit, by the end of April 2007, of all roads and streets, pavements and pedestrian crossings, public buildings, public parks, amenities and open spaces, heritage sites, public libraries and harbours within its control and to identifying the remedial action necessary to make them accessible. The accessibility audits also cover access to services and information. Each local authority will, within three months of completing the accessibility audit, draw up an implementation plan setting out a programme of actions and detailed costings to give effect to the commitments and objectives contained in the 2005 Act and in the sectoral plan.

Additional resources have been provided since 2005, as part of the National Disability Strategy multi-annual funding programme, to support work on accessibility audits and implementation undertaken by local authorities. I am providing a further €15 million in 2007 for this programme, which complements existing funding available to local authorities for mainstream public services. In addition to financial provisions, my Department is providing practical support to the local government sector by, for example, helping to develop a template implementation plan which will be made available to local authorities in the coming weeks.

Local authorities have been encouraged to build their own internal capacity for implementation purposes, while making judicious use of external expertise as necessary, and the ongoing funding programme has supported this combined approach. As set out in the plan, roles and functions in relation to access for people with disabilities are assigned at local level to specified staff, cross-functional teams and groups building on existing local authority structures. It is a matter for the City or County Manager concerned to make the necessary staffing and organisational arrangements for this purpose.

In line with Government policy on public service employment and subject to rigorous criteria, it is open to local authorities to set out priority short term staff needs and a number of local authorities have had short term posts approved to support the disability strategy.

Election Management System.

206. **Mr. N. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the person who has responsibility for the appointment of polling clerks and clerks in electoral areas (details supplied) in County Cork for the forthcoming general election; and the criteria for the appointment of such positions. [15727/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under electoral law, returning officers are responsible for all matters in connection with the conduct of elections in the constituencies concerned. The detailed arrangements for the appointment of presiding officers and poll clerks are set out in section 95 of the Electoral Act 1992.

Inspection Certificates.

207. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government when the inspection will be carried on a property (details supplied) in County Sligo to qualify for the rural renewal scheme as all documentations have been lodged; the reason for the delay; if it will be immediately carried out; and if he will make a statement on the matter. [15735/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An inspection, with a view to issuing a Certificate of Reasonable Cost if in order, has been arranged and will be carried out within the next two weeks.

Social and Affordable Housing.

208. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that persons accepting an affordable house from a local authority are obliged to take out cover under the local authority’s mortgage protection scheme and therefore are not allowed the freedom to acquire such cover from their own insurance company which in some cases can be at a cheaper rate; his views on whether this is anti-competitive and totally against the whole concept of affordable housing; and if he will modify the existing arrangements. [15763/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Where a loan for the purchase of an affordable house is sourced from a private lender, the options for mortgage protection insurance would be a matter for discussion between the borrower and the lending institution. In the case of a local authority loan, the cost of mortgage protection insurance is met by way of an additional charge to the rate of interest charged on individual loans. One of the conditions of the scheme, which is a group policy, is that it is obligatory for all local authority borrowers who meet the eligibility criteria to join. Altering this condition would have a negative impact on the scheme and increase costs for all existing borrowers.