



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 16 October 2007.

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DÁIL ÉIREANN

*Dé Máirt, 16 Deireadh Fómhair 2007.
Tuesday, 16 October 2007.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Tribunals of Inquiry.

1. **Deputy Enda Kenny** asked the Taoiseach the costs which have accrued to date to his Department in respect of the Moriarty tribunal; and if he will make a statement on the matter. [16814/07]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the costs to his Department to date of the Moriarty tribunal; and if he will make a statement on the matter. [18787/07]

3. **Deputy Eamon Gilmore** asked the Taoiseach the costs accrued to date to his Department in respect of the Moriarty tribunal; and if he will make a statement on the matter. [20158/07]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

The total cost incurred by my Department in respect of the Moriarty tribunal from 1997 to 30 September 2007 was €29,748,614. This includes fees paid to counsel for the tribunal and administration costs incurred since the establishment of the tribunal. The total payment made to the legal team was €23,122,989 to 30 September 2007.

Deputy Enda Kenny: When is the Moriarty tribunal expected to conclude? It has been running for a very long time.

I note that a prominent businessman is seeking to restrict the chairman of the tribunal in the types of conclusions he can make in his pending report. The outcome of that challenge will affect the reports of all tribunals, including the Mahon tribunal which is inquiring into other matters relevant to the Taoiseach.

Mr. Justice Moriarty's second report will concentrate on payments to the former Minister for Transport, Energy and Communications, Deputy Lowry. When is that report expected and when will the tribunal conclude its work? Has the

Taoiseach appointed anybody from his Department to liaise with the Mahon and Moriarty tribunals, given that both are dealing with relevant matters?

The Taoiseach: A significant body of work has been completed by the Moriarty tribunal with the publication last year of the first part of its report. While I am not privy to the day-to-day arrangements of the tribunal, I understand it should be able to commence preparation of its report in a matter of weeks. It is not possible, however, to indicate when the second part of its report will be finalised. My officials tell me it is hoped it will be completed within a matter of months. Recent media reports about possible further court challenges have not been substantiated by the tribunal which, as I am sure the Deputy will appreciate, is obliged to follow through on its inquiries. The chairman is anxious to conclude his work with all possible speed. I am also conscious of the ever-present potential for litigation that might impact on the timeline. This tribunal will not issue a report but my Department handles the fees and the accounts so there is liaison in that area. However, we have no involvement with the Mahon tribunal.

Deputy Enda Kenny: Does the Taoiseach have a view on whether the chairman should be restricted in the range of findings he might well give? A court case is pending on that but does the Taoiseach have a view on whether he should be restricted with regard to conclusions at which he might arrive? As the outcome of that case will affect the findings of all tribunals, including the Mahon tribunal, and I am aware the Taoiseach referred to this matter in previous questions, have the documents relating to the Battle of the Boyne site been forwarded to the tribunal for analysis?

An Ceann Comhairle: I remind Deputy Kenny that the Taoiseach is only responsible in so far as he facilitates the budget from his Vote.

The Taoiseach: There have been several cases in the past decade relating to the tribunals and it is irrelevant whether I have a view. I have not made any submissions and am not privy to the submissions that have been made so I do not know what they contain. To the best of my knowledge all the files and records relating to the Battle of the Boyne were handed over to the tribunal in 1998 or 1999.

Deputy Caoimhghín Ó Caoláin: In a fortnight we will reach the tenth anniversary of the first sitting of the Moriarty tribunal, which was 31 October 1997. During those ten years various dates were given for the expected conclusion of its business. Has the Taoiseach any idea when the Moriarty tribunal will wrap up and present its final reports? Surely, given the passage of ten

[Deputy Caoimhghín Ó Caoláin.]

years, that is something which can now be indicated.

On the subject of another tribunal, but nevertheless relevant to this question, earlier this year a team of representatives from the Mahon tribunal, the office of the Attorney General, the Department of Finance and the Department of the Environment, Heritage and Local Government was established to examine the costs of the Mahon tribunal. Can the Taoiseach say if that report was presented to Government, as I assume it was? Did the findings of that team and its appraisal of costs have implications for the current and future costs of the Moriarty tribunal?

The Taoiseach will be aware that some people under investigation by the Moriarty tribunal are major tax avoiders who continue to avoid paying their fair contribution to the Exchequer through loopholes in the tax system. Some are applauded in the media and in other ways for their charitable work but they continue to refuse to pay money to the Exchequer in the form of taxes to provide for the essential services on which all of us depend in one way or another.

Taking the lessons from all the tribunals, and specifically with reference to the Moriarty tribunal, does the Taoiseach not believe legislation is now necessary to address the various abuses and means of avoidance employed by some whose status as non-resident is highly questionable at the best of times? Arising from the work of the Moriarty tribunal, should legislation be brought before the House to address these important matters?

The Taoiseach: Deputy Ó Caoláin raised a number of questions. Obviously, recommendations from all tribunals, including the Moriarty tribunal, are followed up. The Revenue Commissioners and the Department of Finance constantly examine areas of tax evasion and avoidance. They do this every year and in some years compile more detailed reports. The Deputy raised the question of tax avoidance. The Revenue Commissioners continually look at procedures which provide opportunities for this. Many tax shelters and reliefs have been closed off because it was felt they had served their purposes. The Deputy mentioned certain others.

The Deputy referred to the report on the Mahon tribunal made earlier this year. The figures for legal costs or third party legal costs given by me or my colleagues are the current tribunal costs. Until a tribunal has finished its work, the issue of third party costs does not arise. Those figures are for another day. The estimated cost of the Moriarty tribunal for 2007 in my Department is €10 million. Included in that estimate is the cost of publication of the report, some element of the award of legal costs, as well as administrative and legal costs. We do not know and are not in a posi-

tion to estimate third party costs. In the case of the Moriarty tribunal, these matters will begin to be dealt with in the new year if the tribunal concludes in a matter of months, as I hope it will. The matter of third party costs must then go through a lengthy procedure which I am sure will continue on for a considerable time.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has given no indication of when he expects the Moriarty process to conclude. I remind him that we are almost at the tenth anniversary of its first sitting. Can he shed any light on this area? What was the outcome of the review carried out earlier this year by the team appointed? Could the team's recommendations regarding costs in the Mahon tribunal be applied to current and future tribunals? In the light of his knowledge of the tribunals, does the Taoiseach believe legislation should be introduced to deal with appropriate matters highlighted by the various tribunals?

The Taoiseach: Approximately ten tribunals have been established in recent years. Recommendations by any of them are fully dealt with. The matters of tax shelters and reliefs and tax avoidance and evasion are constantly under review by the Department of Finance and the Revenue Commissioners.

I understand it is the intention of Mr. Justice Moriarty to finish as quickly as he possibly can, subject to the procedures he is required to follow in his final report. The matter of third party fees will then be dealt with. I understand Mr. Justice Moriarty and his staff are anxious to finish their work in a matter of months.

Deputy Eamon Gilmore: As I understand it, the figure given by the Taoiseach in respect of the total cost to date of the Moriarty tribunal, which is almost €30 million, is in respect of administration of the tribunal and the legal fees paid to the tribunal's lawyers. Does his Department have a ballpark figure for what will be the likely cost, including third party costs, that may be made by the tribunal to those who appeared before it and, presumably, co-operated with it?

The Taoiseach and those speaking on his behalf have on a number of occasions criticised the legal fees and costs of tribunals. I note an increase in recent times in the Taoiseach's criticism in this regard. As I understand it, the legal fees were set and agreed by Government. In 2004, the then Minister for Finance, Deputy McCreevy, announced at a Fianna Fáil Ard-Fheis that fees for tribunals were to be cut. He described these fees as astronomical and said it was a gravy train that had gone on long enough. We were promised in summer 2004 that the legal fees would be cut. We were again promised the fees would be cut from September 2006. We were then promised a cut in fees in respect of the Mahon tribunal from March 2007. On each occasion those deadlines

arose, the Government bottled it and failed to reduce the legal fees. When is it intended to reduce legal fees for tribunals in line with what was announced previously, or is it ever intended to reduce the legal fees for tribunals?

The Taoiseach: Deputy Gilmore said I commented on or criticised the fees, but I do not believe I mentioned them since I last answering questions on the matter here. I made no reference to them whatsoever and the Deputy is incorrect in that regard.

The new rates have been applied in respect of a number of tribunals. The former Minister for Finance, Deputy McCreevy, had agreed with the tribunals and the then Attorney General on dates for the application of the new rates. A number of them took effect and there have been a number of new examinations since then. Of the two tribunals that have been running for ten years, in the Moriarty tribunal, now the Mahon tribunal, people were employed on the basis of a particular fee rate. It was extended on the basis of that understanding. The dates for completion of both tribunals have been changed — the Moriarty tribunal was due to finish last Christmas or last January. Others have also been extended and for that reason they were allowed to stick with the current rates. The Moriarty tribunal, which is the only tribunal with which I am dealing, is due to finish in a matter of months and therefore it should be allowed to continue with the current rates until its work has been completed.

The set fee to be paid under the new rates will be based on the current annual salary of a High Court judge plus 20% in respect of pension contribution with related payments being made to other legal staff, including barristers and solicitors. The specific annual remuneration packages at the rates applicable in 2005 were, for senior counsel, €1,008 per day and, for junior counsel, €672 per day, which is two thirds of the senior counsel rate. There was also a rate for solicitors and others. That is the 2005 rate, not the current rate, which is approximately 40% of the maximum current rates paid to the tribunal counsel. These rates have been brought in for other tribunals for some of the new examinations that have been taking place under the new tribunal legislation, but the old rates were left for the teams that were in place on the basis they had been on those rates for several years. That position is always under review, but in the Moriarty tribunal, the one I am dealing with, the consideration is that the existing rates will be allowed to be applicable until the end of its work on the basis this is only some months off.

Deputy Eamon Gilmore: To what tribunals do the new rates apply? What are the current daily rates at the Moriarty tribunal?

The Taoiseach: I do not have the full list of rates for tribunals. The MacEntee tribunal which has just concluded and which was set up under the commission legislation, worked on the new rates, as did the tribunal dealing with the Buchanan case in Northern Ireland and a number of others.

I do not have the current daily rates for the Moriarty tribunal, I just have——

Deputy Enda Kenny: Turn it upside down.

The Taoiseach: ——the charts. I know how much is being paid to each individual per annum. I do not have the rates but I can give Deputy Gilmore the current figures. The rate is 40% of the 2005 rate. In 2005, the rate was €1,008 a day, so the Deputy can work that out.

Deputy Eamon Gilmore: What is the ballpark figure for the total cost, when the third party costs are calculated? Will the Taoiseach give us the figure because the percentages will confuse us all?

The Taoiseach: Perhaps if I give the Deputy the ballpark figure, it will confuse him more.

Frankly, I am not prepared to speculate. I have heard all types of figures. I just do not know.

Deputy Eamon Gilmore: Does the Taoiseach have any figures on which to go?

The Taoiseach: The only figure I have in my Estimate is €10 million, but in the words of——

Deputy Eamon Gilmore: Is that just for this year?

The Taoiseach: That is the figure. When that figure was published in the Book of Estimates, an individual who rang my Department said he assumed it was for him.

An Ceann Comhairle: And it probably was.

Freedom of Information.

4. **Deputy Enda Kenny** asked the Taoiseach the number of freedom of information requests received by his Department since January 2007; and if he will make a statement on the matter. [16817/07]

5. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the number of freedom of information requests received by his Department since June 2006; and if he will make a statement on the matter. [18788/07]

6. **Deputy Eamon Gilmore** asked the Taoiseach the number of requests received by his Department under the Freedom of Information Act 1997 in the first eight months of 2007; if he will provide comparable figures for the same period in respect

[Deputy Eamon Gilmore.]

of each year since 2002; and if he will make a statement on the matter. [19882/07]

The Taoiseach: I propose to take Questions Nos. 4 to 6, inclusive, together.

I propose to circulate in the Official Report the information requested by the Deputies on the

statistics regarding freedom of information requests received in my Department.

All FOI applications received in my Department are processed by statutorily designated officials in accordance with the 1997 and 2003 Acts and, in accordance with those statutes, I have no role in relation to processing individual applications.

Freedom of Information Applications Received in the Department of the Taoiseach

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
2002	20	12	14	10	10	9	10	8	7	13	15	18	146
2003	21	29	30	10	11	7	13	6	4	2	6	3	142
2004	1	8	2	4	1	5	3	3	0	12	1	5	45
2005	2	3	1	2	2	7	6	5	5	16	5	7	61
2006	9	1	4	7	6	4	4	5	5	3	3	3	54
2007	14	1	8	4	2	6	9	10	—	1			

Deputy Enda Kenny: I note that the Standards in Public Office Commission made a request for the power to appoint an inquiries officer into allegations of wrongdoing without a prior public complaint and that the request was shot down.

A report from the Office of the Ombudsman, Ms Emily O'Reilly, described the consequence of the increase in fees for freedom of information requests as breeding a culture of secrecy. Why has there been a refusal to accept the Ombudsman's comments? The fees for requests under the freedom of information legislation is the highest in the developed world. In view of the general fall in the number of requests for freedom of information, will the Taoiseach reconsider the level of fees charged? In view of the Ombudsman's comment on the culture of secrecy, does the Taoiseach intend to relax those regulations somewhat?

How many Departments accept electronic payment for requests under the Freedom of Information Act? That is something that should surely be technically achievable today. When an appeal is successful, why does the successful applicant not get his or her fee refunded? If someone pays money to make a request that is turned down, but appeals the decision and the appeal is then granted, that person is deemed eligible to receive the information yet he or she must still pay. Is there any chance of having a refund of fees for those whose appeals are successful?

The Taoiseach: It is done by different countries in different ways. It is not correct to say that we are expensive when compared with other jurisdictions. It is not done in exactly the same way by other jurisdictions, but on examination of the totality of what is done, there are very high fees in some countries.

The extension of the Act to public bodies is an ongoing process that has been undertaken by the

Department of Finance. Last year the Act was extended to cover another 137 bodies, which means it now covers 520 bodies in total. Arrangements are currently under way in the Department of Finance to prepare an extension of the Act. It covers a broad section of the public service and bodies practically everywhere are covered.

While the issue of fees is a matter for the Minister for Finance, there has been no change in fees since the 2003 Act. The Minister has made it clear that he has no plans to review the fees. The current system of fees introduced more than four years ago followed a review of the Act introduced almost ten years ago. The fee is €15 and the estimated average administrative cost at that time for processing each application was €425. The estimate will have changed in the interim four years due to salary costs. Nobody can argue that this fee is unreasonable or that it discourages FOI requests. There is no charge for the time undertaking in making a decision on the FOI request, even though this is quite expensive. Most other jurisdictions have a charge for the time that goes into the processing of a decision. It is not in the up front cost, but is added in later and that makes the cost much higher than ours. After we brought in the original Freedom of Information Act, there was a huge demand for information. The number of requests declined in 2002 and 2003, but there was a 30% increase in 2005 from the previous year. That upward trend has continued.

An internal appeal costs €75 while an appeal to the Information Commissioner costs €150. There are €25 and €50 reductions for medical card holders. Appeals concerning personal information are entirely exempt from fees, so if the issue is related to someone's own circumstances then that person pays nothing at all. A person who appeals to the Information Commissioner receives a preliminary decision, which is a fairly good indication of the final decision. Even at that late stage of the process the person seeking infor-

mation can withdraw the appeal and obtain a full refund of fees. About 30% of appeals made to the Information Commissioner are withdrawn. People see what way things are going and they pull back. The whole thing is sympathetically dealt with and there has been no decision to look at costs at this stage. If there was such a decision, the Department of Finance would probably go the other way.

Deputy Enda Kenny: I refer to the requests received since January 2007. What is the nature of the cases that have been refused by the Department of the Taoiseach? Are they commercially sensitive or do they pertain to aspects of national security in which that Department might be involved? Under what circumstances would an applicant for a freedom of information request be turned down by the Department? Although I had thought I would get him out this year, the Taoiseach has been in office for a good few years. He has been in office for a while. According to his analysis, do such refusals fall into certain categories that are apt to be, or appropriately, refused? The Taoiseach should comment in this regard.

The Taoiseach: The significant majority of requests to my Department, that is, approximately two thirds, or more than 60%, are from journalists. Approximately 25% are from business interests, while Oireachtas Members have submitted 5% of applications. Normally, there are refusals in respect of requests that are not appropriate or for which there is no information. Very few are security sensitive or pertain to that issue. Sometimes the list contains a partially reported request. This is because of the information that was available.

I refer to the extensions made under the 2003 Act. Although it was thought it would make a big difference at the time, there has been very little. I refer to certificates issued under section 25 which are made mainly by the Minister for Justice, Equality and Law Reform and which do not apply to my Department. Very few are made. I understand approximately three section 25 certificates have been issued across the entire system, none of which has been issued in my Department, and they were security related. However, this tends not to be the case in my Department.

Deputy Caoimhghín Ó Caoláin: Does the Taoiseach agree that more must be done to inform citizens of their right of access to information from his and other Departments? For example, the Information Commissioner confirmed recently that next of kin had a right of access to the medical records of their deceased loved ones. Does the Taoiseach agree this constitutes an essential right for there to be a degree of public confidence in the health service?

In her report earlier this year the Information Commissioner also stated every public body should draw up and implement a comprehensive records management policy and urged that this should be seen as a priority. She also stated there should be consistency in searches for records by public bodies and that a checklist should be used for this purpose. In respect of the Taoiseach's Department, her report stated decision letters, when issuing, should always set out the requestor's right of review and appeal and include detailed information relating to the nature and locations of the searches carried out. Will the Taoiseach inform Members whether the Information Commissioner's recommendations made earlier this year have been implemented in his Department and whether there has been similar application in other Departments?

The Taoiseach: While I cannot speak for other Departments, the reports of the Information Commissioner are followed up in my Department. To the best of my knowledge, they are implemented in all cases but certainly the advice is followed. The charter for dealing with the public that was discussed in the House last week sets out the regulations and the procedures to be followed in making every effort to give information in a fully comprehensive way. The Deputy inquired whether a checklist was used. While I am unsure whether a checklist is used, the charter is followed. The designated civil servants deal fully with freedom of information matters in each Department. In my Department any issues raised have been followed up comprehensively.

Deputy Caoimhghín Ó Caoláin: I will respond briefly. I know the Taoiseach answered only with reference to his Department as it is the Taoiseach's Question Time, but he mentioned that he cannot speak for any other Department. Is that because of the restriction of Question Time to matters pertaining to his own Department, or is it the case that, although he is the Prime Minister, he actually does not know whether any other Department has followed up on the recommendations of the Information Commissioner?

In relation to the issue of decision letters, can the Taoiseach confirm to the House that it is the practice in his Department to include the information recommended by the Information Commissioner? In other words, do the letters clearly outline the searches undertaken and specify the locations in which these searches have been carried out?

The Taoiseach: The reason I do not have information on other Departments is that I am not the member of the Government designated to deal with FOI. The entire system is regulated by the Department of Finance. However, every Department, including the Department of the Taoiseach, must follow the guidelines set down in this area.

[The Taoiseach.]

In my Department, each section has designated officials, separate from the political system, who follow the recommendations of the Information Commissioner.

Deputy Eamon Gilmore: Can the Taoiseach tell us how many FOI applications were made to his Department to date this year?

In her commentary on the Freedom of Information Act and how it is operating, the Information Commissioner drew attention to seven other countries which have similar FOI legislation to that of Ireland. She pointed out that in none of these countries is a fee charged for an internal review of a decision, which corresponds to an appeal in our system, and that in only one jurisdiction is a fee charged for an appeal to the Information Commissioner. Is it not the case that the fees payable in Ireland — €15 for an application, €75 for an appeal and €150 for an appeal to the commissioner — are designed to discourage people from applying for information under the Act?

The Taoiseach: Over the past few years the Department has averaged around 50 cases per year and this year the number will rise again. In 2004, 2005 and 2006 there were 45, 61 and 54 cases, respectively, and this year so far there have been 55, so there are already more cases than there were last year. The final figure probably will be around 70.

When the FOI system was first introduced, the Department dealt with around 140 cases per year, but at that time the system was being used by companies to obtain information for business reasons. That is partly the reason for the introduction of fees. Other countries have different systems. When considered in terms of the amount of effort, commitment and time allocated to FOI requests, I do not believe the fees are excessive. It should be noted that if a request is about one's self, for example, personal information or family records, there is no charge. It is only when the request is in a different area that the fee is applied. It is a fair system and I do not believe it is expensive.

Deputy Eamon Gilmore: Is the Taoiseach telling us that €15 a throw will dissuade companies from making FOI applications?

The Taoiseach: It does stop people from making "trawling" requests across several Departments, which was common at the start. Rather than making targeted requests, they submitted large numbers of requests in order to dig up information that could be used commercially. When the fee of €15 per request was introduced, they were persuaded not to do this.

National Security Committee.

7. **Deputy Enda Kenny** asked the Taoiseach when the interdepartmental group established to monitor the threat of a terrorist attack will next meet; and if he will make a statement on the matter. [16818/07]

8. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if the interdepartmental group on State security, established following the 11 September 2001 atrocities, is still functioning; the role of same; and if he will make a statement on the matter. [18789/07]

9. **Deputy Eamon Gilmore** asked the Taoiseach if the interdepartmental committee on State security, established in the aftermath of the 11 September 2001 attacks in the USA, is functioning; the last occasion on which the committee met; when the next meeting is planned; the Departments represented on the committee; and if he will make a statement on the matter. [21545/07]

The Taoiseach: I propose to take Questions Nos. 7 to 9, inclusive, together.

Having regard to the confidential nature of the work of the National Security Committee, it would not be appropriate to disclose information about the dates of individual meetings nor any of its proceedings.

The committee is chaired by the Secretary General to the Government and comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs and of the Garda Síochána and the Defence Forces. It is concerned with ensuring that I and the Government are advised of high level security issues and the responses to them, but not involving operational security matters.

The committee meets as required and will continue to do so. In addition to their meetings, the members liaise on an ongoing basis to monitor developments that might have national security implications, in particular in the international arena.

Deputy Enda Kenny: It is about two years ago since the Taoiseach confirmed in the House that there were a number of personnel in this city who were linked to cells of al-Qaeda and at that time he indicated that these persons were under observation. Is that still the case or have they left this jurisdiction? Is there evidence of their being involved in fringe activities or other activities in so far as terrorist attacks are concerned?

The Taoiseach did not indicate the dates of meetings, but on 30 June last persons drove an SUV which was on fire through the entry doors of the arrivals hall of Glasgow Airport. Did the committee dealing with security consider such an eventuality in Dublin or elsewhere? Had that

situation in Glasgow been somewhat worse there could have been serious loss of life. Was consideration given to that by the committee?

As I often asked, what position are we in now were news to be transmitted to the Taoiseach's Department or the security committee that an aircraft from another country was on its way here with serious intent of destruction? Have we the capacity to prevent such an occurrence were it made known to us? Would we have to call in the RAF or how would such an eventuality be dealt with—

Deputy Noel J. Coonan: Send out Willie.

Deputy Enda Kenny: —or prevented?

The Taoiseach: On the general situation, with issues such as that which occurred in the UK during the summer, the security committee, particularly the Garda and the Army, the Department of Justice, Equality and Law Reform and the Department of Defence, continually monitors these issues. Most of the information on international level comes from Europol and Eurojust.

I do not want to discount the matter, but the general view of the committee, on many of its consultations and meetings with me is that, while it is exchanging information, it is looking at the collective assessment on an ongoing basis, and there is no particular threat to us whatsoever. There are, however, at any one time a small number of international individuals, in or out of the country, who are monitored. Some of those are here on a long-term basis and some of them visit, but they are monitored. They probably know they are monitored across the jurisdictions. They comprise a small hard core of people who are under observation throughout Europe and who travel extensively, not in this jurisdiction but throughout numerous jurisdictions. The numbers of known people are very small but they are kept under observation.

Increasingly, and this has been the case for a number of years, the assessments of this committee are internationally based. Obviously, we keep close contacts with the UK, not just on security issues but on broader issues. We have been extending our bilateral contacts not just on security issues, but on broader issues where our Secretaries General are in communication. More regular meetings will take place now under Prime Minister Brown's jurisdiction where they will meet with their counterparts in the UK not just on security issues, which obviously will be on the agenda also, but on other issues. They tend to meet twice a year but there is a constant exchange of information among the security authorities, including Europol and Eurojust, on various issues.

Deputy Caoimhghín Ó Caoláin: In his response to Deputy Kenny, the Taoiseach indicated that, in his view, there is no threat to us whatsoever.

Does that also reflect the view of the inter-departmental group and has it examined in detail the security implications for the people of this country of the Taoiseach continuing to allow the use of Shannon as a staging post in the Iraq war?

Given that the US authorities are employing the services of what can only be described as private armies in the Iraq conflict, are they also being afforded access to the facilities at Shannon? For instance, does Blackwater, which has been associated with atrocities in Iraq, use Shannon as a throughway going to and from their engagements in Iraq? Although they are private companies, are they posing as civilians and being afforded the same facilitation as so-called regular US forces?

Has the Taoiseach ever raised with the British Prime Minister, now retired from that office, or the new occupant of No. 10 Downing St, the continuing threat to the people of this country from the presence of weapons of mass destruction on the neighbouring island of Britain, namely, its nuclear arsenal? There is a well-documented threat in regard to its civil nuclear facilities at Sellafield, to give but one example, but there is also presumably a threat to the safety of the people of this island from the arsenal of weapons of mass destruction held by the British Government in the name of the people of the island of Britain. Has the Taoiseach ever raised the concerns of the people of Ireland regarding the presence of such weaponry in close proximity to our population?

The Taoiseach: We have made overflight and landing facilities available to the US authorities for over 50 years. That covered many crises and military confrontations, several of which involved the US taking military action and most, but not all, of which had UN endorsement. I refer to Kosovo, Vietnam and other places. We have never withdrawn or suspended these facilities at any stage during that prolonged period. Our position, like other countries involved in this issue, is clearly understood by all sides. This does not pose a difficulty for us.

We have not only raised the issue of nuclear plants, but we have taken action on a number of fronts in the life of the previous Government under various UN protocols. We have continued the process of engagement at EU level since the last judgment in which the EU accepted it had a responsibility. We have won considerable support from the Nordic countries and others to take some of those actions, which we have extensively followed through over a long period. We will continue to make our views known. The increased inspectorate, the visits and all of the other controls that have been forced on the UK authorities arose from the various actions we have taken.

Deputy Eamon Gilmore: In his reply I understood the Taoiseach to say the number of sus-

[Deputy Eamon Gilmore.]

pected terrorists under surveillance is quite small. I am sure we are all relieved to hear that. However, if that is the case, why did the Garda need to make 10,000 applications for access to private telephone records in 2006? Will the Taoiseach explain how many additional requests were made by the Garda, which has the power to make such requests under the Criminal Justice (Terrorist Offences) Act 2005?

The Taoiseach: I am talking about the international dimension, not home-grown people who—

Deputy Eamon Gilmore: We have 10,000 requests at home.

The Taoiseach: While I am not in the justice brief, I know enough to know that any one case can take quite a lot of effort in a given year.

Deputy Eamon Gilmore: There were 10,000 requests to access telephone records.

The Taoiseach: The Deputy would need to see how some of these people operate. I am sure the Garda would gladly provide him with a security briefing at some stage.

On the international front, we are dealing with quite a small number of people. I am talking about those people moving around this country who are involved in international terrorism and who attract the attention of Europol and Eurojust, as distinct from those who are involved here.

Priority Questions.

Financial Services Regulation.

83. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he is satisfied Ireland has robust mechanisms in place to anticipate and deal with a crisis in an Irish financial institution; and if he will make a statement on the matter. [23770/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As the Deputy will be aware, the most important safeguard of financial stability is the existence and effective operation of the financial regulatory and supervisory regime. Following the establishment of the Central Bank and Financial Services Authority of Ireland in 2003, encompassing an independent Financial Regulator responsible for prudential supervision of financial institutions and consumer protection, we have such a system in place in Ireland. The Central Bank and Financial Services Authority of Ireland integrates within a single institutional structure both the supervision of individual financial firms by the Financial Regulator and the monitoring of

overall financial stability, which is the independent responsibility of the Governor of the Central Bank. This structure yields significant advantages in terms of monitoring and maintaining financial stability in ensuring effective and timely co-ordination of these two key functions.

It is important to emphasise that the framework for financial regulation here is shaped by a detailed and comprehensive template which applies across the EU. There have been a number of positive assessments of the effectiveness of our system of financial supervision. A recent report from the International Monetary Fund, a body that carries out comparative examinations of financial regulation internationally, acknowledged the strengthening of the financial regulatory and supervisory system in Ireland in recent years.

The Financial Regulator adopts a risk-based approach to the supervision of financial firms, targeting its supervisory resources on those businesses and sectors with higher risk profiles and with the propensity to have the greatest impact in the event of failure. In doing so, it must balance a number of key objectives including the safety, soundness and competitiveness of industry, and it must facilitate innovation.

In the current financial market environment, the most important point that needs to be made in the national context is that Ireland's banking system is well capitalised, profitable, liquid and soundly regulated in this regard. I look forward to the publication of the Central Bank's 2007 financial stability report in November, which will set out the bank's current assessment of the financial environment.

There are obviously important lessons to be learned from recent events in international financial markets. This process of review and examination is already under way. At the recent ECOFIN Council on 9 October, EU Finance Ministers agreed on a set of common principles and a roadmap of further actions to enhance financial stability arrangements and the ability of authorities to respond to serious disturbances in EU financial markets.

Additional information not given on the floor of the House

Ireland will of course participate fully in this work to ensure there is an effective EU-wide system to maintain financial stability, taking into account the important cross-border linkages that now exist in EU financial markets. My Department is continuing to work closely with the Central Bank and Financial Services Authority of Ireland to oversee national financial stability planning arrangements in line with EU requirements.

It is also important to note the key role of the Central Bank and Financial Services Authority of Ireland operating within the overall context of the Eurosystem and the European Central Bank in maintaining financial stability overall. The

Governor of the Central Bank and Financial Services Authority of Ireland has recently highlighted the fact that the euro area operational framework has functioned well in response to recent financial market developments.

I am satisfied Ireland has an excellent regulatory regime and a solid and robust banking system.

Deputy Richard Bruton: I think people will agree that in recent months we have seen the unthinkable happen — a run on a bank where many Irish people had deposits, a huge fall in the value of Irish financial institutions on the stock markets because of fears of excessive exposure to the property market and the collapse in value of the new securitised instruments. How would we deal with a crisis if it occurred? It is significant the Minister did not address that question in his response, but dealt solely with the part of the question concerning anticipation. Does he believe changes need to be made to our deposit protection scheme, which is now much worse for Irish depositors in financial institutions than applies in the United Kingdom scheme, which was triggered by the Northern Rock collapse? Does Ireland need to manage its exposure more robustly, for example, by examining the issue of risk management?

As the Minister will recall, the Central Bank's report for last year provided a series of early warning signs. It noted that credit growth here was the highest in Europe, our reliance on property-related lending was excessive, as was the level of risk-taking in certain areas, and the funding gap was widening. How does the Minister propose to pre-empt any possible threat to an Irish financial institution?

Deputy Brian Cowen: Developments in the financial system are taking place against a background of strong economic fundamentals. We have a well capitalised, liquid, robust and financially sound banking system, which has withstood recent turbulence in international markets ably and well.

Lessons must be learned in terms of the globalisation of markets and we need to examine these matters, including the issue of deposit guarantee, with our European Union partners. In a recent case in Britain a particular bank encountered difficulties to which the Chancellor of the Exchequer responded in his own way. Our approach must be to take a considered view of these matters and work with our EU colleagues within the EU template of supervision and the financial regulatory regime currently operated in the euro area. We will probably see the outcome of deliberations on these matters by the middle of next year.

Deputy Richard Bruton: While I do not oppose working with EU colleagues, the greatest area of concern relates to the Irish property market. Fin-

ancial institutions here have experienced the greatest fall in revenues. For this reason, rather than waiting for the slowest mover in the European Union, it behoves us to examine what action we can take to get our house in the best possible order. I ask the Minister specifically to consider the possibility of providing deposit protection. In this difficult period and with a credit crunch under way, savers need assurance that their deposits are safe. The Minister should not wait for the slowest partner in the EU to move.

Deputy Brian Cowen: It is not a question of waiting for the slowest mover in the European Union but of recognising the state of health of the Irish financial system. I spoke to those involved in the system and they continue to regard it as robust. With regard to the downturn in the property market to which the Deputy referred, stress-testing is being carried out by the financial institutions and there has been no increase in stress in terms of mortgages in the financial institutions etc. Those involved in the markets and those working with people who have purchased property will confirm that we still have low unemployment and a high rate of disposable income, and consumers attach a high priority to repaying mortgages.

The system here has withstood the turbulence we have observed internationally because it is in robust health, liquid and well capitalised. Working with other countries in the euro area does not mean postponing consideration of these matters. We will work with our partners to ensure an EU-wide approach is adopted which provides protection to all of us, particularly in light of the globalisation of markets. Recent developments affect all markets, not only the Irish market.

Tax Yield.

84. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance his estimate of the deficit and outcome for 2007 in view of the reduction in receipts of certain taxes, including stamp duty, as disclosed by the Exchequer returns; the changes this may give rise to in respect of spending profiles as outlined by him in budget 2007; and if he will publish Revised Estimates for 2007. [23765/07]

Deputy Brian Cowen: Exchequer tax receipts to the end of September were €31.462 billion, which was €490 million or 1.5% below profile. Based on the results to the end of September it appears likely that tax receipts will be up to €1 billion or about 2% below the budget day target. This deficit is largely accounted for by lower than expected receipts for stamp duty, capital gains tax and VAT, which reflects the change in the residential property market as it returns to more normal levels of activity. Excise duties are also expected to be below target whereas income tax and corporation tax are expected to exceed tar-

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gets. However, the expected shortfall in tax revenue will be offset to some extent by positive developments on other elements of the Exchequer account.

At the end of September voted current expenditure was broadly on target, while voted capital expenditure was 8% ahead of profile. It is expected that at the end of the year total voted expenditure will be on target. Based on the overall end of September position, an Exchequer deficit of up to €1 billion is projected for 2007 compared to a budget day forecast of €546 million. This week I will lay the pre-budget outlook containing the pre-budget Estimates before the House when I will update my economic and fiscal projections, including my tax forecasts, for the years ahead and outlining the estimated cost from 2008 to 2010 of maintaining public services at existing levels.

Deputy Joan Burton: Do the figures not indicate that the party is over? On budget day on 5 December the Minister will face a number of difficult choices, namely, whether to ditch some pre-election promises or to cut spending. According to his statement on the returns, his spending priority centres on productive potential. As this means something must give on the spending side, will it continue to be the health service, in respect of which we hear horror stories on a daily basis? Will the Minister indicate to the House his opinion on what will give on 5 December?

Deputy Brian Cowen: This year we have not seen spending cuts. Year on year, there has been an increase in spending.

Deputy Damien English: Cuts in services.

Deputy Brian Cowen: A criticism from the other side of the House, depending on which side of the debate one is on, is that too much is being spent. In the interests of good budgetary discipline, we are trying to ensure all voted expenditure will come in on target, which is the best way to maintain improvements in services year on year. To do otherwise would be to put the improvements at risk, which would be in no one's interests.

The programme for Government sets out clearly that we are working on the basis of a budgetary policy that seeks to maintain a broad budgetary balance. All spending commitments are made in this context because we must maintain improvements, keep unemployment at low levels, continue progress and achieve growth in the economy. Our budgetary stance as outlined is consistent with the discussions that took place.

Concerning productive potential, expanding the productive capacity of the economy is important because we must continue to identify areas that can sustain growth. This should be given priority and would be consistent with the

national development programme in terms of the capital investment programme and the contribution it can make to offsetting next year's unexpected reduction in the residential property market's output compared to this and previous years' historic highs.

In previous budgets I ensured the general government balance was in surplus. I hope there will be a similar situation this year. By having room to manoeuvre in good times, one can deal with a situation as it arises. My pre-budget outlook will outline the updated opinions of the Department in respect of prospects for growth.

Deputy Joan Burton: The Minister referred to the NDP which stated the Government would keep growth in spending in line with estimated overall growth in the economy in GNP terms. Does he mean to keep to this commitment? On Thursday will he outline to the House the estimate for economic growth next year and revise the figure downwards, as the Exchequer figures appear to suggest?

According to the Department's figures, growth in current expenditure was between 11% and 13% due to Fianna Fáil's pre-election splurge. Even the best estimates for economic growth next year are approximately 5% or 5.5%. Will the Minister stick with the commitment outlined in the NDP, namely, that overall growth in expenditure will be determined by expected growth in GNP? In that case, with current spending out-comes running at between 11% and 14%, something has to give. Can he indicate what will give on budget day?

Deputy Brian Cowen: As I already noted, I will outline on Thursday the pre-budget outlook in terms of our economic and budgetary forecasts for the next several years. It is clearly the case and it has been widely noted that a drag exists on growth because of the reduction that has occurred in the residential property market over the past number of months. That will be reflected in projections for next year and subsequent years.

In regard to the national development plan, I have always said it is important to maintain the capital programme because that is the way in which the productive capacity of the economy can be expanded. If one looks at the national development plan, one will see an indication of increased investment on the capital programme next year *vis-à-vis* this year because that is how we have set it out.

Deputy Joan Burton: My question concerned current spending.

Deputy Brian Cowen: It is interesting that the Labour Party spokesperson on finance is saying that we are spending too much on public services when the critique before the election was that funding was inadequate.

85. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the extent of the deterioration in the public finances since budget 2007 was presented; and the implications for Government policy ambitions. [23771/07]

Deputy Brian Cowen: The Exchequer account recorded a deficit of €3.1 billion in the first nine months of the year compared to a deficit of €136 million in the same period last year.

While the Exchequer balance at the end of September had worsened in comparison to the same period in 2006, this was not unexpected. The budget day forecast was for an Exchequer deficit of €546 million in 2007 compared to a surplus of almost €2.3 billion last year. The extent of the deficit so far this year is somewhat more than anticipated and is due largely to tax revenues being €490 million below profile and expenditure being €274 million above profile at this stage.

As indicated at the end of September's Exchequer returns, there is likely to be a shortfall in overall tax revenues this year of up to €1 billion reflecting developments in taxes such as those relating to the property market. While this will be offset to some extent by positive developments on other elements of the Exchequer account, an Exchequer deficit of up to €1 billion rather than the budgeted deficit of €546 million now seems likely.

While taxes are likely to be below profile this year, it must be remembered that we still expect to collect more than €48 billion in overall tax revenue this year, which is an increase of approximately 5.5% on last year's very strong performance. This significant level of tax revenue enables the Government to continue to provide for improved day-to-day public services, as well as contributing towards the cost of the roll-out of the national development plan.

It should be noted that the public finances remain in good health generally. On the European measure, a general Government surplus is likely to be recorded again this year, the tenth year in the past 11 that this has been the case. This is an impressive performance by any standards. The debt-to-GDP ratio is likely to remain at the second lowest in the euro area, in line with the Government's long-term priorities.

Later this week, I will publish my pre-budget outlook which will set out in more detail the emerging revenue and fiscal position that we face. This will be an important step in the delivery of a unified budget.

Deputy Richard Bruton: I wish to probe the issue in regard to housing as the cause of the fall in receipts. The Tánaiste predicted during the weekend that approximately 65,000 houses will be built, which represents a drop of almost 30,000 from the peak. Does his Department concur with the analysis that the impact on revenue of such a fall would be €1 billion for every 10,000 houses,

or €3 billion? Are we facing a €3 billion shortfall in next year's revenue, compared to this time last year? That shortfall does not even take into account stamp duty, which pertains to second-hand sales.

In its manifesto, the Government set out spending commitments for 2008 of €2 billion to cover issues such as indexing, taxes and reducing PRSI, as well as 4,000 new teachers and 2,000 gardaí on a phased basis. Is the Government now in a situation where it will have to postpone those commitments or will it proceed with them?

Deputy Brian Cowen: With regard to the programme for Government, it involves a five-year term. The programme for Government was based on the assumption of being able to achieve an average annual growth rate of 4.5%. We may not achieve that rate next year but the programme should be considered over the five-year period. This is all predicated on maintaining an overall budgetary policy of broad budgetary balance which is important in sustaining existing improvements, quite apart from making the right choices regarding other elements one might wish to introduce consistent with having a responsible budgetary policy.

On housing output, based on demographics one would expect that a sustainable level of housing output, once the adjustment that is under way has been made, will be between 60,000 and 70,000 per year. The question of when this adjustment will be completed is still being examined. The measure of housing output mentioned by the Deputy is broadly correct. The shortfall in stamp duty at the moment is around €400 million but one should remember that excise duties and capital taxes comprise around 15% of total tax revenue while the big four taxes constitute at least 84%. This is the context for this matter.

Deputy Richard Bruton: I am sure the Minister is aware that while he says the shortfall in stamp duty is €400 million all of this occurred in the past four months. This is an indication of a rapid deterioration in stamp duty. The Minister has accepted the €1 billion per 1,000 new starts and this suggests there may be tax difficulties next year. Does he anticipate revising the manifesto commitments in some respects so that we would have a more realistic view of what the Government now believes can be achieved with the revenue that is likely to be available?

Deputy Brian Cowen: We are in the first six months of a new administration. Certainly, there will not be the added buoyancy in tax revenues that applied in the past and an adjustment is taking place in the residential housing market that must be completed to allow for a soft landing. The sustainable level of housing output, based on demographics, demand and so on, is reckoned to be between 60,000 and 70,000 per year. We must examine, therefore, the manner in which this

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adjustment can take place in a way that does not militate against the continuing health of the property market. This is something we can do based on the economic fundamentals that exist because it is clear that we cannot consider a continuing housing output of 90,000 per year, as was the record set last year.

Our projections in the last budget for the performance of the economy this year allowed for housing output to be eased to a level of around 70,000 to 75,000, rather than the output level of 60,000 to 65,000 that is expected now.

Decentralisation Programme.

86. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if the abandonment of a proposed decentralisation project by him represents a shift in Government policy on decentralisation; and the deadline he has set for implementation of the proposals on State Agencies. [23772/07]

Deputy Brian Cowen: There is no shift in Government policy on decentralisation. The programme states that the Government will continue to move ahead with decentralisation and ensure that no public servant is obliged to accept decentralisation against his or her wishes and that promotion opportunities remain available.

I assure the Deputy that this remains the case and that the Government has not abandoned any decentralisation project. I assume the Deputy is referring to the relocation of posts to Kildare town by the Office of the Revenue Commissioners. The Revenue decentralisation project to relocate 380 posts to Kildare town will go ahead. The chairman of the Revenue Commissioners wrote to me outlining some business continuity issues regarding the relocation of that office's full information and communication technology, ICT, function to Kildare town. I agreed in principle to an alternative mix of 380 posts for the Kildare location and have asked the chairman to submit a formal proposal setting out a revised mix of posts.

The decision to consider an alternative mix of functions that Revenue will relocate to Kildare town is further evidence that the decentralisation programme is vibrant and flexible enough to adapt to changing business needs as they arise in the detailed implementation phase while ensuring delivery of the commitment to the towns included in the programme.

With regard to the State agencies, the decentralisation implementation group, DIG, noted in its most recent report that the pace of progress on the State agency part of the programme continues to be slow. The Government has always recognised that this aspect of the programme presents different challenges from that of the Civil Service but is determined to make progress towards the objective of moving the State agency posts as announced. I anticipate considerable progress on

this element of the programme over the lifetime of the Government.

The decentralisation implementation group has always emphasised the central role of the board and management in each agency in driving the decentralisation programme forward. The group considers that all agencies should now, at a minimum, have initiated HR recruitment policies to support the programme, begun to put phased timeframes in place and be actively securing advance and-or permanent accommodation solutions in the decentralised location.

The Labour Court, in a recent recommendation relating to the dispute between FÁS and SIPTU, stated its belief that the policy of effecting decentralisation on a voluntary basis could best be achieved if individuals who are unwilling to relocate are provided with realistic alternative career options. The court went on to say that it believes that the appropriate authorities should address the issues arising in the broader context of decentralisation of non-commercial State bodies overall.

This aspect of the Labour Court finding is very much in line with the previously expressed view of the decentralisation implementation group. The Labour Court recommendation provides a renewed opportunity for both unions and management to address the relevant issues and my Department has been in contact with ICTU to explore how progress can be made on this aspect of the recommendation. As I have previously stated in the House, I remain confident that, through dialogue and negotiation, progress can be advanced.

Additional information not given on the floor of the House

In the meantime, the decentralisation information group has asked my Department to analyse each specific location to assess the overall number of posts to relocate, the full potential pool of applicants if transferability between agencies were in place in the future, the scale of the remaining staffing gap and available options for filling the gap. The group has also asked for an update on the scope for individual agencies to form advance parties in the new locations. In this regard, issues surrounding the costs and business effectiveness of a dual location over the transition period will need to be examined.

The group is also continuing with a series of meetings with the CEOs of individual agencies and the Secretary General of the parent Department in each case.

Deputy Richard Bruton: It is an innovation to see a proposal on decentralisation being abandoned because the business case for the proposal did not stand up under examination. Does the Minister agree that one of the problems with the decentralisation proposals as published was that no business case was presented for any of the

moves? Is that not, therefore, the reason we see zero progress with regard to the State agencies? The Government did not present or consider the business case. It is not surprising then that these agencies are moving at a snail's pace, as admitted by the Minister.

The Minister says "appropriate authorities" need to make suggestions about how the process can be moved forward. Is the Minister not the appropriate authority? It is up to him to make an offer on transferability of people working in State agencies so that some career possibilities are available for people who want to remain in Dublin. However, he has made no move whatsoever to break the logjam and that is the reason there is no progress on State agencies.

Deputy Brian Cowen: I would not agree there has been no progress whatsoever with State agencies. There has been some, but it has been slow. One of the reasons for the slow pace is the industrial relations issue outlined by the Deputy, which was only recently resolved in the context of a Labour Court recommendation between FÁS and SIPTU, when the issue arose in connection with FÁS.

With regard to the Revenue move to Kildare town, as the Deputy knows, the idea is to move headquarters, including ICT facilities, to various locations. The issue in this case was that the ICT unit was to be moved to Kildare town, while maintaining Revenue headquarters and staff in Dublin. The Revenue Commission brought this to my attention. It has been very successful in all its decentralisation processes to date and all its previous moves worked well. It is one of the best examples of what can be achieved with determination and good will to proceed. I was prepared to listen to the case put forward by the Revenue Commission, on the basis of an alternative mix, which would see up to 380 personnel move to the town concerned.

With regard to State agencies, the Labour Court now suggests that the appropriate authorities, which include people in my Department, the public service with responsibility for moving forward the process, the Irish Congress of Trade Unions, stakeholders, partners and the social partnerships, should consider the situation of State agencies generally, rather than segment each State agency to see how decentralisation can be brought about for it in isolation from the other agencies. The full range of infrastructural capabilities existing within the State agencies concerned should be considered. I believe this is a sensible approach.

The decentralisation implementation group has been suggesting this position. The problem was that we could not engage on the issue because of the outstanding industrial relations issue, which was before the Labour Court and the Labour Relations Commission over the past months and years. That issue has been resolved and certainty

has been provided to staff that nobody will be asked to move involuntarily and alternative career opportunities will be offered to those who do not wish to move. The only way we can advance beyond this is by taking up the second part of the recommendation of the Labour Court, which is to enable a discussion to take place that would examine everything taken together. Having written to congress and with congress meeting in executive committee, I am sure it will come back to me as soon as possible with suggestions as to how we can start that engagement, which I regret has not started already.

An Leas-Cheann Comhairle: I call Question No. 87 in the name of Deputy Richard Burton.

Deputy Richard Bruton: I wanted to ask a supplementary question.

An Leas-Cheann Comhairle: We are more than a minute over time. I will allow a very brief supplementary question and ask the Minister to be very brief in response.

Deputy Richard Bruton: The truth is that in some cases we have no volunteers for any of these programmes four years on, yet this process is supposed to be completed. The Minister has made no suggestion to the people he says have to make a move. It is up to him to do so. It is a Government programme, yet the Minister is making no suggestion to the people concerned. That is the problem. The Minister must show leadership; it is not for the Irish Congress of Trade Unions to deliver Government policy.

Deputy Brian Cowen: As the Deputy is aware, an initiative cannot be taken when an industrial relations issue is the reason no one is engaging. That issue has now been dealt with. I have written to the Irish Congress of Trade Unions and asked for discussions to take place quickly.

Regarding the agencies involved, they have established a presence at nine locations, although not to the degree one would seek.

Deputy Richard Bruton: They are all new recruits and staff on promotion. That was never the intention of the decentralisation programme.

Deputy Brian Cowen: The intention was to move that many posts out of Dublin, including existing, new and recruitment posts.

Tax Code.

87. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the implications of recent moves in the EU to create a new basis for calculating corporate tax liabilities; and if he will make a statement on the matter. [23773/07]

Deputy Brian Cowen: When discussing the plans that the European Commissioner for Tax-

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ation and Customs Union has for a common consolidated corporate tax base, it is important to not only address the implications for Ireland but also to address the implications for the European Union as a whole. It is also important to note that as of now only technical work is under way; the Commission has not made any final proposal, the Council has not considered any proposal and many member states are opposed to or sceptical towards the proposition in general.

The implications of the proposition, as we understand it, are that if such a proposition were implemented, it would offend against the principle of national sovereignty in fiscal matters and create serious potential difficulties at national and EU level. In terms of general principle, the position of the Government is clear and well understood. The right to choose how one is taxed is not a matter only of economic or industrial or social policy but also a civic right of the citizens and taxpayers in a member state. In this way, each member state can decide on its overall level of public expenditure and how this will be financed.

As regards practical implications, greater tax harmonisation could lead to the creation of a less competitive, high tax economic entity in regard to other economic blocks. A less competitive European Union means that business will move out of Europe and the competitiveness of the Union would suffer. Moreover, the most likely “sharing mechanism” under the common consolidated corporate tax base would dole out the taxes from multinational firms not on the current basis of where they are located but on the basis of a formula based on assets, sales and payroll expenses — factors that better reflect “old” rather than “new” types of industry. This would also mean that profits generated through the production of goods and services in, for example, Ireland would be at least partially taxed in other member states — export oriented member states would suffer under such a system.

The common consolidated corporate tax base would be inflexible. It would hamper individual member states from taking account of local needs, while making it extraordinarily difficult for Europe as a whole to adapt to changes in the international business and technological environment in the global business cycle. Under the common consolidated corporate tax base, agreement would have to be reached by all participating member states if one participating member state wished to change any part of its corporate tax rules.

Although it is argued by proponents of the idea that each member state could retain discretion over its national tax rate, the effect of the operation of the “sharing mechanism” would be that each internationally oriented firm would be taxed at a whole range of different rates in different member states — no member state would retain

discretion to determine the actual tax rate for its firms. In other words, national tax policy would not be replaced by an EU policy; in fact, there would be no policy at all. This would probably then be used as an argument for an EU level single tax rate.

Information not given on the floor of the House.

The other “antidotes” suggested to the inflexibility inherent in the common consolidated corporate tax base proposition are that some decisions would be made in committees by qualified majority voting and even that there might have to be some co-ordinating EU tax authority. These would be ineffective mechanisms in terms of policy flexibility which would further erode national choices. The real antidote to tax policy inflexibility is to retain national discretion.

It should also be remembered that European member states not only compete for FDI with each other but also with countries outside the European Union. Higher corporate taxes and less flexible systems would lead to reductions in foreign direct investment, especially in smaller more peripheral economies.

None of this means that we are opposed to working at EU level to improve the business tax environment through the elimination of barriers to trade within the Internal Market. In common with a number of other member states we actively support the work of the Commission in addressing real priorities such as VAT fraud and place of supply, the work of the “Code of Conduct Group” in relation to harmful tax practices, the removal of financial services barriers, and other areas where the Single Market can be completed to the benefit of all of the European Union.

The Government, in co-operation with other member states, will continue to engage with the European Commission in a constructive and positive manner in regard to tax matters — that is the role of responsible EU members — but we will also uphold the principles in which we and others believe, in terms of subsidiarity, national discretion and competitiveness.

Deputy Richard Bruton: At the weekend the Minister described economists as highly dangerous people and quoted Leonid Brezhnev. I presume it is that source that is designing this—

Deputy Brian Cowen: The Deputy knows that was a joke.

Deputy Richard Bruton: I do.

Deputy Brian Cowen: I always knew the Deputy had a sense of humour.

Deputy Richard Bruton: I presume it must be someone from that source whom he believes is designing this corporate tax structure. The Minister will be pleased to hear I agree with him when he suggests a system where, effectively, bureau-

crats will decide where profits arise and are taxable is unworkable and should not be accepted but I want to ask him about two points arising from his comments. The Minister indicated there is little support among member states for this proposal. At the same time, however, he is taking considerable time to address it in a major speech. Is he satisfied there is not growing support for some key states to move off individually to create this on their own? Has the Minister looked at the specific impact on Irish revenues if this new averaging system for calculating was put in place?

Deputy Brian Cowen: There is no formal proposal on the table. Technical work has been done at Commission level and has been brought to the ECOFIN Council from time to time. Commission Kovács indicates the level of progress but nothing definite has been suggested at this stage. Most people are courteous in listening to that, as we should be, not indicating outright disapproval since no proposal has been made yet. The work, however, continues and often it is interpreted that because the work is continuing, everyone will be happy at the end of the day.

I have consistently outlined the practical reasons that I do not agree with the proposal. There is a lot of work that should be done to improve taxation within the EU in terms of VAT fraud, the code of conduct and the introduction of a single financial services area. There are many issues with some prospect of an outcome that we should work on with the same determination but I am not convinced this will be approved by everyone. Unanimity will be required for its approval.

It is important that Ireland alerts all member states and the European Union. It is not just about how we see it, I honestly believe this is not good for Europe and would express that view in the context of any policy that is being formulated. There have been indications from this directorate general of the Commission that it would proceed with the proposition until there is something concrete. I have a problem with it. I have no specific calculations because there is no proposal in front of me but the Deputy can rest assured it would be detrimental.

Deputy Richard Bruton: Is it possible for a group of states to adopt the idea and proceed on their own once that group reaches a minimum size? Could it emerge without unanimity if a group agreed to strike out on its own?

Deputy Brian Cowen: It has been suggested, as a way of getting around the inflexibility inherent in the common, consolidated corporate tax base proposition, that some decisions would be made in committees by qualified majority voting and that there might be some co-ordinating tax authority across the EU. We believe those would be ineffective mechanisms in terms of policy flexi-

bility which would further erode national choices. The real antidote to tax policy inflexibility is to retain national discretion.

Other Questions.

Decentralisation Programme.

88. **Deputy Dinny McGinley** asked the Tánaiste and Minister for Finance if he has initiated consultation with ICTU regarding transferability between State bodies and between State bodies and the wider public service as an element in the implementation of decentralisation. [23604/07]

Deputy Brian Cowen: My Department has been in contact with ICTU seeking to get discussions under way on the range of industrial relations issues impacting on relocating State agency posts to locations outside of Dublin. I understand that ICTU is considering this proposal and I remain hopeful that meaningful discussions can take place on the full range of issues impacting on the relocation of the State agencies. I will not repeat what I said earlier.

Deputy Richard Bruton: It is 12 months since the decentralisation commission specifically asked the Minister to activate discussions with the Irish Congress of Trade Unions. From what I understand of the Minister's reply, however, all that has happened is that a letter was sent to congress and there has been no reply yet. That hardly represents alacrity on the part of the Government in trying to implement this programme, or am I missing something?

Deputy Brian Cowen: The Deputy is missing the fact that to have a discussion people need to engage. The industrial relations problem in FÁS was used as a reason engagement could not take place until clarification was brought to certain issues, which I would regard as self-evident.

Deputy Joan Burton: The Minister said that 1,000 employees in State agencies have indicated that they may want to move. However, is it not the case that resistance to the move in State agencies is so great that there could be considerable damage to the corporate memory and business efficiency of such agencies if enforced moves continue? Is the Minister's failure to have meaningful interaction with congress due to the fact that he has thrown in the towel as regards the State agencies?

Deputy Brian Cowen: On the contrary, no enforced moves are envisaged. The Government has always recognised that this aspect of the programme presents different challenges from that of the Civil Service. As the Deputy said, more than

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1,000 employees of State agencies have expressed a preference on the central applications facility to relocate with either another public service or Civil Service organisation. It is not unreasonable for these applicants to expect their applications to have been advanced by this stage. The Labour Court recommendation concerning the dispute between FÁS and SIPTU provides a renewed opportunity for unions and management to address the relevant issues. I would have thought the policy of non-co-operation could now be dispensed with on the basis of the Labour Court's recommendation. In the interests of fairness to everybody, those who do not wish to relocate received assurances on foot of that recommendation. As regards those who wish to relocate — there are 1,000 of them, although it is not as simple as relocating them willy-nilly — there is a need to engage on how best to address the issues raised by the Deputy. The Labour Court suggested the best way to achieve that is to examine State agencies generally to see how an accommodation might be reached for those agencies and the people who wish to relocate.

Deputy Caoimhghín Ó Caoláin: In the event that the decentralisation of State agencies is to proceed, how does the Minister envisage the practical outworking of the recommendation that workers not relocating would be provided with realistic alternative career options? Is it not unrealistic to consider people with specific, specialised roles and responsibilities as part of a multi-transferable workers' template between the various State agencies? Many such agencies have completely different focus points and purposes. It is most unlikely that people who have spent many years training and carrying out their specific functions in a State agency will find themselves comfortably fitted within another entity. What is the Minister's response to SIPTU, which represents 1,600 workers in State agencies, when, in light of all the information we have and the difficulties clearly signalled, it calls on him to abandon the proposal to relocate State agencies?

Deputy Brian Cowen: My response is that that is not the recommendation of the Labour Court, which we need to implement in full. The membership has once again received an assurance from the Labour Court that no involuntary transfers are envisaged and that those who do not wish to be transferred should be offered some alternative career options. The same Labour Court recommendation also states that there is a need to engage generally to see how we can move this issue forward.

As regards the Deputy's second point concerning the specialised nature of work, I understand there are specific challenges in this area, which is why we should have an engagement. Non-engagement achieves nothing, particularly for the 1,000

employees of those agencies who wish to relocate, not simply to other State agencies or the same State agencies but who are available to Civil Service organisations as well. The idea that there is a homogenous group of people who cannot be transferred is incorrect. I agree that there has never before been a culture of inter-transferability within State agencies, and there was not before there was decentralisation in the Civil Service either. That is the challenge. The experience of those who have relocated and transferred to other organisations is that it has been a good move to the benefit of everyone concerned. I have not heard anybody suggest otherwise. Rather than take the approach of non-co-operation, given that we have a recommendation, best industrial practice now dictates that we should proceed to an engagement on the issues.

Deputy Richard Bruton: If someone wants to move from the Ordnance Survey to Fáilte Ireland, for example, will that not require a Government decision to facilitate such a transfer? It would involve a transfer across Departments and would require the Minister for Finance's approval so is the onus not on him to bring forward some framework as to how these issues might be resolved?

Deputy Brian Cowen: My staff, the group and everyone involved in this process are available to discuss all those issues. What has been absent has been engagement.

Deputy Richard Bruton: The Minister has made no proposal as to how it will be resolved.

Deputy Brian Cowen: Proposals cannot be made in the absence of co-operation from all concerned and a commitment to resolve the problems. Up to now, we have had a stand-off. Indeed, the policy of non-co-operation has been stated on the SIPTU website, even in the aftermath of the Labour Court recommendation. Having got their clarification, it is time for us to get down to discussing the issues to see what can be resolved.

Tax Receipts.

89. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Finance the basis for his projection that tax revenue will be less than projected in budget 2007 and borrowing will be greater; and the implication of these trends for budget 2008. [23569/07]

Deputy Brian Cowen: At €31,462 million, Exchequer tax receipts to end-September were €490 million or 1.5% below profile. They were up 6.1% on the same period last year. Corporation tax and income tax both performed well, coming in at €296 million and €56 million above profile respectively, reflecting the health of the economy

generally. Receipts from each of the other main tax heads were below profile. Stamp duties were €401 million below profile, excise duties were €225 million below, VAT was €132 million below and capital gains tax was €107 million below. A significant amount of tax revenue is due for collection in the last quarter of the year, especially in November when a particularly large share of tax is collected annually from corporation tax, capital gains tax and income tax of the self-employed.

The performance of tax revenue in the coming months, particularly in November, will inform the position for year as a whole. As of now, a shortfall of up to €1 billion in taxes this year is the current estimate. However, this shortfall will be offset to some extent by positive developments on other elements of the Exchequer account and an overall Exchequer deficit of up to €1 billion now seems likely at year-end. The budget day estimate was for a deficit of €546 million this year.

As is customary, I will outline to the House in early December my budget for 2008. As an important first step I will publish my pre-budget outlook later this week.

Deputy Richard Bruton: What are the other revenue sources that will mean that an apparent deficit of €1 billion will only be off by €500 million at the end of the year? Has the Minister had cause to revise what his economists call elasticities concerning various taxes, in other words the relationship between growth in income tax and growth in incomes? Has he had cause to revise that in any way as a result of the experience to date?

Deputy Brian Cowen: Some of the offsetting issues relate to the cost of debt repayments. As of now, however, the deficit is estimated to be €1 billion over a projected estimate of €546 million at budget time.

Deputy Richard Bruton: The Minister is €1 billion off on tax and €500 million off on borrowing.

Deputy Brian Cowen: Yes, but we estimate that there will be some offsets in terms of debt repayment issues and NTMA issues. What was the Deputy's second point?

Deputy Joan Burton: Elasticity.

Deputy Richard Bruton: Yes.

Deputy Brian Cowen: This year, together with the Central Bank, the ESRI and others, my Department examined the question of how to improve forecasting in order to be as accurate as possible, not that we were very inaccurate. Obviously, it is always difficult to project or predict improvement in property markets, depending

on the extent of activity that occurs. I will receive that report shortly.

Deputy Joan Burton: What are the implications for budget 2008 of the trends the Minister has outlined? In last year's budget he promised that he would reduce the top rate from 41% to 40% and strongly indicated that he would ensure tax credits and allowances were kept in line with inflation. Does he now have room to effect those changes and will he make them?

Deputy Brian Cowen: Last year's points were made on the basis of maintaining current economic strength. In the first six months of this year the economy improved by 6.4% but there has been a different story in the second half. We will have to make decisions closer to budget time, when we know the outcome of revenue trends, where we stand on future expenditure levels, and how we will try to maintain a capital investment programme. There will be a moderation in day-to-day current expenditure next year compared to recent years.

Deputy Caoimhghín Ó Caoláin: The Exchequer returns to the end of September show a deficit in excess of €3.1 billion. The Minister hopes the shortfall in the expected returns at year end will amount to approximately €1 billion. Does he have any information that gives him confidence that there will be a windfall over and above in the usual upturn in receipts in the last quarter of the year? In the light of the lower than expected tax revenue what options is he considering? For example, will he borrow in order to fund some of the capital projects under the national development plan, rather than cut funding for essential public services?

Deputy Brian Cowen: We have had a strong budgetary position recently, bringing in surpluses in ten of the past 11 years, while also having an unprecedentedly large capital programme, enhanced by the national development plan, as well as increases in current expenditure. A significant amount of revenue comes in at the end of the year, in October and November, from the self-employed and in corporation taxes. We do not have a profile of receipts and expenditures month on month of the varying figures, taking into account that more than one quarter of our revenue arrives in the last six weeks of the year. That explains why one expects a significant reduction in the figure of €3.1 billion.

We had projected that tax receipts in 2007 would increase by 7.8% over last year's record levels. They were at a figure of 6.1% in the first six months but there will be a further drag going into the final three months. Even allowing for significant tax income in the last couple of months, on tax heads which are still holding up, we expect the total increase in tax revenue this year over last year to culminate at a figure of approximately

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5.5% based on the information we have available to us after nine months. We will have a more accurate assessment as we get close to the budget.

Having left a surplus position moving into a year such as this in which receipts, for example, from the residential property market have reduced, we expect to come in with a surplus this year. We can still provide for maintaining the existing level of services this year, already at a record high, and look to the unified budget proposal on 5 December, where we will take taxes and expenditures together, to see how we can maintain the level of output and keep unemployment levels as low as possible.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Tom Sheahan — the direction given the board of management of a school regarding the implementation of an Irish only policy; (2) Deputy Bernard Durkan — the site development costs of the subsidised sites at Easton Mews, Leixlip, County Kildare; (3) Deputy Thomas Broughan — the need for the Minister for Health and Children to address the decision of the Health Service Executive, HSE, to withdraw funding for new bed facilities at the Hamilton Park Nursing Home in Balrothery, Balbriggan on 3 October last when citizens, including a senior constituent who is a stroke patient and currently in the National Rehabilitation Hospital, have been arbitrarily deprived of much needed care and treatment at the Balrothery nursing home; and if the Minister will make a statement on this and other arbitrary health cuts by HSE senior management; (4) Deputy Paul Connaughton — the need for the Minister for Justice, Equality and Law Reform to address the matter of an increasing number of daring raids carried out in rural areas in County Galway in the recent past, many such raids involve people living on their own in remote rural areas and many of the break-ins seem to have been executed against a background of very detailed local knowledge which is causing great anxiety to people generally in the areas concerned; (5) Deputy James Bannon — the delay within the European Union for the approval of feed crops with a GM component; (6) Deputy Deirdre Clune — the need to increase services for those suffering from eating disorders; (7) Deputies Jan O'Sullivan, Aengus Ó Snodaigh — the dispute between the HSE and the Irish Pharmaceutical Union over charging policy for drugs; (8) Deputy Martin Ferris — the need for extra accommodation to be provided in the maternity unit at Kerry General Hospital; (9) Deputy Aengus Ó

Snodaigh — the need for the Minister for Health and Children to intervene in the pharmacy services crisis which has seen the treatment of approximately 3,000 methadone patients in the greater Dublin area disrupted and to find a real and lasting solution because the contingency plan in place is no substitute for the pre-existing dispensing arrangements in that it does not best accommodate the stabilisation requirements of addicts on the road to recovery many of whom have returned to education and employment which may now be jeopardised; (10) Deputy Kathleen Lynch — to ask the Minister for Health and Children if she is aware of the serious concerns that have been voiced by community child care groups regarding the new NCIP community childcare subvention scheme; whether she agrees that many community child care facilities will experience considerable financial shortfalls under the new funding guidelines and that this could lead to the closure of some facilities; whether she further agrees that working parents on low incomes will be penalised by the ending of the equal opportunities childcare programme, EOCP, as the new NCIP subvention scheme is only available to social welfare recipients or those on family income supplement and will she make a statement on the matter

The matters raised by Deputies Jan O'Sullivan and Aengus Ó Snodaigh, James Bannon, Tom Sheahan and Bernard Durkan have been selected for discussion.

Leaders' Questions.

An Ceann Comhairle: Ceisteanna na gceannairí, an Teachta Kenny.

Deputy Enda Kenny: Tá Gaeilge ana mhaith ag an Cheann Comhairle.

This is breast cancer awareness month and it seems the Government hides behind the Health Service Executive as some remote agency which seems suddenly to implement Government policy without reference to the human cost. The health service was defined as being necessary to cure people and help when they needed health-based assistance, not just as an employment measure. I read the letter from Susie Long — God rest her — who was recently laid to rest, in which she described what she went through waiting seven months for a simple colonoscopy. There was another letter in the daily newspapers last Saturday with the description by a mother of how her child had gone through serious difficulties sitting on a hard chair in an accident and emergency unit all night.

It is three years since the Minister for Health and Children announced her famous plan to resolve the crisis in accident and emergency units but this is not much better, save in a few cases. There is no connection between what the Government says about having a world class health service and how it impacts on people and

the reality expressed in communications to every Deputy, members of the Taoiseach's party included. Last week Navan hospital announced the closure of an orthopaedic ward for December. The response of the Minister for Health and Children's was to say this was no big deal because only six operations were being cancelled. In fact, the number is likely to be 200.

We hear that there are home care packages available for everybody, yet the National Rehabilitation Centre in Dún Laoghaire cannot discharge patients because there are neither home care packages nor care available when needed. We hear the same story over and over from the Minister and her Government colleagues. The HSE is doing the Government's job but there is no connection between the reality of people's lives and what Ministers tell us. This was very different for Susie Long, for those who have been waiting for hip operations, and the children or elderly sitting on hard chairs in accident and emergency units. The response for breast cancer awareness month is to have a frenzy of decisions to close down treatment centres. No one can defend an inferior service but where services are available, they should not be taken away in the absence of a better alternative. How much further must we go before the world class health service of which the Taoiseach speaks is available?

The Taoiseach: This is breast cancer awareness month. The Department of Health and Children, the Cabinet committee on health and the HSE management work closely together. It is a big service that spreads throughout the country. Deputy Kenny has raised different aspects of it. I will confine my reply to breast cancer services. The development and improvement of diagnostic and treatment services for cancer patients, including breast cancer patients, is a major priority for the development of cancer services nationally. We have allocated a large amount of resources to the development of services for symptomatic breast cancer disease nationally. Practically all of those resources are for staff. I accept the BreastCheck service is not yet available everywhere, but we are committed to ensuring that it is rolled out to remaining regions in the country as quickly as possible.

In January this year the National Cancer Screening Service Board was established. This amalgamated BreastCheck and the Irish Cervical Screening Programme to deliver programmes nationally. BreastCheck will commence its roll-out this month. We have also allocated resources this year to meet the additional costs of that national roll-out, bringing its budget up to more than €20 million. A total of 111 posts have been approved and recruitment is under way. We have allocated capital funding of almost €27 million which has been allocated for two clinical units, seven additional mobile units and the provision of state of the art digital equipment. Construction

is under way on both these sites. Both are static sites, one in Galway, one in Cork.

Deputy Pádraic McCormack: Does the Taoiseach believe all of that?

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

The Taoiseach: BreastCheck is currently available in 15 counties in the eastern, north eastern, midland and parts of the south-eastern and western regions. BreastCheck has reported a very high volume of screening activity in 2006. Approximately 64,000 women were screened last year. That is a significant increase on the previous year. Screening has detected several hundred cancers.

The Minister has recently approved a national quality standard for symptomatic breast disease services under the Health Act 2007. These are, essentially, the standards under the national cancer control strategy. This will ensure compliance with the standards. The Minister has also called on hospitals in the independent sectors to take steps to ensure that BreastCheck complies with these standards. The Department and Barrington's Hospital continue to work closely together on the terms of reference and the progression of the review of symptomatic breast disease services under the auspices of Barrington's Hospital. That review is to be completed at the end of this month and any patients identified as needing further diagnostic or therapeutic interventions in the course of the review will be informed of this and referred promptly to the hospital for such intervention.

I know there are problems. Deputy Kenny mentioned the death of Susie Long last Friday, and how she fought her case and obviously felt let down by the system.

Deputy Jim O'Keeffe: She was entitled to feel so.

The Taoiseach: I followed what she said about how her diagnosis was handled given that she was a public patient and not a private patient, an issue about which she felt strongly. It is regrettable that the system did not live up to the standards in that case, as has been clearly put forward.

Deputy Pádraic McCormack: There are thousands more such cases.

The Taoiseach: I extend my sympathy to the family of Susie Long on her death.

Deputy Jim O'Keeffe: She was kept waiting seven months for a colonoscopy.

Deputy Enda Kenny: Is the Taoiseach aware that there are nearly 600 whole-time staff members in the Department of Health and Chil-

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dren at a cost of €30 million a year? This is breast cancer awareness month. Breast cancer services at Ennis Hospital have been closed. The service in Galway has been reduced to three days a week. The closure of several hospital treatment units has been announced where little activity was taking place. There is no argument about that. The frenzy of closures is now spreading to places such as Drogheda, Sligo, Mayo General, Wexford and Kilkenny.

I have two simple questions. First, will the Taoiseach or the Minister for Health and Children give an assurance on the floor of this House that no service will be withdrawn from the five centres I mentioned until the centres of excellence are built, staffed and financed, and are in operation and in a position to supply a better service and quality of care for patients than we have now, and until it is proved that what the Government is now doing in closing down centres wholesale in a frenzy will not result in women in particular having to wait long periods for assessment, treatment and aftercare?

Second, the HSE is the Government's creature and implements Government policy. Can I take it that the policy of the Government is to treat all cancers in the same manner and that there will be no distinction between those receiving potentially curative care and those receiving palliative care? Yesterday, I listened to a senior executive of the HSE imply that there will be a distinction and that persons who are to receive potentially curative care will be treated in one place while those receiving palliative care will be treated elsewhere. Will the Taoiseach confirm that the Government's policy is to make no such distinction? Thousands of ward sisters all over the country who do a wonderful job with either category give of their best. I do not want to hear the HSE executives, the creatures of this Government, applying a determination that will split types of services for people afflicted with cancer.

The Taoiseach: In reply to the Deputy's first question, I have given the facts in regard to the resources that have been allocated and the policies of the Department of Health and Children. Far from cutting back on breast cancer services, we have approved 111 additional posts, recruitment for which is under way. On the capital side, two new clinical units, seven additional mobile units and state of the art digital equipment have been provided.

Deputy Pádraic McCormack: What about the embargo?

The Taoiseach: The construction of the two static sites in Cork and Galway, approval for which was given a year ago, is under way and they will be completed this autumn. On the overall question, clinical decisions on cancers are made

by consultants. I cannot say what clinical decisions will be made in any particular hospital.

Deputy Enda Kenny: They are made by the HSE.

The Taoiseach: The HSE administration cannot do that either. The clinical and medical directors make such decisions. The HSE recently announced the appointment of Professor Tom Keane as the interim director of the national cancer control programme. His function is to lead and manage the establishment of a national cancer control programme. The delivery of cancer services on a programmatic basis will serve to ensure that we get equity of access to services and equality of patient outcomes. I accept that is important irrespective of geography. Investment in cancer control will be based on the reform programme now being implemented by the HSE. I know Deputy Kenny supports that reform programme, as I do. The implementation of the national cancer control strategy is a priority of Government. It is the policy of the Government. The reorganisation of cancer services is at the heart of the delivery of the strategy. It is imperative that the decisions of the HSE in regard to the designation of the four managed cancer control networks and the eight centres are implemented without delay. That is our policy.

I have noticed that every little effect on the service around the country under the HSE budget of €14 billion, which caters for 120,000 people, is being faxed to me, as it is to the Deputy and to every Member. This concerns a 1% control on the HSE's annual budget, based on its national strategy, and represents a small amount of the overall resources.

Deputy Seymour Crawford: It hurts the poor.

Deputy Noel J. Coonan: It affects 25% of patients.

The Taoiseach: I have read four or five such notes today.

Deputy Jim O'Keeffe: There were no cutbacks before the election.

The Taoiseach: It is not a cutback when a body goes over its budget of €14 billion. The HSE has a service delivery budget.

Deputy Pádraic McCormack: Is the HSE working?

The Taoiseach: I am not involved in individual cases but, at times, people look around to find the emotive angle rather than any other. We are talking about the HSE being 1% over budget. With the small amount of resources involved, for a short period in the year, everybody should do

their best to ensure sensitive services, of which cancer is just one, are not affected.

Deputy Seymour Crawford: What about the removal of home help for the elderly?

Deputy Eamon Gilmore: Susie Long was a very brave woman who has done this country a great service. Her e-mail to Joe Duffy last January, which is reprinted in full in today's *The Irish Times*, is probably the most compelling narrative we have seen about what is wrong with our health service. She describes how she had to wait for seven months for a test which could have been carried out in three days and describes the disgusting conditions she had to endure at the Mater Hospital while she was a patient there. The Taoiseach is wrong. Susie Long did not blame the system — Susie Long blamed the Government. I will read from her e-mail, which she wrote when she was, admittedly, angry:

I've finally reached the angry stage, I guess. Who am I angry at? I'll tell you, Joe. The health service has been in the hands of Fianna Fáil and the PDs for years and all they can think to do is put resources into privatisation. They don't have the ability to change structures in the public sector that would put more resources toward patient care.

Why did Susie Long have to wait seven months for a test that could have been carried out in three days? Why, if medical science, hospitals, consultants and doctors are in a position to carry out a test or procedure for a patient who is insured or who can pay directly, do public patients have to wait for months for the same service? After more than ten years heading this Government, what is the Taoiseach doing to put that right?

The Taoiseach: It is deeply regretted that any patient referred to a hospital with possible symptoms of cancer was subjected to a delay in diagnosis.

Deputy Damien English: It is normal practice.

The Taoiseach: As we know, the earlier the diagnosis of a cancer is made and treatment commences, the better for the prognosis. The Minister has been assured by the Health Service Executive that any patient referred to St. Luke's for an endoscopy which was considered urgent by a doctor is given an urgent appointment and is seen within a week or two. That is the stated policy of the organisation. Urgent cases are forwarded daily, directly to the medical consultants, for prioritisation and general practitioners are encouraged to make contact directly with the medical consultant. That is how the system is meant to operate and how it normally operates but it did not do so in this case, which I acknowledged earlier this year. The system should have

allowed Susie Long to be given a diagnosis and that should have been the case whether she was a public or a private patient.

Deputy Pádraic McCormack: It is not the case.

The Taoiseach: Very regrettably, it was not. Susie Long concluded, from her conversation of that day, that it was because she was a public patient. I can understand that, but that is not the practice or the policy.

I do not want to repeat the data to Deputy Gilmore but enormous resources are being put into the health services. In the period I have been Taoiseach, they have increased from approximately €3 billion to €15 billion.

Deputy Damien English: The country has changed.

The Taoiseach: Most of that figure goes towards staff, with almost 120,000 staff employed to provide services in what is a relatively small country.

Deputy Noel J. Coonan: The Government is getting rid of them now.

The Taoiseach: I have acknowledged some of the services which we do not have but resources are being prioritised and given to certain services such as those related to cancer. BreastCheck alone has received €60 million in additional funds in the past decade. As part of the capital programme, €27 million was spent on services last year.

Deputy Pádraic McCormack: Why are they not working?

The Taoiseach: Resources are improving services but is it perfect? Are there services in every part of the country? At this stage there are not but I have outlined why the reform programme is necessary. One of the aspects of the reform is based on the continuous advice that we are better having centres of excellence in fewer locations, where all ancillary services and all the medical and surgical facilities are available in single campuses. It is hard for people to accept that because they believe it is better the services be as close as possible to their own homes——

Deputy Liz McManus: That is not the point.

Deputy Damien English: They are afraid they will not get into the hospitals.

Deputy Olwyn Enright: People are fed up waiting.

The Taoiseach: ——but that is not the advice of any international group which has looked at the matter. The Health Service Executive is doing

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its utmost, as are we by committing resources to assist in that regard.

Deputy Liz McManus: Is that why we have a staffing crisis?

The Taoiseach: The HSE has approved over €5 million to build a new 24-hour day-procedure purpose-built colonoscopy unit at St. Luke's in Kilkenny. It is putting in the resources for the facilities to provide the services to which Deputies refer.

Deputy Eamon Gilmore: The Taoiseach's answer is a total red herring. First, how does one know a case is urgent until one carries out the test? This woman was looking for a test to be carried out to establish her condition. To suggest there can be an urgent and non-urgent list, as if GPs, to whom patients present in the first place, can, without the benefit of the diagnostic tests, make such judgments in advance, is absolutely absurd. If it is suspected that somebody has cancer, to the extent that they need a test for the disease, that is pretty urgent and they should not have to wait seven months for that test.

There is a problem in the way the Taoiseach looks at the health service. He looks at it from a completely different perspective from the people who experience it. He looks at the health service from the perspective of reports, advice, the HSE and budgets, etc, but the people who have to use the health service see it from the other end. They see it from a plastic chair in a waiting room. From that point of view they are seeing a service which they expect to receive and are not getting. I accept that the Government is spending more than €14 billion per year on the health service and that 120,000 people are employed in it. However, with a population of slightly more than 4 million, it must be possible to organise the service so as to avoid the continuing problems we experience day in and day out.

The tragic case of Ms Susie Long is not a lone one. People tell us every day of their experiences waiting for procedures and tests. The issue, which after ten years in office the Taoiseach has not addressed, is the provision of a health service to which everyone has access, regardless of ability to pay, possession of insurance or appearance on one list or another. Anyone who needs a service should be able to access it reasonably quickly. No one should have to face the awful circumstances endured by Ms Susie Long and eventually expire.

The Taoiseach: The Minister for Health and Children has been assured by the Health Service Executive that any patient referred to St. Luke's Hospital for an endoscopy and considered urgent by her doctor will be given an immediate appointment and seen within one or two weeks.

I do not look at the health service from a strange or different perspective from Deputy

Gilmore. I hear what patients are saying and I also hear complaints. Improvements are required. Annual capital investment to improve services and facilities amounts to €500 million. In some cases reforms are necessary. These are well documented. The HSE and the Department of Health and Children have spelled out where reforms would systematically help the health service in areas where there are difficulties. For example, they believe centres of excellence and the grouping of consultants and facilities would lead to a better service, which brings its own controversies.

Availability of staff is also an issue. The health service must be available 365 days a year. It is not a 35 or 39 hours a week service. Extra staff are needed at key times. Reforms are required and we are trying to implement them at all staffing levels.

I acknowledge that many complaints are genuine and that upsets or even fatalities are suffered by patients. Nevertheless, when patients, as distinct from commentators, were asked about the health service, 76% of inpatients said they were admitted to hospital immediately upon being told they needed admission.

Deputy Pádraic McCormack: If they got that far.

The Taoiseach: In response, 11% said they were admitted within one month and 4% within three months; 76% of non-GMS patients were admitted to hospital immediately they were told they needed admission; 83% of hospital inpatients felt they had been treated with dignity and respect; and 64% of inpatients and 54% of outpatients rated their experience as excellent.

Deputy Damien English: The Taoiseach is a joke.

Deputy Fergus O'Dowd: What about MRSA?

The Taoiseach: There are difficulties but one should not try to paint a picture which puts fear into people who are going into the hospital service when those in hospital rate the service as very good. One should not turn the health service into a fear issue.

(Interruptions).

The Taoiseach: I acknowledge difficulties where they occur but these are the facts as given by 3,500 people who were beneficiaries of the health service. They did not all say they were satisfied but a high number, by international standards, commended the service. We will continue to deal with areas where there are difficulties.

Deputy Leo Varadkar: Did they survey the ones who died?

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 32.

Deputy Paul Connaughton: I seek the adjournment of the Dáil under Standing Order 32 to discuss the urgent matter of the undesirability of Brazilian beef being allowed enter the food chain within the European Union, particularly in Ireland, given that standards and compliance rules governing Irish farmers are higher and more transparent than those to which their counterparts in Brazil are subject. Is the Government aware that the Food Safety Authority is not fully implementing the legislation which demands that country of origin labelling is brought to the notice of all patrons in hotels and restaurants? Is the Minister for Agriculture, Fisheries and Food aware that Irish weanling producers are losing more than €100 per head compared with this time last year as a result of Brazilian beef imports into the European Union?

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the Minister's plans to increase the number of places in primary schools, as it is shameful to see young children who should be starting school denied access. Junior infants places in the midlands are at a worryingly low level. Numerous parents in Longford-Westmeath are being denied places for their children.

Deputy Martin Ferris: I seek the adjournment of the Dáil under Standing Order 32 to discuss the need to provide extra accommodation and an additional consultant in the maternity unit of Kerry General Hospital to cope with the greatly increased demand which has seen the number of deliveries increase by almost 20% to 1,800 in the past year. Funding must be made available to ensure this is possible.

Deputy Fergus O'Dowd: I seek the adjournment of the Dáil to discuss an issue of national importance, namely, the tragic death of Ms Katie Moyles, the young mother who lost her life in the multiple car pile-up that occurred in terrible driving conditions on the M7 motorway last March, and the urgent need for permanent overhead signs on all major roads to warn motorists of serious accidents or dangerous conditions ahead.

Deputy Aengus Ó Snodaigh: I seek the adjournment of the Dáil to discuss the following matter requiring urgent consideration, namely, the urgent need for the Government to intervene in the pharmacy services crisis which has seen the treatment of approximately 3,000 methadone patients in the greater Dublin area disrupted on

foot of pharmacists' decision to withdraw from dispensing this essential service, by entering into talks with pharmacists to find a solution. The contingency plan in place is no substitute for the pre-existing dispensing arrangement, in that it does not best accommodate the stabilisation requirements of addicts on the road to recovery, many of whom have returned to education and employment which may now be jeopardised.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32.

Order of Business

The Taoiseach: It is proposed to take No. 12, statements on the European Union reform treaty, and No. 13, Land and Conveyancing Law Reform Bill 2006 [*Seanad*] — Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the adjournment of Private Members' business which shall be No. 20, motion re road safety, which shall be taken for 90 minutes at 7 p.m. tonight, or on the conclusion of No. 12, whichever is the later; and (2) the proceedings on No. 12 shall, if not previously concluded, be brought to a conclusion at 8 p.m. tonight and the following arrangements shall apply: (i) the statements of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed 20 minutes in each case; (ii) the statements of each other Member called upon shall not exceed ten minutes in each case; (iii) Members may share time; (iv) a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. agreed to? Agreed. Is the proposal for dealing with No. 12 agreed to? Agreed.

Deputy Enda Kenny: Today is World Food Day with 150 countries around the world signing up to a commitment on The Right to Food at a time when some 850 million people are dying from chronic hunger and others are suffering from obesity. Is there in place a legislative proposal to mark Ireland's contribution to this crisis which continues to worsen as the population increases?

No. 36 on the Government's legislative programme is the George Mitchell Scholarship Fund Act 1998 (Amendment) Bill which proposes to facilitate an increase in Ireland's contribution to the fund during the next five years. Surely this does not require a legislative base and there exists another mechanism through which funds to a

[Deputy Enda Kenny.]

scholarship can be increased. No. 49 on the legislative programme is the mental health amendment Bill. I read recently reports of young children with psychiatric problems being placed in adult mental health institutions. This is not the type of Ireland we want in 2007.

In this regard, when will provision be made for children with psychiatric problems who do not deserve to be placed in adult psychiatric institutions? This should not be happening in this day and age.

The Taoiseach: On the first issue, Deputy Kenny is aware that a task force on world hunger has been established. A number of prominent people are working in this area. The task force is doing useful work with the resources contributed by Ireland through the ODA budget. Our current contribution is more than 0.5%.

On the two legislative measures, the George Mitchell Scholarship Fund Act 1998 (Amendment) Bill is to allow for an increase in resources. It is a five year programme and it requires a statutory base.

The mental health amendment Bill seeks to empower the Health Information and Quality Authority, HIQA, to monitor and ensure compliance with the standards of assessment based on the 2001 report of the review body of mental health. Quite a number of centres cater for adolescents on a day basis and allow them home again rather than institutionalise them.

Deputy Eamon Gilmore: The programme for Government contains a commitment to a carbon budget in addition to the normal finance budget delivered each year. Related to this are suggestions or indications in respect of the introduction of carbon taxes. Is it intended that the carbon budget will be introduced by the Minister for Finance as part of the overall budget or will it be introduced separately by the Minister for the Environment, Heritage and Local Government? Arising out of this does the Government intend such carbon taxes to be introduced to the House by the Minister for Finance or the Minister for the Environment, Heritage and Local Government? When is this likely to happen? We know on what day the budget will be delivered. Will the Taoiseach indicate what will be the timetable and choreography in this regard in terms of the arrangement of business in the House?

An Ceann Comhairle: As I indicated previously, the Standing Order is quite specific. A question may be raised on promised legislation. This applies equally in respect of a Supplementary Estimate or the seeking of a debate. The question must relate to promises made.

Deputy Eamon Gilmore: It is promised in the programme for Government.

An Ceann Comhairle: If it is promised in the programme for Government, I will allow the Taoiseach to answer the question.

The Taoiseach: The programme for Government states the Tánaiste and Minister for Finance will present an outline carbon report, referred to as a carbon budget, in conjunction with the annual financial budget. It also states the Minister for the Environment, Heritage and Local Government will follow the carbon budget with a report that outlines to the House our use of energy in the preceding year, the progress made in meeting the reduction targets and Government plans to meet the targets in the following year. This is what is stated in the programme. The Minister for Finance will announce details of the 2008 budget on 5 December. There will be no further discussion on the matter prior to this date.

Deputy Seymour Crawford: I wish to raise two issues. Does the Taoiseach agree that the collection of fines by gardaí is a waste of Garda time? Will he agree there is a need to bring forward the enforcement of fines Bill, which is No. 67 on the Government's legislative programme? I urge that this be done.

Does the Taoiseach condone the removal of a home help from a person who has been in receipt of it for the past ten years?

An Ceann Comhairle: The Deputy's question does not relate to promised legislation.

Deputy Seymour Crawford: This type of action drives people into nursing homes. In this regard, will the Taoiseach facilitate the introduction, as quickly as possible, of the nursing home support scheme Bill?

An Ceann Comhairle: The Taoiseach, on promised legislation.

The Taoiseach: The nursing home support scheme Bill will be introduced this session. I do not have a date in respect of the enforcement of fines Bill.

Deputy Caoimhghín Ó Caoláin: There has been reference already to the programme for Government. Will the Taoiseach facilitate a debate in this Chamber on the programme for Government? The Taoiseach would have to acknowledge that never has a programme for Government been so low key in its introduction. There has been little fanfare or heralding of it.

An Ceann Comhairle: Deputy Ó Caoláin must ask a question on the Order of Business.

Deputy Caoimhghín Ó Caoláin: I doubt if I have ever seen a photograph of the Taoiseach and his colleagues, the leaders of the respective parties in the coalition Government, namely,

Deputy Mary Harney of the Progressive Democrats and Deputy John Gormley of the Green Party, together. I would nearly defy the photographic media to present such a photograph at this point.

This coalition exists in name only: it does not present itself in this Chamber very often.

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

Deputy Caoimhghín Ó Caoláin: What we need is for these three alleged parties to a programme for Government to come in here and be party to a debate so that we on the Opposition side can listen to and scrutinise what they are saying and establish once and for all whether they are all singing off the one hymn sheet.

An Ceann Comhairle: The Deputy is not in order. I call Deputy Brian Hayes.

Deputy Caoimhghín Ó Caoláin: It is clear to many of us that they are not singing off the one hymn sheet. I put it to the Taoiseach that an opportunity exists to establish whether this programme for Government represents all parties.

An Ceann Comhairle: The Deputy is not in order.

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach facilitate a debate at the earliest opportunity?

An Ceann Comhairle: The Deputy is not in order. I call Deputy Brian Hayes.

Deputy Caoimhghín Ó Caoláin: A debate on the programme for Government is completely in order and the Taoiseach should indicate when he intends to facilitate such a debate in this House. I have no doubt that colleagues in the other parties—

An Ceann Comhairle: No, a debate is not in order.

Deputy Brian Cowen: The Deputy should get some rosin for his fiddle. He is out of tune.

Deputy Caoimhghín Ó Caoláin: Brian will fiddle while Bertie burns.

Deputy Brian Cowen: The Deputy should vary it a bit.

An Ceann Comhairle: I call Deputy Brian Hayes.

Deputy Brian Hayes: It is fair to say the staff of the Houses of the Oireachtas and the Ceann Comhairle should be congratulated on the establishment of a new parliamentary education prog-

ramme due to be rolled out during the next 12 months or so.

However, may I ask as a matter of courtesy to all Members of Dáil Éireann that the Ceann Comhairle's office inform the relevant Deputies of an impending visit by him on behalf of this House to their constituency? It is not acceptable for the Ceann Comhairle to visit a constituency promoting work with which we all agree while Deputies from that constituency are not present. In the interests of the Ceann Comhairle and of this House this should become standard practice before the roadshow continues in other parts of the country.

Deputy Seán Barrett: I am glad the Ceann Comhairle came to Dún Laoghaire first.

An Ceann Comhairle: That courtesy will be extended. However, we will not be putting up posters. I call Deputy Jan O'Sullivan.

Deputy Brian Hayes: With respect, I do not want the Ceann Comhairle to find himself in the same compromising position in which he found himself last week in Cabinteely.

An Ceann Comhairle: The courtesy will be extended.

Deputy Brian Hayes: This is an important issue.

An Ceann Comhairle: The courtesy will be extended. I call Deputy Jan O'Sullivan.

Deputy Jan O'Sullivan: The Cabinet will have had a chance to meet and to realise that the HSE embargo is hurting patients. Another example is that of the National Rehabilitation Hospital not being able to admit a person to its hospital today.

An Ceann Comhairle: Deputy O'Sullivan must ask a question.

Deputy Jan O'Sullivan: I want to again raise the issue of a possible Supplementary Estimate for the HSE because of the direct effect of the embargo on patients. The Minister for Health and Children said it would not hurt patients, but it is clearly hurting them. Has the Taoiseach considered introducing a Supplementary Estimate, given that the HSE embargo on recruitment is having a direct effect on patients?

An Ceann Comhairle: It is a matter for the Deputy posing the question to establish that a Supplementary Estimate has been promised but I am not aware that such an Estimate has been promised.

Deputy Liz McManus: We were promised that patients would not be affected.

Deputy Jan O'Sullivan: We were promised that patients would not be hurt, a Ceann Comhairle. We now know that patients are being hurt.

An Ceann Comhairle: I am merely implementing the rules. I am not aware that a Supplementary Estimate has been promised in this matter. Perhaps the Taoiseach will confirm whether there was and that will dispose of the matter.

Deputy Jan O'Sullivan: Perhaps the Taoiseach will tell us if that issue will be addressed?

The Taoiseach: No.

Deputy Jan O'Sullivan: It is quite clear there are constant examples every day of patients——

An Ceann Comhairle: No, there is not. That statement is out of order. I cannot do anything about it.

Deputy Charles Flanagan: I acknowledge the Ceann Comhairle's reply to Deputy Hayes. It is important that the Office of Ceann Comhairle is not perceived as partisan and politicised because of the manner in which he tours the country.

Will the Taoiseach confirm that the privacy Bill which was closely associated with the Defamation Bill currently before the Seanad, has now been decoupled and will not appear before the House, in accordance with a statement made by the Minister for Justice, Equality and Law Reform at the weekend?

The Taoiseach: It is ordered for Second Stage, but I do not know when it will be taken.

Deputy Charles Flanagan: In response to a public statement made by the Minister for Justice, Equality and Law Reform, it appears that the Bill is not being proceeded with. Will the Taoiseach seek clarification from the Minister and inform the House as to what is the present position?

The Taoiseach: If the Deputy tables a question to the Minister, I am sure he will tell him. I am saying the legislation is included in the legislative programme and ordered for Second Stage.

Deputy Charles Flanagan: Therefore, it is going ahead.

The Taoiseach: If the Deputy wishes to table a question to the Minister, he can do so.

An Ceann Comhairle: He has asked a question on the Order of Business and the Taoiseach has responded.

Deputy Olwyn Enright: Following another leak from the Department of Social and Family Affairs with the express intent of engaging in criminal activity, will legislation be brought

before the House to ensure stricter penalties are imposed on civil servants who abuse their position? Has the Taoiseach sought a report from the Minister for Social and Family Affairs?

An Ceann Comhairle: Is legislation promised in this area?

Deputy Olwyn Enright: This affects the integrity of the entire Civil Service. I wonder has the Taoiseach sought a report from the Minister on the issue?

An Ceann Comhairle: I am sure it does, but it is not in order now.

Deputy Bernard J. Durkan: There is a need to clarify certain aspects of immigration law. At what time is it likely that the proposed Immigration Residence Bill will come before the House in this session? The Dublin Transport Authority Bill which will affect the greater Dublin area is also scheduled for this session. When is it expected to come before the House?

The Taoiseach: Both are listed for this session.

Deputy Bernard J. Durkan: We know that.

The Taoiseach: Between now and the end of January.

Deputy Seán Barrett: On a point of clarification, when the Ceann Comhairle says statements have been made on promised Supplementary Estimates, does he mean in this House or outside it? The problem we have is that major statements have been made outside the House and I cannot expect the Chair to know what promises have been made outside it.

An Ceann Comhairle: That is true.

Deputy Seán Barrett: The point I wanted to make — it is an awful pity that I did not know the Ceann Comhairle was coming to Dún Laoghaire last week because I would have been only too pleased to bring him to the National Rehabilitation Centre on Rochestown Avenue.

An Ceann Comhairle: I am sure we will have the chance again.

Deputy Seán Barrett: A commitment was made to extend that national facility as people throughout the country are waiting months to be admitted to the centre. Stroke patients, people with head injuries——

An Ceann Comhairle: The Deputy has been in the House long enough to know that he could not possibly be in order.

Deputy Seán Barrett: A number of pieces of health legislation have been promised.

An Ceann Comhairle: Which piece?

Deputy Seán Barrett: The Ceann Comhairle can take his choice.

An Ceann Comhairle: Ask about one of them.

Deputy Seán Barrett: In regard to the Supplementary Estimate for this particular matter, may I ask the Taoiseach when it will be introduced?

An Ceann Comhairle: Is there a Supplementary Estimate promised on that matter?

The Taoiseach: No.

Deputy Seán Barrett: A commitment was given. We are all confused.

Deputy Kathleen Lynch: Does the Taoiseach intend to introduce amending legislation in respect of the Competition Authority Bill on the basis that the Competition Authority has declared that it is illegal for the Minister to consult or negotiate with the Irish Pharmaceutical Union, in spite of the fact that the Government negotiates with other bodies which are sole traders such as consultants, the legal profession, farmers—

An Ceann Comhairle: I understand all that. Is legislation promised in this area?

The Taoiseach: No.

Deputy Kathleen Lynch: Why have the pharmacists been singled out for special attention? Will the Taoiseach please amend this ridiculous legislation?

An Ceann Comhairle: No legislation has been promised. The Deputy is not in order.

Deputy Michael Creed: The programme for Government contains references to legislation in the area of animal welfare. Where does it come on the list of priority?

The Taoiseach: It is due in mid-2008.

Deputy Thomas P. Broughan: I think the Taoiseach chairs a Cabinet subcommittee which minds the two Green Party Ministers. Has he spoken to the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, about the crisis in the construction industry?

An Ceann Comhairle: That is not in order.

Deputy Thomas P. Broughan: It is in order because I am asking about the building regulations—

An Ceann Comhairle: The Deputy never said that.

Deputy Thomas P. Broughan: —which have been proven to be grossly deficient, with builders disappearing, and a significant tranche of houses having to be rebuilt. Will the Taoiseach discuss this as a matter of urgency with the Minister?

An Ceann Comhairle: That is not in order.

Deputy Thomas P. Broughan: Surely it is.

Deputy Phil Hogan: When will the Bill to regulate management companies be introduced?

The Taoiseach: I understand that legislation is being examined. I think at least three Departments are involved.

Deputy Phil Hogan: Will it be introduced in the next session?

The Taoiseach: There are problems trying to deal with all of the issues. There are issues for the Departments of Justice, Equality and Law Reform and the Environment, Heritage and Local Government, as well as others. The matter is being examined.

Deputy Emmet Stagg: They have not a notion of doing anything about it.

Deputy Tom Sheahan: How is it proposed to deal with the outcome of the plebiscite held in Dingle on the name change from An Daingean to Dingle-Daingean Ui Chuis? Will it be done by primary legislation or ministerial order?

An Ceann Comhairle: That is very interesting, but unfortunately it is not in order.

Deputy Tom Sheahan: When does the Taoiseach intend to deal with it?

Deputy Bernard J. Durkan: The Chair cannot allow that.

An Ceann Comhairle: That shows how neutral I am.

Deputy Bernard J. Durkan: the Taoiseach wants to answer.

Deputy Tom Sheahan: Legislation is to be forthcoming.

An Ceann Comhairle: The Deputy should table a question to the line Minister.

Deputy Martin Ferris: Will the Taoiseach indicate if he will bring forward an amendment to the Criminal Evidence Act 1992, given the outcome of the Laura Kelly case, where a girl with special needs had a traumatic experience? It is an offence

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to have sexual intercourse with a mentally impaired person but the law is not specific on any other form of sexual offence against a person with special needs. Is it intended to bring forward legislation to block that loophole? If so, how soon will it be?

The Taoiseach: I have no legislation listed. However, I suggest the Deputy table a question to the Minister.

European Union Reform Treaty: Statements.

Minister for Foreign Affairs (Deputy Dermot Ahern): I welcome this opportunity to report to the Dáil on the progress made by the Inter-governmental Conference in finalising the European reform treaty. I am pleased to report that work on the new treaty is now nearing completion. It is hoped the reform treaty can be agreed at the European Council in Lisbon at the end of this week. It would then be formally signed in December and the ratification process would take place during 2008.

Before I report on the detail of what is likely to be agreed, I would like to recall why the European Union undertook these negotiations to begin with. The process of European integration, which was set in train by the Treaty of Rome in 1957, has now been with us for a half century. It is natural, from time to time, that there should be a need to revisit the EU treaties that have guided this unique process so successfully during the past 50 years. This is one of those moments.

The present treaty text is the culmination of a lengthy process of negotiation and reflection. Its content is closely modelled on the constitutional treaty that was negotiated during Ireland's 2004 EU Presidency. That negotiation was, in turn, strongly influenced by the European Convention which met between February 2002 and July 2003, bringing together representatives of EU Governments, national parliaments, the European Parliament and the European Commission. The Convention was an impressively open and transparent process which produced important results that will be reflected in the reform treaty.

The 2005 referendum results in France and the Netherlands meant that the constitutional treaty could not be ratified in its original format. Yet there was no desire to go back to the drawing board and start a fresh negotiation that would quite likely have eventually produced broadly similar results. The solution adopted by the European Council in June was to preserve as much as possible of the substance of the 2004 agreement while moving away from the ambitious notion of creating a constitution for Europe. This is what has been done in the reform treaty. We no longer have a single constitutional text, but a series of amendments to the existing EU treaties. This is why it is called a reform treaty, for it seeks to

build upon and improve the existing treaty provisions.

It is clear that the European Union must adapt to the needs of the 21st century. To discharge its ongoing task of promoting peace and prosperity within Europe, it is generally accepted the EU needs to function more efficiently and effectively with its greatly increased membership. Outside of Europe, we need to ensure that the EU can contribute to such global issues as the fight against poverty, injustice and underdevelopment. The reform treaty will provide the EU with the means to meet these challenges. It will allow Europe to do more for our people in the years ahead. Ireland has been a huge beneficiary of EU integration and it continues to be crucial to our future well being. That is why a more effective EU is in Ireland's best interests. It is why the ratification of the reform treaty needs to be a priority for Ireland.

The reform treaty will introduce a range of innovations in the European Union's institutions, most of which will be carried forward, largely unchanged from the draft constitutional treaty. Among these are several provisions designed to bolster the coherence and efficiency of the EU and to give it a stronger voice on the world stage. For example, there is to be a new full-time President of the European Council, elected for a renewable term of two-and-a-half years, who will co-ordinate the work of the European Council.

The Presidency of the Council of Ministers will henceforth be provided by a team of three member states working together, thus increasing the coherence and efficiency of each EU Presidency.

A new post of high representative for foreign affairs and security policy will be created. The high representative will draw together the current functions of the Council's High Representative for Common and Foreign Security Policy and the Commissioner for External Relations, and will chair the Foreign Affairs Council and be Vice President of the Commission. The high representative will be supported by a European external action service. This is not meant to replace national Ministers and foreign services, but to enhance the EU's relations with third countries and its capacity to speak with a concerted voice on international issues. The high representative will act to increase the visibility and influence of the EU in international affairs. This is particularly important for smaller member states such as Ireland, which appreciate that greater progress can be made by the EU when it speaks with a single united voice.

While the Treaty strengthens the ability of the EU to act, it also safeguards the delicate balance between the interests of the larger and the smaller member states. The new system of double-majority voting, for example, will give proportionate weight to overall population while retaining important influence for the small and

medium-sized member states. This will be achieved by specifying that a qualified majority would require 55% of the member states and 65% of the European Union's population. This means that only those measures that genuinely command majority support can be adopted at EU level.

We have also succeeded in ensuring that the interests of smaller member states are protected with regard to the composition of the Commission. There will be one Commissioner per member state until 2014. Thereafter, each member state will be represented in two Commissions out of three on the basis of strictly equal rotation. This is a considerable departure from previous arrangements under which the larger member states once had the right to nominate two members of the Commission.

The reform treaty seeks to further develop the democratic governance of the European Union. In particular, the enhanced role for the European Parliament and for national parliaments will strengthen the democratic character of EU legislation. Membership of the European Parliament has been capped at 750. Its role will also be enhanced in areas such as the European Union's budget and through the extension of areas to which co-decision between the Council and European Parliament will apply.

The treaty provides for a strengthened "yellow card" for national parliaments with regard to draft legislation. It extends the period during which national parliaments can respond to a Commission proposal to eight weeks and puts a greater onus on the Commission to take on board the views of national parliaments. This is designed to strengthen the role of national parliaments in the EU, but without distorting its institutional balance which has served us so well over the years. Special provision has also been made for the role of national parliaments and the European Parliament in the sensitive area of freedom, justice and security. For example, they are to be involved in the evaluation of the activities of Eurojust and Europol.

The reform treaty will also pay attention to the wider purposes of the European Union. It will highlight the values and objectives of the EU, such as equality, democracy and respect for human rights. It strikes a balance between the social and the economic goals of the European Union. It aims at full employment, social progress and combating social exclusion and discrimination. It also stresses the need to ensure balanced growth and competitiveness. A new horizontal social article will require the European Union in its work to promote a high level of employment, adequate social protection, and a high level of education, training and protection of human health. The reform treaty will also give special recognition to services of general economic interest, which include services with a public good.

The reform treaty will confer legal status on the Charter of Fundamental Rights, which deals with citizens' rights and freedoms, and will set out the scope of its application. Following the European Council meeting in June, we had to decide if Ireland would in some way associate with a British protocol on the Charter of Fundamental Rights. We will not do this. I made our position clear when I addressed my ministerial colleagues at a Council meeting in Luxembourg yesterday. We see the charter as an important statement of the European Union's values and a key feature of this new treaty.

In the area of justice and home affairs, majority voting will become the norm, although there are important safeguards designed to ensure respect for the different legal systems. There are certain significant differences between the constitutional treaty and the reform treaty in the JHA area. At the June 2007 European Council meeting, the British Government secured an opt-in/opt-out arrangement on judicial co-operation in criminal matters and police co-operation. Provision was made for Ireland to seek a similar arrangement during the course of the IGC.

We have no inhibitions about greater EU co-operation in the justice area. On the contrary, I see the development of the European Union's area of freedom, justice and security as an important advance for Europe. However, the British decision to press for such an opt-out changed the situation for Ireland. Our legal system is similar to that of Britain and quite different from those of our European partners. Under the proposed European constitution, the combined weight of Ireland and Britain would have been quite effective in shaping EU measures to take account of the specific character of our legal system. The British opt-out under the reform treaty, however, meant that future EU measures in the criminal law could create problems for us. As a small common law country involved in EU negotiations, we could have found ourselves at a disadvantage and unable to shape proposals in a direction palatable to us.

Faced with this situation and after carefully weighing up all of the arguments, the Government decided, albeit reluctantly, to avail of this JHA opt-out. At the same time, we resolved to make a strong declaration outlining our firm intention to join our European partners whenever possible. We intend to opt into future police co-operation measures. This declaration will serve to underline our determination to work with our European partners in this vital area, which is of growing importance in today's Europe. It is our intention to be part of EU co-operation in this general area except where this could cause legal complications for us.

Furthermore, as the field of justice and home affairs constitutes a relatively new area of EU activity, the Government has decided to review these arrangements after three years. This will

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give it a chance to see how EU policy in this area evolves and to make a fuller assessment of the potential risks to Ireland's common law system. At that time, the Government can decide to abandon, modify or retain this opt-out arrangement. I am satisfied it has made the right decision in this regard. However, the Government intends to keep this matter under active review to ensure it continues to best serve Ireland's overall interests.

The reform treaty makes little overall change in the European Union's competences in policy areas. The balance of responsibility between the European Union and the member states remains more or less unchanged in most areas. However, the treaty clarifies the scope of the European Union's powers. For example, it lays out basic principles such as conferral, which means the European Union only possesses those powers that have been explicitly conferred on it.

It also gives renewed emphasis to the principle of subsidiarity, which specifies that the European Union shall only act in pursuit of aims that cannot be achieved by action at local, regional or national level. The reform treaty distinguishes between exclusive EU competence, for example, competition rules; shared competence, for example, agriculture; and areas in which the European Union simply supports the actions of member states, such as education. Such provisions will help to bring greater transparency and clarity to the work of the European Union.

The reform treaty introduces a small number of new areas of EU competence. These include tourism, energy, civil protection, humanitarian assistance, intellectual property rights, space policy, administrative co-operation and sport. These constitute welcome, albeit fairly modest, additions to the EU treaties. I also welcome the inclusion of a new provision that will provide a basis for dealing with the threat posed by climate change. This is the first time this issue will be covered in an EU treaty and it was included at Ireland's behest.

While the use of majority voting and co-decision has been extended in some areas, the Government is satisfied that no attempt was made to press for changes in areas of special sensitivity to Ireland such as defence and taxation. Unanimity is preserved for all decisions in such areas.

The reform treaty's arrangements in the area of security and defence do not involve significant innovations. Moreover, as in previous treaties, it continues to be made explicit that they will fully respect the different traditions of member states in this regard, including Ireland's traditional policy of military neutrality. In addition, all decisions regarding security and defence will continue to be made by unanimity, which was an important Government objective in the negotiations. Moreover, there can be no action in the

name of the European Union without the consent of all.

The European Security and Defence Policy, ESDP, has evolved gradually and in full accordance with the provisions of successive treaties, all of which have been endorsed by the Irish people. Under the reform treaty, the ESDP's objectives and operations will continue to be fully in line with Ireland's commitment to UN-mandated peace support. The positive direction of the ESDP is demonstrated by the forthcoming mission to Chad and the Central African Republic.

I should add that the prohibition on Irish participation in a common defence, as inserted in the Constitution by the 2002 Nice treaty amendment, will be carried forward in a further amendment allowing for ratification of the reform treaty.

I wish to mention a few other provisions. During the negotiations, some member states sought to include a stronger reference to Europe's Christian heritage. While Ireland could have supported such a reference, it did not prove possible to arrive at an agreed wording. However, a new treaty article recognises the specific contribution of the churches and for the first time provides for an open, transparent and regular dialogue with them. This has been widely welcomed by the churches and faith organisations.

The reform treaty introduces new provisions with regard to enlargement to ensure that accession takes place only when a candidate country is fully ready to meet the demands of membership. The European Parliament and national Parliaments are to be notified of applications for membership. The Commission is to be consulted and, as the treaty puts it, "[T]he conditions of eligibility agreed upon by the European Council shall be taken into account."

I also wish to mention the related question of the future composition of the European Parliament. While not strictly part of the Intergovernmental Conference negotiations, the European Council meeting held in June asked the European Parliament to come up with a proposal on the share-out of parliamentary seats. The Parliament recently came up with its suggestions, in which Ireland's allocation for the period 2009 to 2014 would be 12 seats. This is the same number as provided for under the Nice treaty. The Government's main concern on this occasion was to ensure the retention of Ireland's 12 seats and it appears this will be achieved.

A case has been made for a 13th Irish seat based on projections of future population growth. At present, however, Ireland's population is at least 1 million less than those countries to which 13 seats have been allocated. However, Ireland's lobbying effort has established that its demographic situation is changing and that the case for an additional seat is becoming stronger as the gap continues to narrow between our population and, for example, that of Finland. A further reallocation of seats will be required on the occasion of

any future enlargement of the EU. At that time, seat allocations to member states must be reduced to remain under the overall ceiling of 750 European Parliament seats specified by the reform treaty. Therefore, it is important to lay down firm markers that will prevent any future threat to Ireland's 12 seats, which has been done.

The European project has been one of the outstanding political achievements of our time. It has played a vital role in rescuing Europe from its past failings, which brought our continent to the precipice during the first half of the 20th century. In the past 50 years, thanks in part to the existence of the European Union, Europe has enjoyed the gift of peace in a manner unprecedented in its history.

In addition, membership of the European Union has acted as an important catalyst for change in Ireland. Access to the Single Market, coupled with support from European Structural and Cohesion Funds and the impact of the Common Agricultural Policy, played a significant role in Ireland's economic success story. Ireland has been able to contribute to Europe's evolution while drawing inspiration from its own values, traditions and historical experience.

Neither Ireland nor Europe can afford to rest on their laurels. Many challenges lie ahead and they must be able to deal with them in a concerted fashion. I believe the new reform treaty will enable Europe to rise to these challenges and remain on a progressive economic and political path. I hope the Government's view of the European Union as the orbit of continued opportunity for Ireland will be shared by all parties and that a wide political consensus may be achieved in favour of this treaty and its ratification by Ireland.

Deputy Enda Kenny: I wish to share my time with Deputy Timmins. I had hoped the Minister of State at the Department of Foreign Affairs with responsibility for European affairs would be present in the House.

Deputy Dermot Ahern: He will respond to the debate.

Deputy Enda Kenny: He should be present as he spoke the truth on this matter at least. I consider the Government's handling of this issue to be an abuse of the bipartisan approach to important European matters always adopted by my party. Fine Gael will support strongly the passage of the European Union reform treaty and has always put the national interest first in respect of referenda on Europe. I recall opportunistic opposition by Fianna Fáil to the Single European Act, which speaks for itself.

This is an important issue for this country, its people and its future. I overheard the Minister for Foreign Affairs making a statement on radio recently to the effect that a debate could have been held had the Opposition asked for it sooner. The Minister is responsible for driving this issue

and the Government has determined on and made its arrangement for an opt-out. This evening, Members are making statements in respect of a matter on which the Government has signed off already and the debate is taking place only because the Opposition parties requested it. I regret greatly that the Minister did not see fit to take the initiative to approach the relevant spokespersons from all parties to outline the Government's position and thinking and to keep them informed fully of measures as they arose.

The Government has now created a situation that has serious implications for the fight against crime and terrorism and for Ireland's standing in a European context. This decision was made by the Government behind closed doors without either advance warning or consultation with the Opposition parties, until the latter raised the matter in the House last week. The Government will be seeking strong support to pass the EU reform treaty, which this party will give because we have always supported European proposals. We were centrally involved in the drafting of the original convention proposal. What I would have liked to hear the Minister speak about was not the number of seats in the European Parliament or the matter of Christian heritage, which is important to some people, but the real reasons behind the U-turn on the opt-out in respect of the draft European constitution. Nobody has explained the nature of the unforeseen circumstances which have been mentioned. Why has the Minister not explained the reasons for opting out? Many people think that the Department of Justice, Equality and Law Reform has put pressure on members of the Cabinet. The view in the Department seems to be that common law is somewhat superior to civil law, and for this reason we should, in the words of the Minister of State, Deputy Roche, slavishly follow Britain in an opt-out. As a result of this, everyone who comes to this country to campaign on a "No" platform will try to divide those who support the passing of the reform treaty.

The Government has caused utter confusion by saying it wants to opt in and then it wants to opt out. The Minister cannot tell us the circumstances which would justify our opting out, but he stated he would review the issue and retain the right to opt in after three years. The Government has made the wrong decision. It was fundamentally wrong not to stand by its belief that Ireland, a small country with an important part to play in Europe, would have been able to stand on its own in this regard. It is clear the emergency brake system, which was drafted during negotiations that took place under our Presidency under the leadership of the Taoiseach, is sufficient to deal with this issue. Under this system, if a measure is introduced that the Irish Parliament feels is detrimental to our legal system or that we cannot live with, the measure is put into suspension and the matter is passed up to the European Council,

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which operates on a consensus basis. This is effectively a veto.

The Government should have affirmed its belief that the emergency brake system, which we drafted ourselves, is right for this country, and should not have allowed itself to be tagged onto the tail of a eurosceptic Government by retaining the option of opting in or out on the basis of unforeseen circumstances. It should have had faith in the terms negotiated by Ireland and stated its belief that the emergency brake system would stand to us when the time came. The Minister of State, Deputy Roche, did say we should not follow Britain slavishly in this regard and I, for once, agree with him. It would have been in our national interest to have a strong view of where Ireland stands in a European context, to say that we believe in the safeguard of the emergency brake system, and not to mess around with opting in, opting out or reviewing in three years.

Why is it that none of the members of the Government can explain what these unforeseen circumstances are? The fact is that they have been cowed by the Department of Justice, Equality and Law Reform. The German Chancellor, Angela Merkel, told the British Government that it could have an opt-out if it wished and said, by-the-by, that Ireland might wish to opt out also, and the Government has gone along with this. Because Ireland has effectively declared its euroscepticism, when we get down to negotiating on real issues of national importance such as corporate tax rates, we will not have the same back-up and support from our European colleagues as we received previously.

Why did the Minister not state the real reasons for the opt-out? It may be that he feels he should support the absent members of the Green Party, which has opposed every European treaty introduced since Ireland joined the European Union. It may be because the Government wants some cover in next week's anti-war debate. Perhaps it is related to the recent statement of the Minister for Justice, Equality and Law Reform that more and more powers are being transferred to Brussels, as one might hear at a Tory Party conference. In this country, the vast majority of people have supported European integration for the very reason that the pooling, as opposed to the transfer, of decision making is generally beneficial to smaller countries. This has been proven to be the case in a range of areas.

Tomorrow I will go to Lisbon for the European People's Party summit. This grouping includes representatives from all 27 countries. I will reiterate that Fine Gael will strongly support the passing of the reform treaty in a referendum, but that I do not agree with the Government's decision to opt out in the area of justice and home affairs for spurious reasons that nobody has been able to explain. The Government has been doing this for long enough that it knows greater clarity

should have been provided. It should have stated: "These are the reasons we are opting out". It has not been able to do this except by referring to a nebulous possibility of unforeseen circumstances. This is because it does not have faith in the terms we negotiated during our own Presidency. The emergency brake system, under which measures will be referred to the European Council if necessary, will stand up to testing in Ireland.

These are fundamental issues. If the Government had consulted with all parties about where it stands, we would not be here giving statements on an issue which has already been decided and which will go before the Heads of Government on Thursday. The Government has made a regrettable mistake which will cause difficulty for the parties who support the treaty, as people will be confused by its opt-in, opt-out stance.

Deputies: Hear, hear.

Deputy Billy Timmins: Fine Gael will support the European reform treaty referendum when it is put to a vote. However, we regret the Government decision to exercise an opt-out in the areas of criminal law and police co-operation. The Taoiseach signalled before the summer recess that his Government would make its decision taking into account the general reluctance to use opt-outs while considering issues that may arise if we participate in justice and home affairs co-operation while the UK does not. However, he did not see fit to come back to the House to debate the issue and explain the reasons for opting out. The Taoiseach also stated that with regard to police and criminal judicial co-operation, it had been decided to speed up the operation of the emergency brake procedure, whereby a member state can refer a criminal law proposal to the European Council if it is concerned that the fundamental principles of its legal system will be adversely affected.

Since the recent general election, the Government has displayed a dismissive arrogance in several areas as it practises the political equivalent of telling the public to get stuffed. Its failure to keep the Dáil adequately informed of the decision to avail of the opt-out has broken the trust of the other main political parties, which will create unnecessary difficulties when the campaign to achieve a "Yes" vote in the referendum begins. The lessons of the first Nice referendum are quickly forgotten. Recent decades have seen a rise in Irish national self-confidence which has been equalled by our increase in prosperity. It was possible to associate this change with our membership of the EU in a tangible way, and embracing the European project was mainstream and acceptable. A general reminder to the electorate that "Europe has been good for us" and the conjuring up of an image of the flying Deutschmark was enough to get any new treaty over the line. Those days are over for this country, as a

more comfortable and wealthier electorate breaks into two diverse strands, one more discerning than in previous times and the other more blasé. The Government decision to sign up to the opt-out in justice and home affairs, aligned to its tendency to take others for granted, is a bad start.

Many citizens in the European Union were looking forward to a referendum in their home country on the draft EU constitution but the Dutch and French experience put paid to that. This reform treaty contains 90% of the substance of the draft EU constitution, to paraphrase the Taoiseach. The campaign in this country will attract many eurosceptics from other member states and these aligned to small but vociferous home groups will seek to dilute and distort the message with a 40 year old rhetoric forecasting the end of neutrality and participation in some distant war at the behest of the USA.

In 2004 an almost identical Government to this was happy to sign up to the justice provisions within the then constitutional treaty and I suspect that for many members of the Government the same still holds true for these same provisions in the reform treaty. The overt reason for the policy change appears to be the change in the British approach as it fears possible implications for its common law system. The common law has several different meanings but it is usually used to refer to the law as developed by judges since the Norman conquest. It was a combination of the best of all the local systems of law made "common" to the entire country by King William I and succeeding Kings of England. The shortcomings in common law gave rise to the origins of equity and, today, with the enormous increase in the use of statute law the place of case law has lessened in importance. I do not accept the logic that we should have a fear for our common law system. There is also a common law system in Cyprus and Malta and both of those states are participating in these schemes.

Former British Prime Minister, Mr Tony Blair, in the House of Commons when debating the issue, stated:

This means that we have the sovereign right to opt in on individual measures, where we would consider it would be in the British interest to do so but also to stay out, if we want to. It is precisely the pick and choose policy often advocated.

This is the approach we have now adopted and irrespective of how we dress it up, it is the policy of the eurosceptic. For the European Union ideal to succeed the concept of the common good must prevail.

The changes in EU membership have given rise to various questions and none more so than where the eventual boundaries of the Union lie. It is reasonable to assume that in time the western Balkan countries might join. If Turkey gets in, can one refuse the Ukraine, Moldova, Belarus

or Georgia, the latter of which has announced that joining Europe is a long-term goal? All these countries meet the geographic definition of a Europe that extends from the Atlantic to the Urals. With each new enlargement national interest will have less of a role to play in a developing multinational Europe, giving rise to questions whether old members have the capacity to take new ones on board. The treaty is important as we try to rationalise administration and put procedures in place that will assist member states to co-operate in areas of common interest.

The European Union has created a Single Market and as a result, partly dismantled border controls. However, there are numerous different legal systems, some based on Anglo-Saxon common law and others on the Napoleonic Civil Code, and as a result catching and trying criminals who move freely around Europe is difficult. Currently all countries acknowledge each other's legal process in serious cases, but problems of interpretation and implementation arise. Currently these are resolved by unanimous agreement. Criminals do not pontificate on borders. The EU set up Eurojust in 2002 to help prosecutors co-operate in dealing with serious cross-border crimes, and that body's workload had trebled. It took four years to negotiate the arrest warrant, and some countries have exemptions to it. However following the events of 11 September 2001, the European evidence warrant was agreed in a rush and it has cut the average extradition time from one EU country to another from nine months to 43 days. The public wants more action. Two thirds of those polled say they want the Union to do more to fight crime. The reform treaty wants these issues to be decided by a qualified majority vote, titled "double majority voting" of 55% of the countries and 65% of the population.

Our security forces are relatively small, and our intelligence service is particularly so. We do not have an MI5, a Mossad or a CIA, yet we want to opt out of a procedure that will assist us in dealing with drugs and people-trafficking, and deny ourselves the opportunity to participate in framing policy in these areas. Police co-operation would involve the collection and storage of information, the exchange of research and equipment and may at a future date involve operational co-operation. There is no fear here of the French coming in at Killala and the British at Bantry, as envisaged by the then Leader of the Opposition and current Taoiseach when debating our proposed involvement in Partnership for Peace in 1996. How shallow those sentiments now appear over ten years later.

Justice and Home Affairs deals with four areas, external borders, judicial co-operation, criminal procedure and police co-operation. The Amsterdam treaty gave us an opt out on the first two and the Government has now decided it wants an

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opt out on the latter two. One of the main concerns appears to be the proposed establishment of the European public prosecutor and the conflict this may have with our own legal system. Unanimous support will be required to create such a position. We should be in there framing how the concept will work as opposed to watching from the sidelines. In addition there is an emergency brake procedure, whereby if a member state considers a measure proposed for adoption by majority voting would “affect fundamental aspects of its criminal justice system”, it may request the measure to be referred to the European Council.

The Government championed the proposed EU constitution which proposed this measure which was then limited to fraud against the community. It is now proposed to extend the role to cross-border crime. Surely in the international fight against crime that recognises no borders this would be a good development. We are not a party to the Prüm treaty which dealt with the issue of hot pursuit and which may be a sensitive issue in this country.

The decision not to sign up police co-operation is baffling. Surely an exchange of research and equipment and the storage of information is a welcome development in the fight against international crime. Police co-operation does not mean operational co-operation, an issue which may be looked at in the future.

There is much good in the reform treaty. It should make decision making more efficient. The concept of team presidencies over an 18-month period will give rise to more strategic planning. The QMV mechanism of 55% of states and 65% of the population will be much more transparent and understandable and the cap on Parliament and Commission members will be necessary. The creation of the position of a president of the European Council and a high-representative of the Union for foreign affairs and security policy will give rise to a greater coherence. However, much of the good is clouded by the Government decision to take the opt out on the JHA area and its failure to address the issue in the national Parliament further boosts the claim that there is a serious democratic deficit when our policy in Europe is being formulated.

It is by default that we are debating this issue today. The Taoiseach signalled before the summer that the Government may go for the opt out and he should have come back here to debate the issue. It is a weakness in the area of foreign affairs. The Minister should give a commitment that once a term he would come here for statements on EU reform or, more importantly, on our international dealings with other countries. For example, the people are concerned about the happenings in Burma and I would like to see the Minister come in here for statements on that matter before the autumn recess. I thank the

Minister for making his officials available to brief the Opposition spokespersons and I hope in the future that is done long before a decision is taken at the Council of Ministers.

Deputy Joe Costello: I am pleased to have the opportunity to make a contribution to the debate on the EU reform treaty. I also was grateful to receive a good briefing from the officials of the Departments of Foreign Affairs and Justice, Equality and Law Reform.

The reform treaty is an important statement of policies and principles for the future of the European Union and for the operation of its institutions. The treaty, if ratified, will be the seventh major treaty negotiated between member states since the Treaty of Rome in 1957. The vision of Monnet and Schuman to mould a peaceful and prosperous Europe through pooling sovereignty while retaining national identity has created one of the great projects of our time. The eagerness with which ten new countries joined the Union in 2004, and two more in 2007, demonstrates the project retains its momentum 50 years on. The fact that a host of other countries are anxious to join or are externally associated with the project demonstrates its obvious success and attraction to non-member states in Europe, Africa and the Middle East.

A group of 27 countries in 2007 cannot operate in the same way as a group of six countries could in 1957. The core values remain the same but administrative, institutional and policy-making structures must be adapted and streamlined. The Treaty of the Single European Act 1986, the Treaty on the European Union 1992, the Maastricht treaty 1995, the Amsterdam treaty 1997, and the Nice treaty 2002 all dealt with the issues of the day facing an expanding Union in terms of member states and their functions.

The reform treaty seeks to consolidate achievements of the past by, for example, giving legal status to the Charter of Fundamental Rights. It seeks to overhaul the Union's institutions so as to provide effective operating mechanisms for the recent expansion by an additional 12 member states from 15 to 27. It also seeks to enhance the Union's capacity to counter cross-border crime, especially in the areas of drugs, money laundering, trafficking in people and terrorism. It further seeks to strengthen the Union's capacity to promote employment, innovation and social cohesion and it looks specifically to future challenges and opportunities.

The treaty establishes ambitious global objectives. It provides for joint policies to seek to end global warming and tackle climate change. I understand this was a specific initiative from Ireland, which is most welcome. The treaty establishes broadly based policies to end global poverty and it seeks to strengthen the Union's contribution to international peace, stability and crisis management.

At the same time the reform treaty restates the core values and objectives of the European Union, including the commitment to peace and universal human rights, to the Charter of the United Nations, to full employment, to a social market economy and to public services. The role of national parliaments in the application of subsidiarity is specifically reinforced and a new citizen's initiative on participation is proposed to enhance transparency and citizen participation.

For a people to truly claim to own a developing institutional political process, they must first understand it. The popular failure to grasp the European architecture is not due to any intellectual deficiency on the part of the people of Europe, nor is it simply due to lack of interest; the fact is, the process has to date been managed by a political class concerned only to ensure that its members understand each other, rather than that their message reaches European citizens as a whole.

Why should any citizen be expected to offer his or her adherence and loyalty to a set of normative rules, institutions and values that are not clearly and legibly set out, and that are incapable of being tracked except by professional experts? That is why one of the most important treaty-making tasks, one that should have been considered at Nice but was yet again postponed to a future intergovernmental conference, was the most basic but least exciting aspect, the drawing up of a genuinely readable version of the constitution of Europe.

That was the task that was most recently abandoned by the German Presidency. Instead of a constitutional treaty, we now have a reform treaty, drafted so as to make the whole series of treaties even more unintelligible than they were before. Instead of constituting a coherent document, the text consists of a series of references, amendments, insertions, protocols, declarations and opt-outs. The document is totally incoherent and inaccessible to all but bureaucrats, draftsmen and lawyers. It makes a mockery of the treaty's commitment to openness, transparency and the new citizens' initiative when the very document which asserts these commitments is opaque and the antithesis of what it asserts.

When this happens it is difficult to be persuaded that the winds of change are blowing through the corridors of the Berlaymont. The treaty to establish a constitution for Europe, which was the forerunner of the reform treaty text, was a coherent document. Incidentally, that was the only one of the treaties which was compiled by a convention. The Convention on the Future of Europe consisted of 105 members and represented the national parliaments of the member states, the European Parliament, the member states' Governments, the Committee of the Regions, the social partners, NGOs and the European Ombudsman. All other treaties, including the present reform treaty, were com-

plied and drafted by Government representatives through the standard bureaucratic mechanism of intergovernmental conferences. Clearly the convention method is the way forward for the future. The Irish people and citizens of Europe are crying out for intelligible and transparent documents, especially treaties.

The Government has compounded the bureaucratic approach I have outlined by proceeding to sign off on the reform treaty at the European Council of Heads of State on 18 to 19 October in Lisbon without the slightest prior consultation with the Irish people or their representatives. As the Government has failed to re-establish the Joint Oireachtas Committee on European Affairs more than five months after the election there is no parliamentary mechanism to scrutinise the proposals and question the Minister for Foreign Affairs or the Minister of State with responsibility for European Affairs.

Deputy Dermot Ahern: There is. In this House and by way of parliamentary questions.

Deputy Joe Costello: The Government did not intend to even provide this limited three hour debate in the Dáil. We are only discussing the matter because I pursued the Taoiseach about it in the House last week.

Deputy Dermot Ahern: After the European Council there was a discussion on the result of the European Council meeting.

An Leas-Cheann Comhairle: Minister—

Deputy Dermot Ahern: Many parliamentary questions have been asked since.

Deputy Joe Costello: Obviously the Minister was not in the Dáil last week.

Deputy Dermot Ahern: I was.

Deputy Joe Costello: Then the Minister is presenting a totally different scenario.

Deputy Dermot Ahern: We were more than willing to have a debate.

Deputy Joe Costello: If I could explain without the Minister's interruptions.

An Leas-Cheann Comhairle: Deputy Costello should be allowed to speak without interruption.

Deputy Joe Costello: I thank the Leas-Cheann Comhairle. I am delighted to have that protection. What I asked for in the Dáil last week was a debate; I did not ask for statements. We are getting only statements. First, the Taoiseach went all around the house to avoid answering the question and after the shuffling I put the question to him again. He then replied by saying nobody had asked him for a debate. Who has to ask the

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Taoiseach for a debate on a matter of this nature that will be put to the people in a referendum for ratification? Surely, it should have been automatic that it would have been presented.

Deputy Dermot Ahern: It was well flagged.

Deputy Joe Costello: It was not.

Deputy Dermot Ahern: After the meeting——

An Leas-Cheann Comhairle: Deputy Costello should be allowed to speak without interruption.

Deputy Joe Costello: The only information we received was that available through the media. We had no information, good, bad or indifferent, from the Government. The intention of the Government was to do everything behind closed doors; have the negotiations and get the bureaucrats to draw up the document, which is the most outlandish, unintelligible document imaginable, and then it would proceed to Lisbon on Thursday and Friday of this week and sign off on the treaty without giving the slightest opportunity to the people of Ireland or their elected public representatives to have any say on the matter. The Oireachtas Joint Committee on European Affairs could not scrutinise the matter because five months after the general election the Government has not formed the committees. That is an exercise in the democratic deficit.

Three hours has been provided for statements. We are not having a debate and no question and answer session is available. Time was only provided for statements because the Taoiseach was pursued on the matter. It appears the lessons of the Nice treaty debacle in 2002 have been quickly forgotten by an arrogant Government which is no less arrogant despite its latest political appendage, namely, the Green Party, which opposed every European Union treaty in the past 50 years. Previously the Green Party saw the bureaucratic Brussels gnomes everywhere, hatching dark conspiracies behind closed doors. They railed against the lack of transparency and accountability in Europe. Now the party is in power for the first time in its history, its members are content to inhabit "Planet Bertie" and meekly acquiesce in the Taoiseach signing off on his, theirs and our behalf without any consultation in this House or elsewhere. That is the way it was planned.

Why is the Green Party doing this? It is not just Fianna Fáil. The Green Party is supposed to act as a safeguard or a policeman. It is doing it because it has taken the Fianna Fáil shilling. The party is now sitting inside the Fianna Fáil tent. Its members are totally emasculated and are indulging in their new comfort zone.

Deputy Aengus Ó Snodaigh: It was a farthing rather than a shilling.

Deputy Joe Costello: In any case, they have taken the currency.

A second reason is that a wide-ranging debate inside and outside the House would cause an upheaval among Green Party members. Those

Greens who had faithfully followed
6 o'clock Deputies Sargent and Gormley and the former MEP, Ms Patricia

McKenna, in their idealistic tilt at the European windmill on six previous occasions might not be happy to find that two of their Don Quixotes were done with tilting at windmills, although Donna Quixote still has her tilting lance ready for the fray. The Greens U-turn is complete and the fewer questions, the better at this stage, especially with a potentially divisive referendum ratification campaign on the horizon for a party hierarchy which has jettisoned all its EU policies and mutated from Eurosceptic to Europhile.

For the Labour Party, the major treaty provision is that concerning the Charter of Fundamental Rights which is given legally binding force in the treaty. The charter was drawn up in 2000 by a convention which had much greater democratic representation than the standard Intergovernmental Conference process. Consequently, the content of the charter is far more broadly based than the valuable 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, ECHR, which was incorporated into Irish law in 2003.

The charter draws on the previous European social charters produced by the European Union and the Council of Europe. While the ECHR is restricted to civil and political rights, the Charter of Fundamental Rights extends to other areas such as the right to proper administration, social and economic rights, bioethics and the protection of personal data. The comprehensive list of rights falls under the headings of dignity, freedoms, equality, solidarity, citizens rights and justice. All of these areas of human existence and human endeavour are incorporated into the charter, making it one the most extensive and succinct statements of human rights and citizens' entitlements ever to be given legal force.

While, unfortunately, the British Government decided to opt out of the charter's provisions, the Irish Government, despite an initial opt-out to examine the implications of the British decision, is now fully supportive——

Deputy Dermot Ahern: No, that is not correct.

Deputy Joe Costello: That is what the Taoiseach——

Deputy Dermot Ahern: The Deputy should be factually correct.

Deputy Joe Costello: The Minister should listen to what the Taoiseach says in the House.

Deputy Dermot Ahern: It is not an opt-out.

Deputy Joe Costello: We questioned him and he acknowledged it was an opt-out——

Deputy Dermot Ahern: No. We reserved our position, which is different.

Deputy Joe Costello: ——to examine the implications of the British opt-out. In other words, the Government reserved its position to opt out.

Deputy Dermot Ahern: We reserved our position. This was clearly explained.

Deputy Joe Costello: This is the position of the Government with regard to home affairs matters. It is a position to opt out or opt in.

Deputy Dermot Ahern: Because the issue——

An Leas-Cheann Comhairle: There is provision in Standing Orders for the Minister to make an intervention if the Deputy wishes to cede to him. However, it is disorderly to have banter in the middle of the debate.

Deputy Joe Costello: I am delighted the Government is now fully supportive of the charter as a legally binding document and will fully opt in to its provisions. This is welcome and a decisive and distinctive difference between the positions of the Irish and British Governments.

The most controversial area is the Title IV provisions on justice and home affairs matters, the area subject to opt-outs by the Irish and British Governments. Title IV contains a strong statement of the European Union's commitment to deal with cross-border crime. It lists such crimes as terrorism, trafficking in human beings, sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Cross-border criminal activity has been a major threat to law and order in the Republic. Much of the burgeoning drugs and guns industry in Ireland is imported from Britain and the European mainland. Trafficking in women and children has a strong cross-border dimension. Only strong cross-border co-ordination and co-operation by the institutions and personnel of the criminal justice system can combat international organised crime. The measures proposed in the reform treaty seek to maximise police investigative and judicial co-operation. However, the measures proposed in the treaty must also be judged in the context of the different criminal legal systems operating in Europe and the different constitutional traditions of the member states.

Every member state has a national constitution, even the United Kingdom, although its constitution is largely unwritten. All of us place great importance on our national constitutions which have enormous and fundamental import-

ance in our everyday lives and define sovereignty. This is equally true of the Irish Constitution which is a comprehensive document and the one law of the land that cannot be changed by legislators in the Oireachtas — only the people may amend it.

The legal and constitutional principles upon which the constitutions of member states are based vary significantly but, from the point of view of the detailed legal systems they enshrine or adopt, they fall into one or another of two camps — the common law tradition and the civil or Roman law tradition which prevails in continental Europe. There are other variations — Ireland has a written constitution while the United Kingdom does not; some EU states are highly federalised, while others are centralised, and so on. However, the Roman law-common law distinction is crucial and, in respect of the criminal code, very marked.

Among the key differences between the two traditions is the general availability in common law jurisdictions of jury trial and the absence of such general availability in civil law jurisdictions. Furthermore, evidence can be given in written form in most continental systems, something that in general is not possible in Ireland. Continental systems often allow for lengthy detention of persons for investigation and questioning and *habeas corpus* is not recognised. Many of the procedures that characterise continental systems would not be possible here without a major change to the Constitution. While this does not mean there is no room for co-operation, harmonisation and even operational initiatives under EU aegis, it means we have a right to be cautious.

The most innovative measure under this heading in the reform treaty is the proposal for a European public prosecutor with wide powers to investigate, prosecute and “bring to judgment”. The draft Article 69 states the European Prosecutor shall “exercise the functions of prosecutor in the competent courts of the member states” in regard to certain serious crimes. Clearly, the proposed office of public prosecutor would be difficult to square with the existing common law system in Britain, and even more difficult to square with the common law system in Ireland which has an extra constitutional dimension. Given that the jurisdiction of the European Union and its institutions in the area of criminal law is both ambitious and potentially expandable, it seems prudent to retain a discretion, as we have at present, to opt in or out of proposals in this area following decisions taken at national level.

The Labour Party has had several initiatives with regard to the exercise of certain options and discretion, including its initiative on the scrutiny Bill which was presented following the Nice treaty. I particularly emphasise the need to bolster and resource the power of scrutiny that resided in the Oireachtas Joint Committee on European Affairs. Unless we can demonstrate to

[Deputy Joe Costello.]

the people that we will properly scrutinise the extra legislative developments taking place under these treaties, we will be severely criticised for not doing our duty properly. I ask the Minister to ensure the committee is re-established and that it will have the necessary resources, personnel and powers to carry out its job properly.

Deputy Aengus Ó Snodaigh: Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as ucht tairiscint a thabhairt dom freastal ar briefing a bhí ar siúl ar maidin. Ní raibh mé in ann freastal ar mar bhí mo mhac tinn. Is trua é nach raibh mé in ann dul go dtí an cruinniú sin mar go raibh ceisteanna agam. Ba chóir go mbeadh díospóireacht ceart sa Teach ar an gceist mór seo, ceann de na ceisteanna is mó lena bheidh an tír seo ag plé amach anseo.

Measaim nach dtuigeann an chuid is mó den phobal cad go díreach atá i gceist agus cad a bheidh romhainn. Tá súil agam go dtosnóidh an díospóireacht i gceart tar éis an seachtain seo, ní amháin istigh anseo ach lasmuigh chomh maith. Tá sé tábhachtach go dtuigeann an pobal cad go díreach ar a bhfuil siad ag caitheamh a vótaí nuair a dtagann an reafrainn. An bhfuil a fhios acu mar gheall ar na impleachtaí móra a leanfaidh an athrú suntasach atá in ann don tír seo agus don Aontas Eorpach má ghlacaimid leis an conradh seo? Tá mé ag caint mar gheall ar an mbunreacht, mar a bhí sé luaite ar dtús nuair a rinne an Aontas Eorpach iarracht an cáipéis seo a chuir le chéile agus a chuir faoin ár bhráid. Bhí an t-ádh linn, i bealach amháin, nár cuireadh an conradh os ár gcomhair sa chruth ina raibh sé roimhe seo — measaim go mbeadh scoilt mór sa tír dá réir. Tá sé soiléir, ó meon na páirtithe eile sa Teach seo, go bhfuil an scoilt sin fós le teacht. Tá an cumadh ar go bhfuil an cuid is mó de na páirtithe — is oth liom go bhfuil an Comhaontas Glas ina measc — chun glacadh leis an gconradh nua. Shíl mé go raibh cnámh droma níos láidre ag muintir an Comhaontas Glas agus go mbeidís sásta seasamh ar na prionsabail a luaigh siad go dtí seo, nuair a bhíodar i gcoinne conarthaí Eorpach a bhí ag cuir bac ar ár gcearta, ár flaitheas agus, go háirithe, ar neodrachas an tír seo.

Later this week, leaders from across the European Union will meet to discuss an issue of major importance to this country. The vast majority of people are probably not aware of the impending meeting or the subject under discussion. While cynics will argue that people could not care less about the European Union reform treaty, I urge members of the public to listen to the debate, find out what precisely is being discussed in their names and participate in debates on the treaty in the months ahead.

It is unacceptable that the House has been given such a brief opportunity to discuss the reform treaty and that this discussion has been arranged in the form of statements, rather than a

debate. The Oireachtas should have debated this issue before representatives of the State travelled to Lisbon to agree a document which would have major implications for this country. Last week on “Prime Time”, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, stated that people would not tolerate any further diminution of the State’s sovereignty. This is exactly what his Government is rushing to sign up to at the Intergovernmental Conference later this week. Much wider public debate of these issues and much greater scrutiny of the European Union is required. The Government needs to be held to account, not dragged along on the coat tails of European federalists. It must stand up for the interests of this island because the issues being debated will set the parameters for its future.

Sinn Féin is neither a Europhile nor Eurosceptic party. We favour close co-operation among European states and modern, accountable and democratic institutions. We approach each issue and treaty on the basis of whether it is in Ireland’s interest. Our decisions to support or reject, to say “Yes” or “No”, are based on what we believe to be in the national interest.

Ireland has a constructive role to play on the international and European stages. Our experience of colonisation, emigration, immigration, poverty and war, combined with our rich cultural experiences and achievements and the recent contradictory and currently declining economic success, place us in a unique position to understand many of the issues affecting the world.

Ba chóir go mbeadh Éire ina náisiún nua-aoiseach agus forásach ionas gur féidir linn áit a ghlacadh san Aontas Eorpach atá oscailte agus daonlathach. Ba cheart dúinn ról gníomhach a ghlacadh i gcomhphairtíocht leis na náisiún eile atá ag forbairt domhain níos suaimhneach, níos cothrom agus níos inbhuanaithe ina bhfuil an síocháin lárnach. I 2004, tar éis do Comhairle na hEorpa glacadh leis an dréacht-chonradh a bhí chun bunreacht na hEorpa a bhunú, rinne Sinn Féin iarracht ár dearcadh do todhchaí na hEorpa a leagain amach, mar aon lenár buarthaí faoin dréacht sin.

We stated we wanted to play a positive part in building an independent Ireland of equals in a European Union of equals, one which respects and promotes national, collective and individual rights and is economically and socially just, as opposed to another economic superpower. We sought a demilitarised, nuclear free, globally responsible and fair trading European Union which leads the way on reaching the millennium development goals for halving global poverty by 2015. We argued that the draft constitution would move the EU in the opposite direction to these demands; lay the legal foundations for a federal Europe; deepen the democratic deficit; increase the powers of the European Council and European Commission; undermine national sover-

eignty, national parliaments and the rights of citizens; end neutrality for Ireland and other member states; promote militarisation; create a single foreign policy and defence policy and an EU Foreign Minister; promote the centralisation of economic control in the hands of the Council and Commission and an economic model that would deepen existing levels of poverty and social exclusion within the EU; undermine the ability of member states to provide public services; and promote policies on the developing world that would deepen global insecurity, inequality, poverty and instability. Sinn Féin also argued that the Charter of Fundamental Rights provided no new rights protection for citizens of member states or mechanisms for ensuring compliance and would do nothing to promote human rights or equality throughout the EU.

In 2004, the electorates of France and the Netherlands decisively rejected the draft constitution in two separate referenda. That these founding members of the European Economic Community, the forerunner of the European Union, both of which are often cited as the most European of member states, rejected the treaty was a clear indication that there was something fundamentally wrong, not only with the manner in which the treaty was presented but also with its contents. Many opponents of the treaty in France and the Netherlands argued that it was not in their national interests or in the interests of the EU.

Rather than respect the democratic outcome of these referenda, the European Council and Commission have proceeded to produce a new treaty, almost identical to the constitution, in the hope that this time it will be ratified throughout the member states, mar a tharla anseo tar éis an chéad reifreann ar chonradh Nice. Dhiúltaigh an pobal an reifreann i 2001, ach níor ghlac an Rialtas freagra daonlathach an phobal agus bhí reafrainn eile againn i 2002. Tá Comhairle na hEorpa agus an Coimisiún ag brú an conradh céanna tríd. An uair seo, ní bheidh guth muintir na Fraince nó na hÍsiltíre le chloisint — ní bheidh aon reafrainn sna tíortha sin. Is droch-rud é go mbeidh an focal scoir ag na bparlaimintí ann. Cloisfear glór na nOllanaigh agus na bhFrancaigh amach anseo i vótaí na reafrainn eile, nó fiú i vótaí parlaimintí na tíortha sin.

This week the European Council will consider and, possibly, agree the final text of the reform treaty, but despite some slight textual changes, its substance remains the same as its predecessor. Following the summit, I will carefully examine the text in case there are changes that may alter my opinion of the treaty, but the current indicators are that it will have much the same impact as the constitutional treaty that was to be put to us in 2004 or 2005.

Sinn Féin has a number of serious concerns with the draft treaty. In its current form, it is impossible for Sinn Féin and those who believe

in the national interest, protecting Irish jobs and our sovereignty and neutrality to support it. It is incumbent on the Government delegation to address these issues in Lisbon if the treaty is to have any benefit for the people of Ireland or the European Union as a whole.

Like its predecessor, the draft reform treaty will serve to deepen the democratic deficit between citizens of member states and the decision-making centres of the European Union. More powers will be transferred from national to federal level, as admitted by the Minister for Foreign Affairs when he listed the European Union's new competences, to which I will revert. More decisions will be taken by qualified majority voting — the formula for QMV will be significantly altered, reducing the power of smaller nations — while no significant improvements in terms of transparency or accountability are contained within the text.

The Minister stated:

The reform treaty introduces a small number of new areas of EU competence. These include tourism, energy, civil protection, humanitarian assistance, intellectual property rights, space policy, administrative co-operation and sport.

Space policy is not a significant matter for the State, but it may be in the future.

Deputy Joe Costello: There are some spacers in the House.

Deputy Aengus Ó Snodaigh: Yes, but I will not list them in case any is present.

The Government must secure changes to the treaty to create greater levels of openness, transparency and accountability in the Council and the Commission if it is to be acceptable to those who believe in such values in government and the way in which we carry out our business. While we strive to achieve those changes, we are closing the door in the European Union through this treaty.

The Government must resist further powers being transferred to the European Union, as there is no logical reason for many of the competences listed to be transferred. The decision-making process has not hindered decisions being made and we should be able to continue reaching agreements by consensus, but such will not be the case if the Government continues along the path on which it embarked in recent treaties. It must also resist the further extension and dilution of QMV.

Tá buairt orainn faoin creimeadh leanúnach atá a dhéanamh ar neodracht na Stáit seo, chomh maith leis an claonadh míleata atá a chuir ar pholasaithe eachtrannach agus cosanta na tíre agus na hEorpa i gcoitinne. Labhraíomar faoi seo go leanúnach sa Dáil deiridh agus roimhe sin, nuair a bhíomar ag déileáil leis na reafrainn éagsúla.

Sinn Féin has shown its deep concern for the ongoing erosion of Irish neutrality and the militarisation of our foreign and defence policies via

[Deputy Aengus Ó Snodaigh.]

previous treaties. We have opposed an EU army, the rapid reaction force, Partnership for Peace and the battle groups because each has marked a further erosion of our neutrality. Rather than promoting and ensuring the full support and resourcing of the United Nations in carrying out such actions, the European Union has gone the other way towards creating its own mechanisms and militarised force, namely, battle groups.

Unfortunately, the draft treaty accelerates the creation of a common foreign and security policy. This has consequences for our neutrality, contribution to EU military budgets and co-operation or opposition to military interventions taken by the European Union or groups of member states. The Government has an opportunity to argue for a stronger defence of Irish neutrality to be enshrined in the treaty. It must opt out of making financial contributions to the European Defence Agency or any other area of military expenditure.

In recent years the direction of EU economic policy has been increasingly right wing, promoting privatisation, liberalisation and low public spending. All of this promotes a race to the bottom, an Irish Ferries approach to economic policy. Despite a commitment to promoting environmental sustainability and social cohesion in the Lisbon strategy, the European Union has failed to support or promote these important goals adequately. As a consequence, many of the social protections built up by the Union during the 1980s are being dismantled. Governments have less power to intervene to save industries in crisis and less room to pursue policies aimed at significant wealth redistribution. The economic implications of the treaty are an acceleration of this trend, further imbedding an economic policy that is detrimental to public services and that will actively promote greater levels of inequality and poverty across the European Union. There is a clear move towards greater harmonisation of taxation across the Union with significant decisions already taken regarding VAT and corporation tax. The Government must promote public services and oppose the privatisation proposed in the treaty.

The European Union is one of the world's major political and economic blocks and its decisions have profound consequences for the developing world. It has a significant responsibility to promote global equality, trade justice and conflict resolution. Unfortunately, its priorities in recent years have been directed towards policies that are detrimental to all of these aims.

Sinn Féin is on record as stating it will support any EU initiative that strengthens human rights protections for the citizens of member states. Where such proposals are tabled, our MEPs are vocal in their support. We were disappointed by the text of the Charter of Fundamental Rights in the draft constitution, as it added no new rights protections for citizens and provided no mechan-

isms for monitoring and promoting compliance or investigating or punishing breaches. While the text has been removed from the draft reform treaty, its inclusion in Article 6 does not change the status, thus making it clear that no new powers are added as a result of its inclusion.

Tá súil agam go mbeidh deis againn teacht ar ais chuig seo an seachtain seo chugainn, nuair a táimid ag déileáil le seo. Tá súil agam go mbeidh díospóireacht ceart againn, mar gheall ar gach uile gné den chonradh.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The new EU reform treaty is an important project for the European Union and Ireland. As Deputies will appreciate, Ireland has benefited substantially from its membership of the Union which has helped us to achieve significant economic success and prosperity.

The economic arguments deployed by Deputy Ó Snodaigh echo the claims made by similar political interests in 1972, when dire predictions were made about the future of the State in the European Economic Community but they were proved entirely groundless in 1972 and in the debates on the Single European Act in 1987 and the Maastricht treaty in 1992. Those who advance economic arguments against the European Union should look at the practical evidence of what has happened in this country since 1973. Our participation in the European Community has had a positive effect in terms of the way Irish people view themselves and contributed in a major way to our national self-confidence. It is, therefore, no surprise that we have consistently been enthusiastic supporters of the European Union.

The reform treaty is not in itself a new text. It is closely derived from the European Union constitution published in 2004. The main purpose of the constitution was to enable the Union to function better and face challenges more effectively. This was linked to the fact that the membership of the Union had increased to 27 members. It is due to increase further as other European countries seek to participate in this beneficial community.

The European Union originated from the Coal and Steel Community followed by economic union after 1957. At no stage has the extensive legal order created in this union been subject to requirements of fundamental rights. As a result of this treaty, a charter of rights will regulate the rights of citizens in the Community legal order. I consider this a significant improvement and something which Irish people should feel comfortable voting to support. While our own constitutional arrangements since 1937 have set out a basic code of fundamental rights, the Community legal order has been exempted. It is welcome in itself that the Community legal order will now have a charter of fundamental rights, although one which in no sense imposes funda-

mental rights within our domestic legal order. It is a parallel development.

Deputy Ó Snodaigh referred to the question of neutrality. When Eamon De Valera formulated the policy of neutrality for the State in the 1930s, he did so because the international machinery for co-operation had broken down. The League of Nations was unable to safeguard the rights of smaller states or ensure non-interference in peoples' rights of self-determination. The Defence Forces can now participate in European humanitarian efforts such as the protection of displaced persons and refugees in Chad and other parts of Africa. The argument that such involvement infringes neutrality in some sense would be incomprehensible to the people. It is untrue to allege the existence of some kind of sinister battle group. Our soldiers' performance of humanitarian tasks in a remote part of Chad is in the best traditions of the Defence Forces. I fail to see why the neutrality card should be played in every referendum in an attempt to trump this activity.

In a union of 27 or more members it is essential that improvements are made to the workings of the institutions. I have attended several Council meetings in recent years and the participation of a large number of member states represents a fundamental change to the character of the Community which has been overlooked in much of the domestic debate. The changes introduced in the reform treaty to facilitate speedier decision-making should be welcomed.

Justice and home affairs which falls within my area of responsibility is one of a number of topics addressed by the reform treaty. The way in which this topic is dealt with in the treaty has been the subject of some comment in the House, especially with regard to the proposed arrangements for Ireland. I am not certain these arrangements have been properly understood on all sides of the House and I would like to address them specifically in this discussion.

The reform treaty provides generally that decision-making in the field of justice and home affairs will be on the basis of qualified majority voting, QMV. This represents a major change from the current position on police and judicial co-operation in criminal matters where proposals must be adopted by unanimity. It is also important to note that QMV applies under existing EU treaties when it comes to initiatives pertaining to immigration, asylum and judicial co-operation in civil matters. However, under a separate protocol to the treaties, neither Ireland nor the United Kingdom is automatically bound by such measures and has the right to opt into them, either within three months of their introduction as proposals or at any time after they have been formally adopted. There are a number of significant reasons special arrangements currently operate for Ireland and the United Kingdom in respect of QMV instruments. These include the fact that both countries have a common law legal

system which is substantially different from the legal systems in place in most EU member states. Additionally, the relevant arrangements are necessary to preserve the common travel area between Ireland and the United Kingdom.

I am sure Deputies will be interested in how the protocol for Ireland and the United Kingdom has operated in practice. I can confirm that Ireland has decided to participate in the vast majority of the measures where the protocol has applied. It has supported and been actively involved in the negotiation of instruments which improve the level of practical police and criminal co-operation throughout the European Union.

Under the provisions of the European constitution, decision-making by QMV was intended to become the norm for practically all justice and home affairs purposes. This would also have been the position for Ireland and the United Kingdom, although our current special arrangements for immigration, asylum and civil judicial co-operation would have been preserved. In the course of the negotiations on the reform treaty the United Kingdom indicated that, in order to safeguard the integrity of its common law system, it wished to have the opt-in arrangements provided for in the protocol extended to all justice and home affairs matters. This was accepted by the European Council at its meeting in June. Given that Ireland's legal system is similar to the United Kingdom's, the European Council afforded Ireland the same facility.

The Government has carefully considered the approach to be adopted by Ireland and considered the various options in detail. We have been concerned that Ireland should not be marginalised when it comes to EU developments. This is clearly an important issue for Ireland and one to which we have attached considerable weight. At the same time, however, we have had to take account of the fact that, when it comes to criminal law and procedure, important aspects of our legal system are different from those of the overwhelming majority of EU member states. This is not simply an academic point because it raises real and practical concerns for this country. For example, judicial involvement in the investigation of offences is extremely limited in Ireland, in accordance with the independent role of the Judiciary under the Constitution. This is not the case in most EU countries where judges participate actively in investigations and frequently decide whether criminal proceedings should be initiated, a function reserved for the Director of Public Prosecutions in Ireland.

A particular issue the Government has had to address is the fact that the United Kingdom has secured an extension of the opt-in arrangements for all justice and home affairs matters. This has had the result of significantly altering the landscape for Ireland when compared to the position that would have applied under the European constitution. The reality of QMV is that Ireland is

[Deputy Brian Lenihan.]

a small country with a limited number of votes. Without the support of the United Kingdom, we could easily become isolated on proposals which could impact seriously on our legal system, with detrimental effects.

Our most important EU partner in regard to police and judicial co-operation in criminal matters is the United Kingdom. This is hardly surprising, given the unrestricted movement between our two countries by virtue of the common travel area. It is in Ireland's interests to ensure co-operation with the United Kingdom functions to the maximum extent possible, both from a practical point of view generally and to facilitate the operation of the common travel area.

An additional element to which the Government has given consideration is the provision in the reform treaty of an emergency brake to allow a member state to refer a matter to the European Council. The Government has obtained specific legal advice from the Attorney General regarding the emergency brake. His advice is to the effect that it is likely to be available in restricted circumstances only and that important areas of our legal system will not fall within its ambit. A further factor the Government recognized was that, given that the European Council would have to be involved, the number of occasions on which the emergency brake could be operated would almost certainly be very limited.

Having weighed the relevant factors, the Government has decided that it would be appropriate for Ireland to avail of the option provided by the European Council. However, it has also decided that, in keeping with our strong commitment to the European Union, Ireland should make a strong political declaration stating its firm intention to participate to the maximum extent possible in proposals concerning police and judicial co-operation in criminal matters. This declaration which will be published with the new treaty will also state the commitment on the part of Ireland will apply, in particular, to police co-operation. There is no indication that the United Kingdom intends to make a similar declaration.

The Government has also decided not to follow the United Kingdom in seeking special arrangements which could exempt us indefinitely from the application of the jurisdiction of the European Court of Justice in the field of justice and home affairs. Likewise, it has decided to join the protocol to the reform treaty on the application of the Charter of Fundamental Rights. It has also given a commitment that it will review the operation of Ireland's justice and home affairs arrangements after a period of three years. This review would provide an opportunity to assess the impact the measures have had and whether changes might be required.

Deputy Charles Flanagan: I welcome the opportunity to speak to the important matter of the forthcoming EU reform treaty. As with previous treaties, the reform treaty is a vitally important one for Ireland and must be comprehensively analysed and discussed both in this House and the public arena. It is regrettable that the matter is the subject of a Dáil debate only because the Opposition sought such an exchange of views, as Deputy Costello pointed out. Only last Thursday we spent a day discussing Dáil committees, Dáil reform and the role of procedures of the House but the approach of the Government to this matter flies in the face of its comments on Dáil reform made last week.

Thus far, most people in this country are familiar with the new treaty only in terms of the Government's recent decision to opt out of certain provisions relating to justice and home affairs. When seeking clarification on why the Government is choosing to opt out and its key concerns, one is met with vague statements about what might happen in certain circumstances that are far from clear or definite.

The only substantial rationale provided by the Government to date has been a concern about a perceived enhancement of the European Public Prosecutor's Office. Objecting on this basis implies a certain distrust of the European Public Prosecutor's Office which is unwarranted and without foundation. The office was provided for in the initial constitutional treaty three years ago and we appeared happy enough at the time with its role and function. The Government did not offer any indication that it was dissatisfied or would seek an opt-out at that point. Closer to the truth is that it simply wishes to follow Britain's lead in seeking an opt-out. Since the United Kingdom has opted out, we do not feel sufficiently confident to fight our corner and instead take the easy option. The mixed feelings of the British public towards the European Union are well known, as are the mixed feelings of the House of Commons and British Government. There is a substantial body of Euroscepticism in Britain and, from the British Government's point of view, securing an opt-out of certain EU treaty provisions is likely to be politically expedient.

In Ireland the situation is vastly different. Since joining the European Community, as it was then known, in 1973, Ireland has benefited greatly. With EU help and support, the economy has been transformed. All decent infrastructural programmes in Ireland are thanks to the Union. We have embraced and benefited from European monetary union and, most importantly, progressed from being an inconsequential island on the periphery of Europe, overly dependent on the United Kingdom, to being a key player in Brussels at the heart of EU affairs. The Fine Gael Party remains proud of its membership of the European Peoples' Party, a group at the heart of European affairs for over 40 years which contains

influential public representatives and politicians in each of the 27 member states.

Why are we now altering our approach to European integration and sending a message of Euroscepticism to our European neighbours and colleagues? After all, we did not seek an opt-out of the European constitution which contained essentially the same measures as the reform treaty when published three years ago. Does the Government believe we have received all we can from the European Union and that now it is time to limit co-operation? Has the Progressive Democrats' philosophy that it is better to be aligned with Boston than Berlin become the dominant ideology at the Cabinet table? Members of the House remain to be convinced. So far the Government has been most defensive and less than convincing in its outlook, especially in its opposition to the justice and home affairs regime.

Deputy Brian Lenihan: We are not opposed to the regime. I ask the Deputy to stop misstating the position. A referendum is approaching in which the Deputy and I both seek a yes vote.

Deputy Charles Flanagan: We both seek a yes vote but perhaps it is due to political expediency that the wrong message is being sent to our European colleagues on behalf of the citizens of the State.

Moving from being at the heart of the European Union to being on the periphery, cherry-picking aspects of new treaties and undermining the future of the Union by commenting darkly on qualified majority voting will not, ultimately, serve Ireland's best interests. We will lose the respect and goodwill of fellow EU states if our actions put the best interests of Europe in jeopardy.

The Government's lukewarm response to the proposed reform treaty sends mixed messages to the business community and international investors who have historically perceived Ireland as a key player at the highest levels in Brussels. To date, Ireland's involvement in the European Union has been a hugely positive experience for the country. Rights enhancing legislation has flowed from Brussels and improved the standard of living of every Irish citizen. The vast majority of Irish people support the European Union, recognising that without it and without enhanced co-operation on a range of issues, this would be a much poorer nation economically, socially, politically and culturally.

The introduction of wide-ranging measures to fight crime in the reform treaty is entirely consistent with the European Union's approach to governance, where it identifies a problem, it proposes a solution, yet the Cabinet seems to be rejecting the solution based on a less than convincing premise. Our vulnerability to organised crime and, in particular, drug smuggling and people trafficking is well known. Almost on a

weekly basis Members in this Chamber point out that the towns and villages in their constituencies are flooded with drugs which are coming into Ireland mostly from the continent. Large numbers are being smuggled into Ireland on a weekly basis; some have paid criminal gangs to secure entry, while others are kidnapped, brought here against their will and then forced into prostitution. They are treated in a degrading and inhuman manner within the shores of this State.

It is essential and urgent that we embrace EU measures to combat crime because we are seen as the soft touch of the European Union. The policing of our coastline is woefully inadequate. The Garda Síochána lacks both the technical resources and the manpower to seriously combat organised crime. Closer co-operation and the sharing of expertise and intelligence with our fellow member states are essential if we are to seriously reduce crime. Criminality is an international problem that requires an international solution. To coin a hackneyed cliché, crime knows no boundaries.

In addition to a diminished reputation among our EU partners and a reduced capacity to tackle criminality, there are other consequences to the Government's decision to opt out of the provisions of the reform treaty. We may find ourselves excluded from justice measures we have signed up to such as the Schengen Information System II update, a key European border management database which is crucial in fighting terrorism and crime. It has also been suggested we may face financial penalties. I am not sure whether the Minister of State at the Department of Foreign Affairs, Deputy Dick Roche, or the Minister for Foreign Affairs, Deputy Dermot Ahern, will be addressing this matter.

Deputy Michael Creed: They will hardly let the Minister of State with responsibility for European affairs, Deputy Roche, out, as he does not agree with the tune being sung.

Deputy Charles Flanagan: Agreed. I ask the Minister to deal specifically with these issues before the end of this debate. Our citizens may not have recourse to the European Court of Justice in respect of certain justice and home affairs matters that may arise from time to time. It is essential that new EU measures are debated and scrutinised and that the best interests of the people are protected. In effect, the Government is using a sledgehammer to crack a nut.

Following Britain's lead in choosing to opt-out is excessive and unnecessary. I listened with interest to the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, invoke the advice of the Attorney General when saying use of the emergency brake may be less than certain at some stage in the future. I would like the Minister of State at the Department of Foreign Affairs, Deputy Roche, to comment on this.

[Deputy Charles Flanagan.]

Embracing the reform treaty would help Ireland in its fight against organised crime, particularly in tackling the smuggling of drugs and people into the country. These significant issues facing society are best resolved from an EU-wide perspective. Pooling of sovereignty in the area of justice and home affairs could be a small price to pay for more effective strategies to tackle criminality which would result in safer streets and environment for the people. Moreover, embracing the treaty would reaffirm our position as a key and confident player in a growing EU family — a position that has served us well and can continue to benefit the people. We are at a crossroads. This opt-out marks a clear departure in our relationship with the European Union, one we may well live to regret.

Deputy Martin Mansergh: The negotiation of the constitutional treaty was one of the Taoiseach's greatest successes. Therefore, the notion that the Government is lukewarm about the reform treaty, a slightly modified version of the constitutional treaty, is complete rubbish.

I have mixed feelings about the respective merits of the constitutional and reform treaties. The constitutional treaty was legible and understandable. On the other hand, the reform treaty displaced the organic growth of 50 years and omitted some of the clauses on the Common Agricultural Policy. However, there is some merit in the fact that the treaties, as they have been accreting since 1957, are still in place. Once the reform treaty is finally agreed, it is important a White Paper is produced by the Department of Foreign Affairs and a consolidated text presented. Even Members sometimes find it difficult to obtain a text. If a decision must be made on a reform treaty, that treaty must be available in a legible and understandable form.

I cringed when the former President of the Convention on the Future of Europe, Valéry Giscard d'Estaing, talked about Philadelphia in such a grandiose manner. The united states of Europe is not the model for the European Union. Rather, the Union is a *sui generis* method of international co-operation, not an embryonic, massive sovereign state. The tendency among the critics is to play up issues such as there will be a president of the European Council. I am not aware Chancellor Merkel, President Sarkozy or Prime Minister Brown have applied for that job or are likely to do so.

Deputy Michael Creed: What about the Taoiseach?

Deputy Martin Mansergh: I do not see it as being as powerful a job as the critics make out. It would be akin to the high representative for external affairs trying to bring together and represent views, while not being an independent, powerful governor in his own right.

Much has been made of the reduction in numbers for vetoes. If we want decisions made, we cannot allow unlimited vetoes. When countries have vital interests, they are generally shared with others, which encourages alliances. Vetoes should be reserved for important matters. Whether we have 12 or 13 seats in the European Parliament will not matter very much. No disrespect to the European Parliament, the main protection of our interests is our membership of the Council of Ministers.

An enlarged role is envisaged in the treaty for scrutiny by national parliaments. We must be realistic about what is possible. Many of the measures taken by the European Union are of a technical nature. We must rely on expert civil and public servants, under political supervision, to represent our interests. It is unrealistic to think we will be able to second-guess the detail on everything. I am glad we will not opt out of the Charter of Fundamental Rights, the debate on which is somewhat like the debates on the social charter in the early 1990s. We will not go down the British road in that regard.

On justice and home affairs, my instinct would be to take the least possible opt-out. I suppose, however, we must recognise the legal practicalities. I do not share the almost romantic enthusiasm of the Minister for Justice, Equality and Law Reform's predecessor who almost worshipped at the shrine of the common law system.

Deputy Charles Flanagan: He is enjoying it more now.

Deputy Martin Mansergh: If one had to choose between Judge Balthazar Garzon who put some Ministers engaged in the dirty war in Spain behind bars and is taking an equally tough line with ETA and Mr. Justice Lord Denning, give me Judge Balthazar Garzon any day.

I do not accept that the opt-out reflects any Euroscepticism. Is Deputy Flanagan saying the Fine Gael position is that if it were in government, it would end the opt-out immediately? If that is the case, his opposition would be worth hearing and analysing.

As the Minister complained, neutrality is an endlessly elastic piece of string. As Dr. Johnson said, there is a lot of ruin in a nation. Neutrality is almost like a toy in a baby's bath; when one knocks it over, it bounces up again. Somehow, neutrality always rises up again for the next debate on the next treaty. I do not credit any of our European partners with imperialist ambitions or believe any of them, under the auspices of the European Union, would want to get the Union involved in another Iraq. The fact is — this is never recognised by the critics who major on the subject — defence spending and armies have been reduced in recent years.

The European Union has had a tremendous and positive impact on Ireland. Our GNP per

head has increased from approximately two thirds of the European average to well over the European average. Reference has been made to the progressive effect in the areas of labour law, the environment, women, agricultural policy, the euro, capital investment through the social funds and so on. We have never been as comfortably placed as a nation. We do not have to choose, as was sometimes the case, between European allies and Britain. We are partners with everybody in Europe and would need an overwhelming reason to oppose the European treaty ratification and effectively sideline ourselves. The European Union has enabled us to participate in the race to the top, not to the bottom. Opting out would deepen levels of poverty and exclusion.

I am not entirely surprised that Deputy Ó Snodaigh seemed to confuse the Council of Europe which is not meeting later this week and the European Council. The European Union is probably one of the most open and transparent international organisations. I was amused to hear him talk about fears of harmonising taxes. Was it not Sinn Féin earlier this year which wanted us to harmonise our corporation tax rate with that in Northern Ireland and raise it to about 18%? I suppose we must be grateful that there are people who will provide us with debate as we come to a decision on the matter but the case against the reform movement has no credibility. It is an important decision that we must take. Our EU membership has served us extremely well.

Deputy Deirdre Clune: I wish to share time with Deputy Creed.

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

Deputy Deirdre Clune: The EU reform treaty is an important step forward. I recognise it is a valuable treaty, something that has been spelled out by many Members in the debate.

7 o'clock I am deeply concerned by the Government's proposal to opt out of the policing and criminal law areas of this treaty because it sends a stark message to our European partners that the Ireland that has played such a strong role in Europe is now signalling it is sceptical of European affairs. That is very worrying to myself and many members of my party who have always been such strong supporters of the European Union.

The Fine Gael Party has always championed the idea of a strong Europe, a single market and an enlarged economic and social bloc. In the recent general election we stated in our manifesto our commitment to promote openness and transparency in the workings of the European Union and in the manner in which European legislation impacts on the citizens of this island.

That statement of intent is in stark contrast to the lacklustre and less than enthusiastic approach of the Government parties. The Green Party

opposed all previous referenda on European treaties. That is something I could never understand when Europe has been so good for this country in terms of environmental protection, raising our awareness of the state of our environment, introducing European law as well as equality and social inclusion measures. We are hearing a different story now from the partners in Government. Could it be that this opt-out is an effort to ensure the Green Party can opt in and claim to their supporters that they have influenced changes and succeeded in introducing a wedge in Ireland's commitment to Europe? It is similar to the commitment to reduce the number of incinerators from eight to two — another watered down version.

The Fianna Fáil Party has always shied away from Europe. It has not embraced with enthusiasm the European ideal. At the time of the first Nice treaty, there was little or no effort on the part of the Government parties. There was no sign of them campaigning on the ground or promoting the treaty. The people sensed that "take it or leave it" approach by the Government and, predictably, voted against the treaty. On the next occasion, because the Government parties engaged in terms of campaigning, involving meetings in town halls and public squares the length and breadth of the country, the people engaged with that type of debate and informed themselves. As expected, the people of this island accepted the Nice treaty.

Largely speaking, the citizens of this island recognise the importance of Europe and that it is good for us. They want to play their part in a strong Europe. They want Ireland to continue to have a strong voice and to play a strong role in Europe. There are many areas we can point to in that regard, particularly the treaty negotiated here in 2004, and others in which we have played a strong role and punched above our weight, so to speak. This proposed opt-out, however, is sending out the wrong signal that Ireland is less than enthusiastic, that we are pulling back and tagging along with the United Kingdom Government which is less than enthusiastic about Europe and can be classed as being sceptical about European affairs.

The opt-out of the policing and law reform areas of the treaty, which are important if we are to tackle international crime, is a concern because crime has no boundaries. It is important to participate in this treaty in a full and enthusiastic manner and not opt out of certain areas. That aspect was not explained fully by the Minister. He did not give examples of how the Government has come to this decision to opt out in certain areas. That would be beneficial for all Members.

As I said, crime knows no boundaries. We had a debate in the House recently about drug crime and the way drugs are infiltrating every corner of every community in this State. Drugs are flooding into the European Union through Africa. The

[Deputy Deirdre Clune.]

price of cocaine has dropped considerably. International crime crosses borders, with international trafficking and fraud being perpetrated over the Internet. There are numerous examples of that and at a time when the world is becoming smaller, co-operation on an international and European level is vital.

I am surprised this debate has not taken previously in the Chamber. The European affairs committee has been abandoned for the past six months and is yet to meet. That shows disdain for this House. This issue should have been brought before this House, the European affairs committee or the foreign affairs committee to allow Members contribute to the debate and understand how we have come to the stage whereby on Thursday, this treaty will be signed in the European Council, yet Members have had no input other than an opportunity to make statements two days before D-day.

Deputy Michael Creed: I thank Deputy Clune for sharing her time. I welcome the opportunity to make a brief contribution about the proposed treaty.

I want to take up the point on which Deputy Clune concluded. There is almost a sleight of hand involved in approving this treaty at European level with little or no reference to this Chamber. That is a poor start to a debate that, ultimately, will have to be decided by the people. If the people perceive there is a sleight of hand at play, they will not take at face value the words spoken in favour of this treaty.

The treaty is heady stuff and as a non-legal person there is a good deal in it to digest. I await with interest the Minister of State, Deputy Roche's contribution to the conclusion of the debate because we are led to believe from his public utterances that he is at least one step removed from the Government's view on this issue. While the treaty is heavy legal going and refers to hand brakes, QMVs and so on, it is the ordinary man on the street who will decide whether this is something he wants to be ruled by ultimately. That is a useful starting point in understanding this opt-out from judicial and police co-operation. Ordinary people are concerned about crime and its causes, drug-fuelled empires that make countless millions. We read in a newspaper today of the international dimension to crime, with hitmen being flown from the Middle East to Limerick to assist gangs in controlling their territories. People want co-operation across borders between police forces. Individual rights must be safeguarded but, overwhelmingly, the public wants to ensure law abiding citizens are protected by EU treaties. Putting us outside the European mainstream is not the way to deliver that. Deputy Pat Carey might well shake his head but that is the reality.

Deputy Pat Carey: There is already police co-operation.

Deputy Michael Creed: When eminent commentators such as former Commissioner Sutherland castigate the Government over its position, it is time to sit up and take notice. I put more faith in what Mr. Sutherland has to say than in many of the commentators defending the Government position.

We have benefited hugely from Europe. If, however, we want to talk about the Government moving away from centre stage in terms of the European debate, we need only look at the recent debacle at European level on the part of the Department of Agriculture, Fisheries and Food on the GM food issue. One swallow does not make a summer but when that was followed by this proposal and the way it has been handled, ignoring the voice of the people in Dáil Éireann, a trend can be seen emerging. We must be cognisant of what happened with the Nice treaty when people perceived a lack of commitment. Fine Gael has always been in the European mainstream and while we will support this, we do so with reservations.

The Government has done the nation a disservice in terms of how it handled this matter at European level. We do not want to be *à la carte* Europeans. The pick and choose attitude that Tony Blair thinks serves British interests will not serve Irish interests. This is a backward step.

Deputy Pat Carey: That is why we are negotiating at European level.

Deputy Chris Andrews: I welcome this opportunity to discuss the EU reform treaty as negotiated under the German Presidency in June. This is an important time for Ireland and its role within Europe. The treaty is being finalised at the intergovernmental conference which convened at the end of July and which will conclude at the end of this week if political agreement is reached. I support the implementation of the reform treaty and continued and open debate on the future of the European Union. I welcome the Forum on Europe's contribution and the European Movement Ireland's publications, which are particularly easy to read and should be recommended as a starting point to anyone with an interest in the treaty.

After the Nice treaty was signed off in June 2001, it was agreed that a further treaty was necessary to reform voting procedures, improve democracy and transparency and accommodate the new member states. With this in mind the EU constitution was agreed in 2004 under the aegis of the Irish Presidency. Negotiations were tough and it was one of the Taoiseach's finest achievements on the international stage. The constitution was subsequently ratified by 15 member states but was rejected by the Netherlands and France. As unanimity was required, the constitution was

temporarily shelved and a period of reflection entered into throughout 2006.

In 2007, under the new German Presidency and with a changed political landscape, the debate was reignited and agreement was successfully negotiated into what has been rebranded the reform treaty. The statements in the Dáil give us a chance to kick-start the debate on that treaty and the future of the European Union.

The lack of debate is one of the major problems of the European Union. There is a lack of engagement and a perception by the public that they are not part of the decision-making process. This is evident from the rejection of the EU constitution by two of its founding members in 2005, seen by many as a serious setback for the engine of European integration. How can citizens vote for change and new treaties if the message is not properly portrayed and they feel excluded from the process? I hope the debate today and in days to come represents the beginnings of a well informed, well considered and inclusive debate on the future of the European Union, Ireland's role within it and the institutional framework.

Since Ireland joined the EEC in 1973, we have benefited and contributed a great deal. We have benefited from the Common Agricultural Policy, Structural Funds and having a common currency. We have also contributed enormously. It is widely recognised that the Irish EU Presidency in 2004 was one of the most successful of recent years. An Irish person, John Bruton, represents the EU as ambassador in Washington and Pat Cox was successful in his role as President of the European Parliament. Recently Major General Pat Nash was appointed to head the ESDP troops in Chad and the Central African Republic and Commissioner McCreevy, a former Member of this House, is paving the way for the expansion of the Single Market.

The history of the European Union is not straightforward. There has not been linear progression in integration, as many would have us believe, but a series of stops and starts, with periods of deepening and widening, reflection and scepticism. This is part of the process and is the reason I urge constructive and public debate on the matter. The reform treaty provides clarity on many institutional issues and will encourage the smooth working of the super-national institutions. It has excluded specific reference to state-like symbols, which were deemed unpopular, such as a flag, an anthem and a motto. The reform treaty has accounted for the concerns of Poland by delaying the new voting procedures until 2014 and it has provided an opt-out clause for the justice provisions of the treaty for Britain and Ireland.

The opt-out clause does not represent Euro-scepticism. Fine Gael is saying that for the sake of it. The opt-out clause recognises the need to preserve the common travel area between Britain and Ireland and the fact that the common law

system is different from the continental civil law system. The Cabinet that decided to avail of the opt-out clause has also committed to opting in if conditions in future are suitable. Ireland will not opt out from the charter of fundamental human rights. Europe has been a source of prosperity and justice in Ireland. I welcome the reform treaty and feel it will keep the European project on track, hopefully improving the democratic credentials of European institutions.

I have some concerns about the future of European enlargement. One of the largest EU projects under way is the accession of Turkey. The enlargement project has been relatively successful so far, with the accession of ten new states in 2004 being smooth, although the success of the accession of Romania and Bulgaria in January 2007 is still a matter of debate.

I am deeply concerned, however, about events in Washington last week. On Thursday, 11 October, the House of Representatives foreign affairs committee voted 27 to 12 in favour of recognising that the killing of 1.5 million Armenians by the Ottomans in 1915 was genocide. So far, 15 other states have officially recognised the Armenian genocide, including France. The Turkish responded by recalling their envoy from Washington. This is a calculated and intimidating move that flies in the face of the liberal image Turkey would like to project.

The infamous article 301 of Turkey's penal code prohibits any insults to Turkishness. The new Turkish President and Prime Minister like to give the impression of being modern and open, but their actions are far removed from their fine words. Turkey's aggressive stance towards Greek Cyprus is another example of the country's actions not matching its words. The Minister for Foreign Affairs, Deputy Dermot Ahern, should express his concerns to Turkish Prime Minister, Mr. Erdogan, as well as urging the newly elected President, Abdullah Gul, to reconsider his response to the recent vote by a committee of the US House of Representatives.

Turkey must repeal article 301 to allow freedom of speech and increased protection of human rights. Without these measures being taken, I am concerned, as are many others, that the European Union will drop the bar for admission to the Union, thus diminishing the values and benefits of EU membership. There appears to be a debate between academics and Eurocrats about further expansion of Europe. It appears that they carry on this debate with little reference to the broader European public. These Eurocrats have deemed that further rapid expansion is, like medicine, good for us regardless of whether we like it. The difficulty is that these Eurocrats have left an ever-increasing number of people behind.

Today, many politicians and Eurocrats seem to measure the success of the European project by the number of countries striving not only for association and political partnership within

[Deputy Chris Andrews.]

Europe, but also for full EU membership. Admittedly, it is encouraging to see that the EU is perceived by the outside world as a model organisation. However, the EU's interior political landscape and the general mood of European political opinion suggest that it would be courageous to acknowledge that the EU needs to refocus on serving the well-being of its citizens instead of leading an ongoing debate on important issues such as enlargement over the heads of the public. These professional Eurocrats should consider the impact deficiencies in the EU's democratic system has on Europe's credibility at home, as opposed to focusing primarily on the devastating effects that refusal may have for new applicants. The public should decide Europe's future. Without constructive engagement and debate on this matter, the reform treaty will not be worth the paper it is written on. I look forward to engaging in that debate and I hope the reform treaty will be adopted.

Deputy Pat Rabbitte: Although the original text of the constitutional treaty has been the subject of a cut and paste job, the essentially social democratic values of enhanced European democratic decision-making and an improved social policy dimension are largely still intact in the reform treaty. These are the primary considerations motivating the Labour Party's supportive position. We need more effective operating mechanisms and must preserve progress and past achievements. In addition, we must continue to stimulate innovation and grow employment. We must protect and advance social cohesion. We welcome the new impetus to tackle global warming and are glad to play our part in addressing global poverty. We acknowledge that some of the most serious crime experienced in this jurisdiction, in particular, that which derives from the drugs trade, has an international dimension and will require enhanced co-operation between member states.

However, our positive disposition does not mean that we do not regret the opportunity the treaty presented to draw up a genuinely accessible version of the constitution of Europe. It is to delude oneself to believe that it is somehow the people's fault that they demonstrate little enthusiasm for this latest project. For a people to truly claim to own a developing institutional political process, they must first understand it. As my colleague Deputy Costello remarked earlier, the popular failure to grasp the European architecture is not due to some intellectual deficiency on the part of European citizenry, nor is it simply a lack of interest. To date, the process has been managed by a political class concerned only to ensure that its members understand each other rather than that their message reaches European citizens as a whole.

Is it reasonable to expect any citizen to offer his or her adherence and loyalty to a set of normative rules, institutions and values that are not clearly and legibly set out and which are incapable of being tracked except by lawyers and other professional experts? It is hard to make a plausible case that as a result of the reform treaty the whole series of treaties will now be more intelligible than they were before. This is not a single accessible coherent text. Departing from the Fianna Fáil script factory, Deputy Mansergh acknowledged as much in his contribution a few minutes ago. It may be a lawyer's and bureaucrat's paradise but in reality it is a series of references, amendments, insertions, protocols, declarations and opt-outs. It is not consistent with the stated commitment to openness and transparency.

It is worth noting that a relatively cumbersome convention, comprising 105 members, produced a document that, by comparison, was coherent and legible. As this is the instinctive reaction of most citizens, it does not mean that people generally do not accept the necessity for enhanced co-operation and for a more efficient way of conducting necessary business. Whereas it can be argued that cosmetically the presentation of a "constitution" was always going to be problematic, we have reached the stage after 50 years where we probably do need a constitution of Europe.

The Minister has drawn attention to the fact that there are certain significant differences between the constitutional treaty and the reform treaty in the justice and home affairs area. He referred to the change to qualified majority voting as a sea change. I agree, but the constitutional point to understand about European Community law and the increasing scope of the rule of European law is that in respect of matters of legal interpretation, it is not the interpretation of the Irish courts but of the European Court of Justice that prevails. In its own sphere European Community law is constitution-proofed, by which I mean that it is insulated from constitutional challenge from the standpoint of the Irish Constitution. If the writ of Community law was small, restricted or confined, and in the main touched lightly if at all on the daily lives of ordinary people, it would not matter very much.

Whatever about the present, however, that certainly will not be the case after the entry into force of the reform treaty. This is because the treaty envisages the enhancement and expansion of the role of the Union *vis-à-vis* national governments in a range of important fields, such as justice and internal affairs, and foreign, security and defence policy. I have no doubt but that it will be vigorously argued that the reform treaty threatens the British and Irish systems of criminal law and procedure, and our respective constitutional provisions in that area, or in short that *bunreacht na hEorpa* will override *Bunreacht na hÉireann*.

We have just heard Deputy Mansergh say he would be quite critical of the previous Minister for Justice, Equality and Law Reform who, he said, worshipped at the shrine of the protection of common law. I always marvel at the ingenuity of Fianna Fáil backbenchers who manage to single out the hapless former Progressive Democrats Minister when the current Minister holds exactly the same view, as does anybody extracted from the Four Courts, even if he expresses it somewhat more delicately than his predecessor. That is not to say that they do not have a point and that it would not be negligent of this House to attempt to measure the impact this argument will have on the electorate.

Deputy Costello sought to trace the key differences between the common and the civil law jurisdictions. We should not underestimate the popular attachment here to trial by jury. Likewise, in the matter of criminal procedure *habeas corpus* is enshrined in Article 40 of the Constitution. There can be no denying that our Constitution has significant fundamental importance in our everyday lives. It is the one law that legislators cannot change, the people alone may amend it. We have a system of investigation by the Garda Síochána, a separate system of prosecution by the Director of Public Prosecutions and an equally separate and independent Judiciary.

The major innovation in this treaty is the proposal for a European public prosecutor which would combine the powers of investigation and prosecution and the power to bring to judgment. It is difficult to envisage these diverse systems always easily co-existing, although it is puzzling that the Government did not mention this difficulty before the British opt-out. I accept that in respect of police and judicial co-operation in criminal cases the UK is our most important EU partner. Statistics bear this out. That is scarcely surprising given the common travel area between the two countries. That was the import of the contribution of the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan.

The 18th amendment to the Constitution includes a provision that was a Labour Party initiative. This stipulates as a minimum requirement that the exercise of certain options and discretions under the treaties requires the prior approval of both Houses of the Oireachtas. I presume the Government intends that the amendment Bill to be published next year will contain similar provisions. In other words, although the Government will have power to opt into any aspect of the justice and home affairs agenda it would have no authority to do so unless there was prior Oireachtas approval.

There is a tendency in Government and official circles to believe that where issues of Irish sovereignty arise it is sufficient to give a discretion to the Government, that is the Minister or, more likely, the official standing in for the Minister at

the meeting in Brussels. Irish sovereignty is not preserved by giving a veto to Ministers at EU meetings. The idea that it is preserved by vesting in a Minister in Brussels the power to decide whether to agree to a proposal that has an effect in law and overrides the Constitution could appeal only to Ministers and their advisers. It makes no sense to anyone else. I hope the Minister of State will confirm that where that discretion is at issue he will observe the requirement for the prior approval of this House.

I agree with Deputy Mansergh that we all welcome the clarification to the effect that we are not opting out of the Charter of Fundamental Rights. I do not know why people want to come back from Brussels giving the converse impression. Deputy Mansergh, in his empirical view of these things, says that it may be of little moment that we have diminished to 12 seats. Not everyone in the House would take that view. I understood from earlier remarks by the Minister of State with responsibility for European affairs, Deputy Roche, and others that we had a reasonable prospect of coming back with 13 seats. It is a material issue for a small country. There ought to be a *de minimus* provision. This remains important.

Deputy Ciarán Cuffe: I wish to share time with Deputy Calleary.

Together with many members of the Green Party I consider myself to be a proud European and a proud Irish person. I am a friend of Europe and believe that Europe has been a friend to Ireland since we joined the European Economic Community in 1973. We recognise, however, that good friends know when to criticise and when to hold a friend to account. We have had our difficulties and differences with European policy. We are proud of our record of calling the European Union to account. It is always important for a small nation to ensure that its voice is heard.

Europe has been good for democracy and for the environment in Ireland. I disagree with Deputy Kenny's reference to an opt-out on some nebulous futuristic prospect of unforeseen circumstances. The opt-out is strongly felt and is epitomised by the differences between Napoleonic law and common law. Several speakers alluded to jury trial, lengthy detention periods and *habeas corpus*, important issues on which to draw a line in the sand. Some may describe this as an *à la carte* approach but if one chooses the *prix fixe* menu one is in real danger of losing out on issues held dear by states such as ours.

Deputy Costello ranted about the Green Party's role to the point of accusing us of 50 years of opposition to Europe which is a bit rich given that we have existed for only 25 years. Perhaps he lost the run of himself.

Deputy Joe Costello: It was the U-turn that had me agog. I am bewildered.

Deputy Ciarán Cuffe: There are concerns about this treaty. I have difficulty with the Euratom treaty that gives more money to research in nuclear fission and fusion than to renewable energy. I have grave concerns about the clause in the potential treaty about progressively improving military capabilities and where it might lead us.

Deputy Simon Coveney: It leads us to peacekeeping.

Deputy Ciarán Cuffe: The phrase is “military capabilities”.

Deputy Simon Coveney: Yes.

Deputy Ciarán Cuffe: I am worried that the voice of small nations will sometimes be lost in the power play between the large members of the Union. I would rather that we considered having a bicameral parliament.

Deputy Billy Timmins: The Deputy is against the treaty.

Deputy Ciarán Cuffe: The lower house would be elected on a proportionate basis from the member states, not unlike the American Senate where each country might also have two members in an upper house. This would ensure that the voices of small nations would not be lost and would have a power of veto over future policy. Those are issues to discuss another day.

We welcome debate and discussion within our party and disagreement is allowed. Unlike other parties we do not have a strong tradition of *una voce uno duce*, and I do not refer exclusively to parties on this side of the House. Nor do we subscribe to the “*E pluribus unum* — From many, one” view of Europe. There certainly is space to have many different voices, not only within Europe but also in the debate on Europe within my own party. We are happy to debate and to decide our policy. We will be having that important debate before the end of the year.

The Charter of Fundamental Rights is very important to us. Unlike in the UK, we feel that making it legally binding is a very positive aspect of the treaty.

Acting Chairman (Deputy Seamus Kirk): The Deputy’s time has concluded.

Deputy Ciarán Cuffe: From my experience of Europe, travelling through countries like Croatia and Montenegro, I see the EU as a very positive force. Through my occasional work with TACIS, the Technical Assistance to the Commonwealth of Independent States, I have seen a positive role for the European Union over the last ten years.

Deputy Joe Costello: The Deputy must have travelled on the road to Damascus as well.

Deputy Ciarán Cuffe: As we face the important challenge of climate change, the European Union is a leader on the world stage. My view is to support the treaty, subject to looking at the final draft that may be approved this weekend.

Deputy Dara Calleary: I come to the debate as a member of the Forum on Europe and I pay tribute to Dr. Maurice Hayes and the secretariat and the forum members for the fantastic, innovative work they have done in the past few years. Deputy Rabbitte and other previous speakers referred to the lack of connectivity among Irish people to Europe and European issues. We should respect the fact the forum has done its level best to try to address that lack of information over many years.

I welcome the reform treaty and particularly the decision to drop the title of constitution. That was a major issue for people and while there is a lack of connectivity with Europe and European law, there is an attachment to our own Constitution. It would have been wrongly argued in any forthcoming referendum debate that this would supersede our Constitution, rather than complement it. For the sake of selling the treaty next year, this is an important development.

The reform treaty is necessary to begin the process of resolving and tidying up the institutions, which over the course of enlargement have become so unwieldy that they are adding to the lack of interest in European issues. I disagree with my colleague Deputy Mansergh. I fully support the work of the Government in trying to pursue the maximum representation in the European Parliament. We have been very well served by our MEPs over the years, especially those who respected their mandate. They do great work in trying to connect people to Europe and European activities and the fewer we have, the harder that job will be. I support the Minister of State, Deputy Roche, in his efforts on behalf of the Government.

I also agree with the creation of a figurehead for the European Council. It is a great national privilege and an honour, although lost on the general public, to host the EU Presidency. However, it does not improve the work of the EU that every six months there is a different figurehead or face. The EU could have a chance to be a world leader in a range of issues such as climate change and in peace talks in different parts of the world, and a Council position backed by a member state that is there over a two and a half year period has a better chance of making an impact on behalf of the Union. That is a position we should support.

The enhanced role for national parliaments is also welcome. However, we need to use this role by uniting with other parliaments on areas in which the Union has gone askew. I refer particularly to state aids. Rural services that are provided by the state should be maintained. If we are

to maintain rural populations and rural communities, the state will have to play a role in the operation of post offices, health care or transport. The state aid rules are often used against the ability to maintain state services in rural communities. The time has come for a Europe-wide campaign to ensure state aid rules within the EU are not used to denude rural populations and services. That issue will be particularly big in the coming months.

The referendum next year gives us a chance to put our support for the EU on the table. The Union has made such a difference to this country in ways that have been referred to by previous speakers. We would not be anywhere economically or socially were it not for the impact of the Union and we have a chance next year to show our support for that. It is slightly petty of those on the other side of the House, particularly the Fine Gael speakers, to criticise the Government and my party's role in Europe. After all, this is the party that established the Forum on Europe, boycotted initially by Fine Gael, the so-called champions of Europe. I pay tribute to Deputy Kenny for reversing that decision. When we reflect on the role of the Taoiseach and of the Minister of State in pursuing the original treaty that provided us with the foundation for this, it speaks volumes of this party's commitment to Europe.

I look forward to a constructive debate on this, although I suspect there are some who will use it to have a go at all sorts of European law which has nothing to do with the treaty. However, that is always the way it has been.

Deputy Simon Coveney: I am pleased to have an opportunity to make a statement of support for the EU reform treaty. As the Minister of State mentioned earlier, it is a culmination of a lengthy process of reflection and negotiations since the failure to ratify the constitutional treaty in referenda in France and the Netherlands. When both countries voted against the new EU constitution, there was a great deal of uncertainty among EU leaders on how best to proceed. I can recall clearly on many occasions with the EPP group debating in the European Parliament on how the EU should proceed. I also remember the Taoiseach offering his comments to the European Parliament on the same issue. Regardless of the reasons for voting down the treaty, the EU was forced to change tack.

The new reform treaty is the result of that change of tack and is essentially an achievable compromise. It is not as ambitious a concept as an all-encompassing constitution for Europe, yet it preserves as much as possible from the constitutional treaty that was negotiated over a period of years in the Convention. As the EU grows and expands, the way in which we operate has to change if the EU is to function in a workable, effective and positive manner. Structures need to

change to reflect the democratic and managerial challenges of enlargement and the new political challenges that face us, such as terrorism and climate change. Standing still will simply lead to paralysis in the EU.

We now have a reform treaty which is a series of amendments to existing treaties that build upon them and improve them. However, from a personal point of view, I would have been far happier with one single document, such as a constitutional treaty that we could send to our friends across the Atlantic or anywhere else in the world that would explain in clear language what the EU is about and how it functions. Ireland will probably be the only country in the EU to have a referendum on the reform treaty. For this reason, I would have expected the Government parties to work with all parties, but especially Fine Gael, in the build up to improving the content of the treaty. The Government will need our support in a referendum next year. The reform treaty will have Fine Gael's support, as have previous referenda in Ireland. This is in contrast to parties like Sinn Féin and the Green Party when it was on this side of the House. Fine Gael will not attempt to raise unfounded fears or warp the content of the reform treaty and its potential effects on Irish people or Europeans. We will campaign to inform people fully on the effects of the treaty.

For these reasons, the lack of consultation with Fine Gael by the Government parties is completely unacceptable. I refer to what has become the controversial issue for the Government, namely, reserving the right to opt out of treaty provisions. Apart from the intrinsic importance of cross-border crime and co-operation, Ireland is sending out an image of aligning itself with other eurosceptic countries. Henceforth, Ireland and Britain will be bracketed together in this regard. I believe that keeping the option open to opt out on certain issues undermines our ability to shape and negotiate policy in the field of justice and home affairs.

I listened to the Minister for Foreign Affairs speak on this issue last weekend and have not been convinced by his arguments. Moreover, I do not believe that the Minister of State with responsibility for European Affairs is convinced either. Unfortunately, the Government has decided to take a different tack from the main Opposition party on this issue, which I hope will not lessen the impact of either side in respect of the referendum.

Deputy Pat Breen: I am delighted to have the opportunity to support the new EU reform treaty. Since the 1950s, the European Union has been governed by sets of rules and treaties, which have required amendment from time to time. Members will recall the Irish Presidency of 2004 secured agreement on the new constitutional treaty. Unfortunately, as other Members have noted, it was rejected by France and the Netherlands. This

[Deputy Pat Breen.]

state of affairs continued until the German Presidency when Chancellor Angela Merkel secured agreement on a new EU reform treaty. I recall the many discussions and difficulties that arose in this regard, particularly with her Polish colleagues.

As a Fine Gael member of the Council of Europe, I am proud to be part of its European People's Party group. The Council of Europe works to find solutions to issues such as human trafficking, terrorism, organised crime and corruption. As my colleagues have noted, Fine Gael supports the reform treaty but disagrees strongly with the Government's decision to opt out of its policing and criminal law sections. Recently, Ireland has experienced a major resurgence in gangland crime, whose perpetrators have many links to Europe. The high number of recent gangland shootings demonstrates an out-of-control situation. This morning's edition of the *Irish Examiner* reported that some criminals have hired hitmen from the Middle East to continue with their murdering expeditions and the only way to combat effectively cross-border crime is by increasing levels of co-operation at EU level.

Recent statistics have shown it takes Ireland six times longer than any other European country to surrender criminals on foot of European arrest warrants, EAWs. Fewer than half of the wanted suspects arrested by the Garda have been sent back to the states in which the crimes were committed. Criminal lawyers have suggested that this delay, combined with the low surrender figures, could result in Ireland being viewed as a safe haven for criminals on the run. The EAW scheme was set up to make the extradition of wanted criminals among member states more speedy and efficient and Ireland has been a member since 2001. Apart from Ireland, no European state takes longer than two months to surrender suspects who appeal their extradition under the EAW. However, it frequently takes longer than one year in Ireland. Moreover, figures from the Department of Justice, Equality and Law Reform show that of the 169 suspects arrested under the EAW, only 81 were surrendered. In addition, European figures show that of the 60 warrants received in 2005, only 18 of the wanted suspects were arrested, of whom only seven were surrendered.

The Government has stated it will review its decision in this regard in three years' time. There is no reason for Ireland to follow Britain automatically in the decision to opt out as Ireland should not separate itself from the European mainstream. The Minister of State with responsibility for European Affairs made the same point approximately one month ago when he supported all aspects of the EU reform treaty. Although he has performed a U-turn in this regard subsequently, that is nothing new for the Government.

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): It is a pity the previous speaker thought to interpret what is in my mind. I thank all Members for their contributions on this highly important issue. The manner in which the reform treaty is handled will have an extremely important bearing on Ireland's future position within the European Union. Ireland is perceived as a dynamic, progressive and forward-looking nation and the Government intends to preserve this perception. I agree with Deputy Coveney that our capacity within the European Union to win friends and partake in alliances has given us the great benefits we have enjoyed in the past. The great majority of Members rightly see Ireland's future at the heart of Europe and this view has been expressed in many contributions.

Next year, the people will have the opportunity in a referendum to make a judgment on the treaty and the evolution of the European movement itself. As a small member state, Ireland has again the opportunity to take a decision that will have a fundamental and a positive impact on the European Union that has served Ireland and Europe well. There is a responsibility on Members as public representatives to conduct a well informed, productive and truthful debate and to ensure that the people see the issues as they are.

I was somewhat surprised by some comments alleging a lack of debate in this regard. Members had a good exchange of views on these issues on 27 June and significant exchanges also took place in July. I assure all Members that I will work closely with them on this issue because I believe it to be of fundamental importance to Ireland. As one who has been involved with this treaty since the time of the European Convention, I am pleased that many of the ideas teased out at it are on the verge of being endorsed by the 27 member states in the new reform treaty. I agree with Deputies Coveney and Rabbitte it is a great pity that it is not contained within a single coherent document that citizens of Europe could pick up and read. Its loss is a tragedy because that was one of the great efforts made by the convention. However, Members should bear in mind that most of the new treaty's provisions spring directly from the convention's work, as did those of the constitutional treaty. I am disappointed the latter was not endorsed as it came forward.

After 50 years of European integration and a series of historic enlargements, there can be no gainsaying that the present European Union of 27 member states needs a new basis on which to operate. The reform treaty will provide Europe with that basis, bring an end to the debate on institutional reform and help strengthen the democratic character of the Union. It aims to bring the Union closer to its citizens and the new voting arrangements will facilitate good decision making. The proposed posts of President of the European Council and High Representative of the Union for Foreign Affairs and Security

Policy, which is a mouthful, will give Europe a clearer voice in the world in order that we can work to achieve progress on those issues that are of particular importance to all.

The treaty is also to be welcomed by Ireland as there is no attempt to press changes in areas of special sensitivity, such as defence and taxation. Members will be aware that I have expressed strong views on the importance of securing Ireland's reputation as a positive force within the Union in all areas in which it is growing. In particular, I underlined the need to differentiate ourselves by underlining our commitment to effective EU action in the areas of criminal law and police co-operation. I am satisfied the political declaration under discussion highlights Ireland's intention to participate in Europe's efforts to combat cross-border crime to the maximum possible extent, unless good legal reasons exist for not so doing. I am particularly pleased there is an unequivocal commitment to being involved in police co-operation. These are very important political signals to be sent to our European partners.

In addition, Ireland has committed itself unreservedly to the Charter of Fundamental Rights and has expressed no qualms regarding the judicial jurisdiction of the European Court of Justice in the field of justice and home affairs. I am somewhat mystified by arguments that were made regarding the role of the European Court of Justice. The Government has committed itself to reviewing the special arrangements that apply to Ireland in respect of justice and home affairs after only three years. This will enable the Government to make a considered judgment on the evolution of policy in this regard.

Another issue was raised and lest hares start running across fields, I wish to make a brief reference to EURATOM. The treaty is not completely ignorant on the issue of EURATOM, which is of course outside the——

Acting Chairman: The Minister has limited time.

Deputy Dick Roche: There is a specific Irish and Austrian protocol on this.

As to Europe's future prospects, we clearly need a Union that can keep delivering for Europeans, including Irish people, as it has done so impressively over the past decade.

8 o'clock The treaty provides the Union with the necessary tools to set about securing the gifts of peace and prosperity for future generations. The reform treaty is the latest stage in the development of the Union that has provided Ireland with a positive framework. The Irish people have always responded positively to Europe's evolution and shown great commitment to Ireland's European role. The reform treaty represents the next necessary step in Europe's evolution. We will want to be part of this progression, which is completely in line with our own

values and traditions. I am confident that our people will, when given the opportunity over the course of the next year, affirm their wholehearted commitment to a dynamic and progressive Union with Ireland at its heart.

I thank Members for their contributions. Any Member who wishes to discuss this issue will find my door open, because I believe that if we work together we can bring a good story to the Irish people. We did this in a unique way in the Convention on the Future of Europe. No other country had as wide a representation, in a political sense, as this one, and we gained immeasurably from that. I believe we can make progress in the area of the reform treaty in exactly the same way.

Private Members' Business.

Road Safety: Motion.

Deputy Fergus O'Dowd: I move:

That Dáil Éireann:

- recognising that Ireland continues to have one of the worst records in Europe for reducing road deaths according to a recent report by the European Transport Safety Council;
- recognising that drink driving is still commonplace and a major contributor to road accidents;
- alarmed that road deaths are up 35% in the past two months compared to the same period last year; and
- noting the Taoiseach's written promise on 30 April 2007 to introduce without delay compulsory alcohol testing for drivers involved in accidents causing injury;

calls on the Government to introduce legislation, within three months, to provide for compulsory alcohol testing for drivers involved in accidents causing injury, whether it be at the accident site or in a hospital.

I wish to share time with Deputies Clune, McHugh, Creed, Mitchell, Breen and Deenihan.

Acting Chairman: Is that agreed? Agreed.

Deputy Fergus O'Dowd: I ask the Acting Chairman to tell me when I have spoken for ten minutes.

Is Deputy Roche here as the Minister?

Deputy Dick Roche: I am waiting for the Minister.

Deputy Fergus O'Dowd: I do not know whether to wait for him or start speaking.

Deputy Deirdre Clune: Deputy O'Dowd should start, as the Minister of State is representing the Government.

Deputy Dick Roche: If the Deputy wishes to address the question I will be more than pleased to listen to him, as always.

Deputy Fergus O'Dowd: It is nice to see the Minister of State back as a full Minister this evening.

This is a very important motion. I do not know where the Minister for Transport and the Marine, Deputy Noel Dempsey, is tonight. If there is anywhere he should be it is here, and his absence is to be regretted, although that is no reflection on the Minister of State.

I wish to put the record straight concerning the promises made by the Government and what it did and did not do. I pay tribute to the members of Public Against Road Carnage, PARC, particularly Mrs. Susan Gray and Mrs. Ann Fogarty, who are chairpersons of PARC in their respective areas, both of whom have suffered tragic losses of family members due to road traffic accidents. Without their commitment and determination to pursue the Taoiseach and all politicians with the aim of achieving the introduction of mandatory testing for alcohol and drugs at accident scenes, it would never have happened.

Before the election, on 30 April, the Taoiseach stated in response to representations from PARC:

Taking account of the concerns raised by PARC and other groups, Fianna Fáil recognise the need to introduce compulsory drink and drug testing for drivers involved in accidents causing injury. If re-elected we will ensure that these changes are implemented without delay.

That was before the election. The scene now shifts to one month later, after the election, when the Taoiseach again wrote to PARC, stating:

As reliable technology becomes available internationally, I assure you that this Government will move without delay to introduce it. Over the coming months and years, I look forward to working with groups such as PARC.

However, he did not commit to the immediate introduction of these changes.

Let us move on to the reply of the Minister, Deputy Dempsey, to a Dáil Question for oral answer on 28 June. Deputy Dempsey stated:

The Road Traffic Acts provide that a member of the Garda Síochána may require a person in charge of a mechanically propelled vehicle to provide a preliminary breath specimen where the vehicle is involved in a road collision. Garda discretion in relation to the use of preliminary roadside tests in such circumstances is necessary, having regard to possible

injuries sustained, and I do not propose to alter that position.

Thus, the Government's policy on 28 June was that there would be no change in the current arrangements. The Minister, whom I welcome to the Chamber, stated that he would not budge. Those are the facts as we go into the debate. I have put them clearly before the people.

Let us examine the record on road deaths in the recent past. In the months of August and September this year, 54 people died on our roads. In the same months in 2006, 40 people died. Whatever the reason, the number has risen significantly. Critically, a European report stated last week, in regard to Ireland's record in reducing road deaths, that there had been an 11% reduction in road deaths since 2001. This is to be welcomed, as any life saved is worthwhile. One might think this was a fine record until one examined the reductions achieved in other European countries. For example, in France a reduction of 42% was achieved over the same period. In Portugal, the reduction was also 42%, while in Luxembourg it was 48%. Compared to other European countries, the Government does not have a good record in reducing road deaths. We are not doing enough. The Government is failing in its strategy.

The Road Safety Strategy was first put in the public domain as a proposal last October. It is now a year later, and the strategy is not yet before us as the Government is delaying it. It is reprehensible that it has taken a year to produce a new road safety strategy, notwithstanding the consultations that have taken place. If we examine the number of penalty points applied to people due to their bad driving, we see that 440,000 drivers have received points since their introduction. However, many of these penalty points cannot be applied. Around 108,000 people, one in four of the total number who received points, are immune as they have out-of-State driving licences. A significant minority of people cannot be issued with penalty points because they do not have Irish driving licences.

The AA, in its submission to the Department some months ago, which the Minister has no doubt read, mentioned the possibility of a parallel licensing process. Under this proposed system, if an out-of-State licence holder is issued with penalty points by the Garda, the number of his or her licence is obtained and a parallel licence is immediately set up, so that if the person receives further penalty points in this jurisdiction they may be applied. Effectively, the person may be banned from our roads in exactly the same fashion as an Irish driver. This has not yet happened under the Government, but we are waiting.

The Minister may claim, as his Government has claimed in the past, that mandatory testing at the scene of accidents could not be introduced. Let us examine what happens in Northern Ireland. All drivers involved in road traffic accidents to which

the PSNI responds are breathalysed. This is a PSNI service-wide policy, and has a basis in legislation. For example, the Road Traffic (Northern Ireland) Order 1995 states:

If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable may, subject to Article 20, require any person who he has reasonable cause to believe was driving or attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen of breath for a preliminary breath test.

The law in the South does not allow that because the garda must have formed an opinion that the person who was driving or attempting to drive the vehicle had been taking alcohol. The Minister is out of touch with what is happening in the other part of this country.

An article in *The Irish Times* on 26 July last stated that England has one of the worst records in western Europe for child pedestrian fatalities. The facts reveal that British drivers kill approximately twice as many child pedestrians per head of population as drivers in France, Italy, Germany, Finland and Norway. Only Austria, Portugal, Poland and Ireland fare worse than Britain. Ireland is again at the bottom of the list in terms of safety and protecting our child pedestrians. Clearly, the Government is failing miserably in attempting to bring about the same fundamental changes in driver behaviour that has occurred in many European countries. It has broken promises that it made in the general election. The Taoiseach has broken his promise and the Minister has backtracked on what he said.

The Government amendment praises the Government for what it has done and but it has not done enough. In particular, I take no comfort from the Minister's point that the report shows that road deaths in Ireland have dropped by 11% since 2001. Although I welcome the reduction in road deaths, compared to other countries, that figure is not good enough.

The Minister's amendment "... notes that the Department of Transport and the Marine proposes to engage with the Office of the Attorney General to establish how the current legislation can be amended to achieve roadside testing of drivers involved in serious accidents subject to overriding medical circumstances". That is the most important paragraph in the amendment to this motion and it is welcome. However, it is a humiliating U-turn from the Minister for Transport and the Marine. Now, he is listening to PARC and to the Fine Gael motion which is succeeding in giving the people what they want — mandatory testing at accidents where injuries are caused. I will repeat what the Minister stated because he was not here when I read it into the record.

Deputy Noel Dempsey: I heard it.

Deputy Fergus O'Dowd: He will hear it again. On 28 June last the Minister stated——

Deputy Noel Dempsey: Put it in context as well.

Deputy Fergus O'Dowd: The context is the Minister's reply to a parliamentary question, which states:

The Road Traffic Acts provide that a member of the Garda Síochána may require a person in charge of a mechanically propelled vehicle to provide a preliminary breath specimen . . . Garda discretion in relation to the use of preliminary roadside tests in such circumstances is necessary, having regard to possible injuries sustained, and I do not propose to alter that position.

The U-turn is an important one, but it is more important that the people can now look forward to a change in legislation and to more safety on our roads, where drivers involved in accidents in which people are injured will be breathalysed.

We should look again at the number of deaths because the figures have begun to rise in the past two months. The most important point of all is that drink driving is common place in our country with over 350 cases per week reported by the Garda during the period 24 September to 7 October last. From July 2006 to July last, 19,391 people were arrested for drink driving. We are not doing enough but this will help.

When people are convicted in the District Courts after challenging their mandatory penalty points, a serious issue arises where they do not bring their licences with them. The sanction of the court is not imposed because in some cases licences are not marked. When I tabled a question to the Minister today to find out the number of people who received penalty points from the courts and the number of driving licences which were not produced as a result, the question was disallowed. We need big changes and they are on their way.

Deputy Deirdre Clune: I congratulate and thank PARC for continuously campaigning on this issue and bringing it to the attention of the House. They received a strong commitment from the Taoiseach prior to the election and I hope this Fine Gael motion will pre-empt the initiation of legislation in this area.

Not a week goes by where we do not hear about people who are maimed on the roads. In fact, we can become too complacent about it. It is rare for such accidents to make front-page news now but every story destroys a family, and often more than one family. Any of us who hears of accidents occurring late at night or early in the morning always wonders if there was alcohol or some form of drugs involved.

The European Transport Safety Council's Road Safety Performance Index, which tracks

[Deputy Deirdre Clune.]

road deaths from 2001 to 2006, ranks Ireland 20th out of 29 states. Irish road deaths have fallen by only 10% since 2001, less than half the European average of 22%. Luxembourg's reduction of almost 50% has been put down to the priority that its government has given to road safety and the tough new laws allowing on-the-spot withdrawal of driving licence by police in cases of serious drink driving or speeding. France's reduction of over 40% was partly due to its fully automated speed-control system, including 1,100 fixed speed cameras, which saw a doubling of speed detections. If we are to have any hope of dealing with this national crisis, we must learn from the success of others. We need the Government to prove that it is committed to reducing road deaths, as the governments of countries such as France and Luxembourg have proven themselves to be.

For many years we have discussed drink driving as a cause for motor accidents but the issue of drug driving has never been addressed. The recent crime debate has proven that drugs are now freely available in our society and it is time we faced up to their involvement in motor accidents. In 2006, the Europe Against Drugs report focused on cannabis and included interesting facts which should be of concern to us all. A study by Stanford University in California on the effects of the use of small doses of cannabis on pilots found that 24 hours after taking such drugs, pilots were still affected. The report indicated that someone smoking a joint should not drive or pilot an aircraft the following day. A Canadian report found that of 1,100 fatally injured drivers, 225 pedestrians—

An Ceann Comhairle: The Deputy has one minute remaining.

Deputy Deirdre Clune: My point is that the report emphasised the effect of cannabis, and particularly alcohol, on driving. We ignore the authorities telling us the dangers involved in dangerous drug driving or drink driving. People ignore the potential punishment because they do not believe they will be caught. It is a common belief among people who are breaking the law in Ireland and it needs to be brought home to people that there is a good chance they will be caught if they drink drive or drug drive, particularly if they are involved in an accident.

The penalty points system has been worthwhile but we need to advance it. We need to ensure the introduction of legislation which develops a system whereby there may be mandatory drink testing at the scene of an accident because that is the only deterrent that will influence people.

Deputy Joe McHugh: I welcome the Minister. According to the Oxford English Dictionary, an accident is defined as an unexpected happening causing loss or injury which is not due to any fault

or misconduct on the part of the person injured but for which legal relief may be sought. This is the definition of accident, a word which in today's society is used all too often. It is not a word which applies to many of the so-called accidents in Ireland. How many accidents are not due to any fault or misconduct on the part of the person injured? People are dying on the roads due to driver error. Many collisions are caused by speed, careless driving and sometimes fatigue, but as many are aware, a significant number of collisions are caused by the influence of alcohol and drugs.

I concur with the Fine Gael spokesman on transport in welcoming the Minister's initiative announced today, which was pressed for strongly and arduously by an active campaign by the PARC group. I pay tribute to the tenaciousness and determination of the people involved. I mention in particular, Susan Gray, for her campaign on this issue. We must ensure the initiative is implemented sooner rather than later. It is not just drink driving that is causing further fatalities on the roads. People are dying needlessly and each week more and more families bury their loved ones and ask why.

I attended a safety roadshow organised by Donegal County Council which hammered home the message of the effects of road carnage to in excess of 900 students. For 90 minutes students sat awe-struck and terrified as they heard from members of the Garda, the ambulance service and the fire brigade. Accounts of teenagers lying dead on the side of the road were starkly presented to secondary school students. As a former teacher I know how hard it is to keep the attention of teenagers for even ten minutes. Today I saw 900 students silenced for 90 minutes in one of the hardest hitting campaigns I have ever seen. It outlined to me and the rest of the audience the fine line between driving a car and death.

The show culminated in the introduction on stage of a young man in a wheelchair. One of his arms had also been amputated as a result of a road traffic collision. REM's "Everybody Hurts" was the backing track that was played as the young man was pushed on to the stage. At that point, tears were visible on the faces of many students and I realised this was the way to get through to young people and to get the message across that speed kills, maims and destroys.

We must also be aware it is not young people alone who are involved in road carnage. We must show all drivers they are not indestructible or immortal. We must respect the roads. The more comfortable the car, the safer one thinks one is. Some of the driving I witness on roads is an absolute disgrace.

This initiative in Donegal was launched by the mayor of Donegal County Council, John Boyle. I appreciate his work on this initiative. I also commend the road safety team under the leadership of Éamonn Browne. I call for this show to be

launched in every county. We must get the message across. Today, for the first time I thought the message was finally hitting home. At the end of the young man's speech he asked everyone to stand up and give a round of applause to the people who had organised the show. After a standing ovation he bluntly told the audience that he had asked them to stand up and applaud because he could neither stand up nor clap and that they should remember they can.

This type of exposure will stop the carnage on our roads, not television advertisements or lectures. Young people do not want to hear lectures. They need to realise for themselves the harm they can cause on the roads. We need to engage with young people in a positive way because currently they feel disenfranchised because of the lack of communication between the authorities and them on their way of life. Otherwise, they may get involved in anti-social behaviour and look for a buzz from driving too fast.

I call on the Government to make this type of show mandatory for young learner drivers with the provision of certificates to show they have attended. Young drivers should not be allowed to get a provisional licence until they have attended such a show. All drivers convicted of a minor motoring offence, such as speeding, should have to re-attend this show. This is the way forward. Anyone who was at the show in Letterkenny today would have seen the shock and discomfort on the faces of 900 students. This afternoon another 900 students attended the show and a third show will take place tomorrow. In total, almost 3,000 young adults who will soon be learning to drive will have attended the show in Donegal.

We need to build on this initiative and ensure the safety of road users by educating drivers from a young age. I call on the Taoiseach and the Minister for Transport, Deputy Dempsey, to investigate the possibility of making this type of educational roadshow mandatory, just as the alcohol programme is mandatory in all secondary schools, to bring about a reduction in the death toll from road fatalities.

Deputy Olivia Mitchell: I support my colleague, Deputy O'Dowd, and congratulate him on introducing this motion and persisting with this issue we have raised so often in the Chamber. We are all aware there is no room for complacency. The initial good effect of mandatory breath testing on reducing roads deaths has been eroded month after month.

The key to a successful and robust road safety policy is for it to be based on sound information about the cause of accidents. As a former party spokesperson on transport, I was horrified to find we have almost no such information. When I inquired how many learner drivers were involved in accident fatalities, I was told the figure was not available. This is an *ad hoc* approach based on an

absence of information and it has to stop. At the very least, in our road death figures, we have the evidence that our policy is not working.

The Road Safety Authority has the will to change that approach but it does not have the means, unless we provide it. The result is the debate and, consequently, the policy focus on road safety, has lurched from blaming speed to drink, drugs, going too slowly, driver fatigue, mobile telephones, driver distraction, road design, road surfaces, the weather, and driver tuition or the lack of it, but there has been no forensic analysis based on hard information about where the real problem lies or the relative importance of any one element. It is ludicrous and downright irresponsible not to test for alcohol at the scene of an accident or as soon as possible thereafter. It is done in other countries and does not cause a delay in the administration of medical treatment. That is not an excuse for not introducing alcohol testing.

The previous Minister for Transport maintained the Garda had discretion to test for alcohol and that this was sufficient. We have the evidence that it is not enough. We know accidents have taken place where alcohol was a contributory factor but the Garda did not test for it. My concern is not to aid prosecutions, nor to aid insurance claims, but for us to gain robust data on which to build a road safety policy that works.

Prior to the last election the Government was dragged kicking and screaming to an acceptance that mandatory alcohol testing at the roadside was an important part of road safety. Having introduced this measure, surely it is nonsense that gardaí involved in mandatory alcohol testing must test all drivers for alcohol, including innocent ones who have not given any cause for suspicion or who may not even drink alcohol, yet they are not obliged to test people following an accident where there are manifest signs giving reason to believe alcohol is implicated? This is an inconsistent, illogical and unsustainable approach.

We must gather that kind of information about accidents and then we must collate it and make it usable and useful. Information on the status of licences is collected at the scene of an accident but then it is brought back to Garda stations and filed away where no use is ever made of it. We must have a national collection of these kinds of data and they must be collated and made available if we are to build a picture of what is the underlying cause of road deaths.

If the policies of the Road Safety Authority are to be successful and acceptable to the public, and if they are to have the authority of logic, they must be based on real information. Speculating about the cause of accidents has no place in road safety strategy. Knee-jerk reactions in response to individual road accidents do not work either. Resistance to this simple and utterly reasonable measure has defied logic and understanding. It is

[Deputy Olivia Mitchell.]

a good day's work for Fine Gael and democratic politics if we can change the Minister's mind on this matter. I hope his announcement today is based on fact and is not another empty promise.

Deputy Pat Breen: We have all watched the graphic road safety advertisements on television depicting the carnage on our roads. The latest publication and statistics from the European Transport Safety Council show that Ireland is fifth from the bottom of the European league in terms of reducing road deaths. That indicates the Government's policy is failing and more families will suffer the same fate if action is not taken.

Portugal had one of the worst road safety records in Europe but has now surpassed Ireland in terms of providing improved infrastructure, building new motorways and taking motorists off dangerous roads. As previous speakers stated, other countries have followed suit. France has increased its number of speed cameras by 1,100.

In my constituency of Clare, to date this year nine families have suffered the loss of a loved one, including the family of the late William Ryan of Ennis who died tragically yesterday morning. I extend my sympathy to the family. The fire and rescue services in County Clare have reported an increase in the number of road accidents in the county between January and August of this year. During this period they attended a total of 168 road accidents, an increase of over 31% on the same period last year. Some 60% of the incidents occurred between 8 p.m. and 8 a.m.

One the main factors contributing to road deaths in Ireland is alcohol, which was a factor in 36.5% of fatal crashes, of which 62% were single occupant fatal crashes. Some 89% of drivers where alcohol was a factor were male, with the weekend periods the worst time for alcohol related crashes. With regard to Garda numbers in County Clare, to date this year 410 people have been arrested in the county for drink driving offences, which compares to 262 arrested for the same offence in 2005.

The majority of accidents occur on regional roads. As the statistics from Portugal demonstrate, improving the road structure can make a difference in reducing road deaths. The Garda Síochána has identified and targeted road sections of between 5 km and 8 km in length where collisions particularly occur, known as collision prone zones. In an analysis of the past ten years, seven people have been killed on the N68, the Kilrush to Kilkee road, seven have been killed on the N67, the Lisdoonvarna to Kilkee road, and eight have been killed on the R352, the Ennis to Tuamgraney road, not to mention those injured. While the €18.9 million allocated for local road improvements in Clare is a fair sum, it is not enough if we are to improve regional roads and make them safe to drive on.

An obvious contributing factor in many road deaths is speed. In County Clare, between the introduction of the penalty points system and 31 March 2007, 3,900 drivers have amassed penalty points on their licence. While the majority of these drivers are at the bottom of the scale on two penalty points, one driver has 12 points. The Garda must be given resources to implement speed controls on the roads as the penalty points system has proved a Garda presence will deter people from speeding and that driver behaviour can improve.

Road traffic enforcement can be transformed if we continue to invest in technology and equip the law enforcers with the technology they need. The introduction of automatic number plate recognition, forensic collision investigation and fixed charge processing systems are important initiatives which will help to put greater emphasis on policing. However, we also need to ensure that legislative changes, particularly with regard to drink driving, complement the technological advances so we can reduce the number of road deaths. It is unacceptable the Government is breaking its promise to introduce mandatory testing for alcohol and drugs for all motorists involved in accidents that cause death or injury. To suggest that compulsory testing could jeopardise the survival of motorists is nonsense. It is important drivers are tested after accidents.

While technological improvements in the area of drug testing are not yet good enough, drug driving is a major problem. A garda must still obtain a blood sample if he is to test a driver for drug use, which is very different from the position regarding testing for alcohol. Advances in this area are needed to deal with the growing drug problem while driving on our roads, particularly given the success of the implementation of random breath testing for alcohol.

I am delighted the Minister and the Taoiseach have settled their differences with regard to compulsory testing. It is our job, as legislators, to introduce compulsory alcohol testing on the roads without further delay. Too many families have been destroyed as a result of fatal road accidents. It is important that we act immediately to reduce the number of deaths on our roads.

Deputy Jimmy Deenihan: I wish to share time with Deputy Crawford.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Jimmy Deenihan: Over the winter, the Minister, with the Minister for Education and Science, should put in place a targeted road safety education campaign in our schools. As the mornings get darker, I notice youngsters walking or cycling to school without wearing armbands or high visibility jackets. It is an accident waiting to happen. A directive should be sent to the gardaí associated with school liaison so they redouble

their efforts as winter approaches to ensure children are properly prepared for the roads.

There should be a major road safety campaign in every school. There are times when road safety becomes a major issue and campaigns are introduced but these wane after a time. Such campaigns need to be continuously reinforced and reviewed as to their effectiveness. In any case, a directive should issue that armbands, which children no longer wear, and high visibility jackets should be worn.

While it is good to see people, particularly women, taking exercise on our roads, at this time of year they should be advised to wear high visibility jackets, which is not happening at present. It is not so serious an issue when people are walking on footpaths in towns but walking in the country can be highly dangerous, particularly on winding roads or roads with overgrown hedgerows and so on.

Reference was made to the role of local authorities. Poor road signage and markings, the failure to indicate dangerous humpback bridges and bad bends, and excessive speed are factors that contribute to accidents. Clear directives should be sent to local authorities that they should pay particular attention to road markings across county areas. This is a simple matter which should be addressed.

There should be much more co-operation between local authorities, the Garda and other agencies. The term "joined-up thinking" is very much in vogue. There is no reason local authorities should not take a lead role on road safety issues, with the Garda, the education authorities and even the health authorities to ensure there is joined-up thinking in this regard.

Speed cameras were to have been rolled out this year. I understand the contract negotiations are now with two particular parties. I am certain that when cameras are placed throughout the country and moved from location to location, drivers will slow down and by doing so reduce the number of fatalities on our roads. No matter how unpopular their introduction is at the time, it is vital these cameras are put in place as soon as possible and that there are no further delays.

Deputy Seymour Crawford: I thank Deputy Fergus O'Dowd for tabling the motion and thank the Minister for agreeing to its main proposal. The 35% increase in road deaths in the past two months is frightening and unacceptable. It is vital that gardaí are given the tools to deal with the situation, particularly through the provision of compulsory alcohol testing for drivers involved in accidents causing injury, whether it be at the accident site or in hospital.

There is an urgency that the procedures agreed between the Governments north and south of the Border to impose penalty points should be rushed through. From my experience of driving on the M1 motorway, it is clear Northern and other non-

national drivers have no anxiety about or interest in abiding by the laws.

In the few minutes available to me I must place on record my anxiety and that of many others regarding the newly constructed bypass between Castleblayney, Annyalla and Clontibret, which will replace a section of the N2. I understand the Minister will officially open the road on 5 November. It is a design and build project, about which many questions arise. Sections of the road have been constructed as a three-lane highway but many sections have no hard shoulder of any kind and will not be able to facilitate a broken down lorry or a car with a simple puncture, etc. Imagine what could happen on a foggy morning if a vehicle were to break down. Unfortunately, we saw the results of a similar incident recently. The steel ropes erected in the centre of the road in places could also cause problems.

The new bypass is the first road of its kind in Ireland and I hope it will be the last. When my Fine Gael Party colleagues on the local council raised questions about the design during the consultation process, they were assured it was a tried and trusted system on the Continent. I understand the National Roads Authority does not intend to proceed with any further projects of this nature. The Taoiseach has stated that a dual carriageway will run from Dublin to Derry. The sooner this undertaking is realised, the better, because it will require the reconstruction of the Castleblayney bypass, which is a mess. As one who fought extremely hard to have bypasses constructed at Carrickmacross, Monaghan and Castleblayney, I have been badly let down by all those involved in this so-called new and modern structure. It is vital that proper roadside and overhead signage is put in place to ensure further fatalities do not occur.

While I welcome the Government's commitment to introduce the legislation called for in the Fine Gael motion, the process of planning road structures must be re-assessed because the exit from the bypass at the Ballybay-Carrickmacross end of the Carrickmacross bypass is badly designed and has already resulted in several accidents.

A report by the European Transport Safety Council published on 10 October spells out the serious difficulties in which Ireland finds itself in the area of road safety. It is time for action.

Minister for Transport and the Marine (Deputy Noel Dempsey): I move amendment No. 1:

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

"— notes that Ireland has improved its road safety standing in Europe according to a new report published by the European Transport Safety Council by climbing four places in the last year to become the 12th lowest country for road deaths per million

[Deputy Noel Dempsey.]

population of the 29 EU countries surveyed;

- acknowledges that the report shows that road deaths in Ireland have dropped by 11% since 2001;
- notes that the downward trend in road deaths has continued in 2007 and recognises that in the 12 months since the introduction of mandatory alcohol testing there has been a 25% reduction in road deaths compared to the previous 12 months;
- commends the Government on the sustained implementation of road safety measures such as the establishment of the Road Safety Authority, the roll-out of the Garda traffic corps, the introduction of mandatory alcohol testing, the doubling of penalties for drink driving offences, the computerisation of penalty points and the introduction of penalty points for mobile phone offences;
- notes that the RSA has prepared and submitted to the Minister for Transport and the Marine a new road safety strategy for the period 2007-2012 in order to further reduce road deaths and injuries;
- acknowledges that the Garda authorities have issued directions to the effect that it is expected that all drivers involved in serious road traffic collisions are breath tested unless there are overriding medical circumstances; and
- notes that the Department of Transport and the Marine proposes to engage with the Office of the Attorney General to establish how the current legislation can be amended to achieve roadside testing of drivers involved in serious accidents subject to overriding medical circumstances.”

While I am glad we are using Dáil time for a discussion on road safety, I am somewhat disappointed, albeit not surprised, that the Fine Gael Party has tabled a motion which attempts to make a party political football of the issue by using carefully selected and distorted statistics.

Deputy Fergus O’Dowd: The Minister has distorted the position and done a complete U-turn.

Deputy Noel Dempsey: I will deal with facts. The European Transport Safety Council, ETSC, report, covering 29 states, including all European Union member states, was published last week and evaluates the progress made towards achieving the EU target of halving road deaths by 2010. The report is based on data provided by member states for the period 2001-06. It measures performance in two ways, namely, road deaths per

million population in 2006 and the percentage decrease or increase in road deaths over the five-year period between 2001 and 2006. Using the first measure, the number of road deaths per million population, Ireland is ranked 12th from the top and thus in the top half of the table. This is hardly, as Fine Gael claims, one of the worst in Europe. Nevertheless, our ranking is still too low and we will try in the next road safety strategy to further improve our position.

Using the second measure, Luxembourg tops the table on improvements in road safety performance, followed by France, Portugal and Switzerland, while Lithuania is ranked 29th and is classified as the worst performer. In this table, Ireland is ranked 20th overall or 18th among EU member states.

The Fine Gael motion cites an increase of 35% in road fatalities in the past two months compared with the same period last year as proof of a negative trend. While any road fatality is a death too many, it is wrong to distort figures in this way.

Deputy James Bannon: The Minister does not like facts.

Deputy Noel Dempsey: The ETSC report acknowledges that road fatalities in Ireland fell by 10.9% between 2001 and 2006. More important, however, it does not reflect the fact that there has been a 25% reduction in road fatalities over the past 12 months and this downward annual trend is continuing.

Since the late 1990s, Government has adopted a strategic approach to road safety policy, with the implementation of two national road safety strategies between 1998 and 2006 and the development by the Road Safety Authority of a third national road safety strategy to cover the period from 2007 to 2012. Reviews of the previous two road safety strategies confirm the necessity of a continued integrated strategic approach to advance road safety. The primary target to reduce deaths and injuries on our roads by achieving substantial progress in the areas of speeding, drink driving and seat belt wearing is in line with best EU and international practice. The increase in the number of lives saved since 1998 can be attributed to this approach.

Significant initiatives realised over the lifetime of the two previous strategies and, in particular, in the past two years included, the extension of penalty points and fixed charges, stronger legislation, mandatory roadside alcohol testing, greater levels of enforcement and the establishment of the Road Safety Authority. The number of fatalities as a result of road traffic collisions in 2006, at 368, was the second lowest rate in 40 years.

I propose to outline some of the key measures the Government has implemented to date to achieve the reduction in deaths. The Road Safety

Strategy 2004-2006 committed the Government to the introduction of a form of roadside breath testing which would address, in a positive way, the problem of drink driving. The introduction of a scheme was the subject of extensive consultation and legal advice. Legislation was introduced in the Road Traffic Act 2006 to provide for an appropriate form of roadside mandatory alcohol testing, thus providing for an increased deterrent effect. The Garda has successfully operated mandatory alcohol testing checkpoints since July 2006. The increased deterrent effect is now reflected in the increase in the number of lives saved and the fall in collision rates since August 2006. In the 12 months since the introduction of mandatory alcohol testing there have been 90 fewer road deaths compared with the previous 12-month period.

The establishment of the traffic corps was announced by the Minister for Justice, Equality and Law Reform in 2004. A dedicated management structure under an assistant commissioner ensures traffic enforcement matters feature at the highest management levels in the Garda. More than 800 officers currently serve in the corps and the planned staffing complement for the corps of 1,200 officers will be realised by the end of 2008.

The penalty points system was extended with effect from 3 April 2006. It features 35 separate offences, with the offence of using a mobile telephone while driving added from September 2006. Fixed charges now apply to almost 60 offences. The focus of the penalty points system is on driver behaviour. It highlights safety issues such as dangerous overtaking, failure to obey traffic lights and "Stop" and "Yield" signs and vehicles crossing centre white lines on roads.

Speed, in addition to drink driving, continues to be a major contributory factor in causing deaths and injuries on our roads. The best way to ensure greater levels of compliance with speed limits is a wider deployment of speed cameras. In this context, a much more widespread deployment of speed cameras than at present has been endorsed by the Government. Speed enforcement is suited to the use of cameras and other facilities which do not depend on the immediate presence of members of the Garda. For that reason, the road safety strategy commits the Government to the engagement of private sector interests in the operation of speed cameras.

To permit what hitherto has been a Garda activity, the Road Traffic Act 2006 contained provisions to support the operation of privately operated cameras. The Department of Justice, Equality and Law Reform is responsible for the tendering process, which is under way. In this context, the request for tender to deploy and privatise the operation of safety cameras was issued, with six companies being short-listed. They are being examined with a view to selecting the contractor by the end of this month. The national roll-out of safety cameras will commence early

next year. Decisions on the locations at which cameras will be provided will be taken by the Garda in co-operation with the relevant authorities and will reflect both experience of speed related collisions and evidence of a history of speeding.

A high level group on road safety with representatives from various Departments and Government agencies has been working for some time to promote full co-operation on cross-cutting issues and an integrated approach in the development of the road safety strategy and its monitoring and implementation. In a signal that road safety is at the top of the political agenda, the Government replaced the officials' high level group in 2006 with a ministerial committee on road safety under the chairmanship of the then Minister for Transport and including the Ministers for Justice, Equality and Law Reform, Finance, Health and Children and Education and Science and the Attorney General. The committee has met a number of times to pursue an integrated approach on all cross-cutting issues.

The Road Safety Authority was established on 1 September 2006 with responsibility for a wide range of functions with a bearing on road safety, including driver licensing and testing, road safety advertising and education, road safety research and the regulation of driver instruction. This provides a focus for a range of road safety related matters that were previously spread across the Department of Transport and the Marine, the National Safety Council and the National Roads Authority.

The new authority enables a more integrated approach to road safety with one agency responsibility for a range of road safety issues, including the development of a new road safety strategy. In this context, the RSA has prepared and submitted to me a new six-year road safety strategy to cover the period 2007 to 2012. With the RSA, I intend to launch this strategy in the coming weeks, at which time a range of new initiatives will be unveiled. I look forward to the support of all sides of the House in the implementation of the strategy's recommendations, even those that will be unpopular.

The effects of these measures are evident. The introduction of mandatory alcohol testing in July, the roll-out of additional penalty point offences, greater safety awareness and educational campaigns and increased enforcement have led to a decrease in the overall number of deaths on our roads, that is, a reduction from 396 road deaths in 2005 to 368 in 2006, the second lowest figure in 40 years. More than 90 lives were saved on our roads by the end of July 2007 compared to the same period to the end of July 2006. It is inappropriate to base trends on two months' statistics.

While I am conscious that the EU target of cutting road deaths by 50% over a ten-year period will be difficult to achieve, we are committed to and working towards that target and progress has

[Deputy Noel Dempsey.]

been made in this respect. Since 1998, Ireland has seen an overall reduction of 20% in road fatalities despite a 51% increase in the number of vehicles. The number of licensed drivers is increasing, with 2.45 million licensed drivers at the end of 2006. There were more than 400,000 additional licenceholders on our roads in the five-year period from 2001.

The Road Traffic Acts provide that a member of the Garda Síochána may require a person in charge of a mechanically propelled vehicle to provide a preliminary breath specimen where the vehicle is involved in a road collision. Garda discretion in the use of preliminary roadside tests in such circumstances exists, having regard to possible injuries sustained. Evidence of alcohol consumption is not a requirement in order for the Garda to use the powers available to it.

The Acts place an obligation on a person to provide a blood or urine sample in a hospital. This applies where an event involving a vehicle occurs and results in a person being injured, claiming or appearing to have been injured or where the person is admitted to or attends a hospital and a member of the Garda is of the opinion that, at the time of the event, the person had consumed an intoxicant. An intoxicant includes alcohol, drugs or any combination thereof.

Current legislation makes it clear that a garda may require a driver involved in a collision to provide a preliminary breath specimen. The discretion is provided in acknowledgement of the fact that urgent medical attention for seriously injured victims must take precedence over breathtesting. The Department is aware that the Garda has issued directions to the effect that it is expected that all drivers involved in serious road traffic collisions are tested unless there are overriding medical circumstances.

In recent months, a commitment has been given to the Public Against Road Carnage organisation to make it compulsory that all drivers involved in serious collisions undergo roadside preliminary testing for alcohol. My Department proposes to engage with the Office of the Attorney General to establish how the legislation can be amended to achieve roadside testing of drivers involved in serious accidents subject to overriding medical circumstances.

Deputy Thomas P. Broughan: Why do we need new legislation?

Deputy Noel Dempsey: The Department will keep under review the development of technology internationally for roadside testing for drugs, as there is no reliable equipment available for that purpose. When suitable technology becomes available, any measures applied to the roadside testing of drivers for alcohol will also be

applied in respect of drugs. How much time have I left?

An Ceann Comhairle: The Minister has 15 minutes remaining.

Deputy Noel Dempsey: The implementation of road safety measures has had a significant impact on the level of road deaths in recent years, but such measures will not work alone. Road users must take responsibility for driving behaviour and each of us can help to reduce the level of road deaths and injuries. The RSA and many other Departments will implement a range of road safety initiatives as part of the next road safety strategy for the 2007 to 2012 period, which should see Ireland approaching the best practice levels of the best performing countries in Europe.

We intend to publish the strategy during the next three weeks and I look forward to the support of all Deputies. While we make political points and attack one another at times, I do not want to call into question the sincerity of all Deputies in terms of this issue. I would have preferred it had Fine Gael approached me to table a motion on which we could all have agreed to send a clear signal of the——

Deputy James Bannon: The Minister had a choice.

Deputy Fergus O'Dowd: He refused to accept the motion when he was asked. The Taoiseach gave him a little slap, a disciplinary report.

Deputy Noel Dempsey: ——support of all Deputies. While I listened to Deputy O'Dowd's contribution, I did not hear a positive suggestion.

Deputy Fergus O'Dowd: I will give the Minister one now — he should resign. It would be the best thing he could do. He should take his arrogance somewhere else because it is not fit for this debate. We are discussing people dying on our roads. The Minister's problem is that he is arrogant.

Deputy Noel Dempsey: I would like to acknowledge the positive suggestions——

Deputy Fergus O'Dowd: The Minister has been in power for too long. That is what is wrong with him.

An Ceann Comhairle: The Minister without interruption. That is how it works.

Deputy Fergus O'Dowd: The Minister was rude.

Deputy Timmy Dooley: There is a degree of envy in the Deputy's remarks.

Deputy Fergus O'Dowd: I am not envious of the Minister.

Deputy Noel Dempsey: The Deputy accuses me of arrogance, but he is the one trying to shout me down.

Deputy Fergus O'Dowd: I would not dare. I am speaking to the Minister in a quiet voice.

Deputy Noel Dempsey: I acknowledge the positive suggestions made by Deputies McHugh, Mitchell and Deenihan in their contributions. They have been noted and I will pursue them.

Deputy Fergus O'Dowd: We will pursue the Minister.

An Ceann Comhairle: The Minister wishes to share time with Deputy Áine Brady.

Deputy Áine Brady: I welcome the opportunity to contribute to this road safety motion and I thank the Minister for sharing time. Road safety affects our lives on a daily basis.

9 o'clock Whether we are bringing our children to school, commuting to work, driving to a social event or walking to our local shop, it is an issue that is rightly granted a high importance. In recent years, many road safety measures have been introduced and, despite the increased number of vehicles on our roads, we are making progress on reducing road deaths.

The Road Safety Authority, RSA, which is tasked with improving safety on roads and reducing deaths and injuries resulting from road collisions, came into existence in September 2006. On 10 October, the RSA stated that Ireland had improved its road safety standing in Europe. An objective of the RSA is to bring Ireland's road safety record into line with best practice of other countries throughout the world. This will only be achieved by co-operation with the many stakeholders working in the area of road safety, including the Garda, the education and health sectors, local authorities, the National Roads Authority, the media and the general public.

We are making progress. Since the introduction of mandatory alcohol testing, the doubling of penalties for drink driving offences, the computerisation of penalty points, the introduction of penalty points for mobile telephone offences and the establishment of the RSA there has been a 25% drop in deaths, which translates into 100 lives saved on our roads. To date this year 19 fewer fatalities occurred on our roads compared to the same date last year.

The national roads programme currently being rolled out by the National Roads Authority will bring significant benefits from a road safety perspective. The dual carriageway road design, which minimises the number of road intersection and crossovers, is a safer engineering design than the traditional single carriageway road design. When this road network is complete, further road safety benefits will emerge. However, while this is welcome news, we must also focus on other

issues that help to improve our road safety culture. The inquest into the tragic death of the young mother, Kate Moyles, who worked in Sallins, noted that an improved warning system using variable message systems would add significantly to road safety.

I will mention other aspects I believe will be of benefit. A greater focus by local authorities on traffic calming measures adjacent to schools will provide many parents with the peace of mind that comes with knowing that their children will be in a safe environment. I have noticed in regard to many schools in County Kildare that greater emphasis is now being placed on highlighting road safety measures adjacent to schools. We must continue to improve in this area. I compliment Kildare County Council on the appointment of a full-time road safety officer, who is doing good work in terms of highlighting road safety issues in the county.

We can also improve our road safety culture through education in our schools. Many schools have ensured that road safety is covered in the curriculum to educate our young people on the risks and hazards associated with driving. Local authorities should ensure that driving schools are recognised as vital resources and included in some area development plans so that each county has at least one off-road complex for comprehensive driver training programmes. These driving schools would be an ideal location for transitional year students to get a full, practical and hands-on training in driving as part of a road safety and driving skills module. The schools could also be used to develop the skills of qualified drivers.

The road network is a vital part of our infrastructure and ensures we can move our goods and services and get to our places of work or play but, like many great assets, we must treat our roads with respect and realise that while they can bring much benefit, they can also bring heartache. Collectively, we can continue to make progress and I commend the amended motion to the house.

Deputy Timmy Dooley: I welcome the Minister to the House and thank him and Deputy Áine Brady for sharing their time. I support the amendment to the motion. It is important that we continue to highlight the achievements made in road safety and the curtailment of deaths on the road. The more debates we hold in this House and through the media, the higher the issue will remain on the public agenda. Road safety comes from road users exercising due care and attention but that can only be ensured through public debate. Much of the debate on enforcement focuses on passenger cars, which is understandable given that the majority of road users drive cars. The Government's strategy has been focussed on the use of seat belts, reducing speeding and addressing the issue of drink and drug driving.

[Deputy Timmy Dooley.]

I welcome the Minister's remarks on mandatory testing at accident sites and the necessity of ensuring that accident victims are not jeopardised medically through the use of invasive testing methods. Some Opposition commentators are following a red herring in this area because if somebody is not deterred by fear of an accident from taking a course of action, he or she is unlikely to be deterred by the threat of mandatory alcohol testing. While it is welcome that we are trying to ensure perpetrators do not evade the law, that will not lead to a reduction in accidents. The biggest deterrent to driving while under the influence of alcohol is the risk of being apprehended by gardaí as part of visible mandatory alcohol testing campaigns. We have to put the matter in perspective.

In regard to enforcement, it is important we consider other vehicles in addition to passenger cars, including heavy goods vehicles. An argument may be made for introducing legislation on speed governors because I am not convinced from my regular travels late at night that HGVs are staying within speed limits. Clearly, the implications for that are significant. Greater enforcement of tachographs is probably also needed.

Penalty points have brought positive results in terms of fostering better compliance on speeding and, alongside enforcement, appear to be bringing a change in culture. We can have all the enforcement we want but without a shift in culture towards safer driving methods, we will be at nothing.

The Departments of Transport and Education and Science might develop a more cohesive approach to dealing with the issue of driver behaviour by ensuring that the next generation of drivers will have a better understanding from an earlier age of the use of the road.

The benefits of a reduction in the number of accidents and deaths on the road are significant for all of us. Deputies regularly discuss the challenges faced by accident and emergency units, many of which arise from needless accidents brought about by driver behaviour, drink driving and downright carelessness. Ensuring safer roads will have positive effects not only on those whose lives are affected by accidents but also on our health service.

We should be careful when analysing statistics. I noted the suggestions made by some in the Opposition that deaths on the road have not been controlled. The issue should be considered between certain pillars and, while there will always be peaks and troughs, it is necessary to examine when people are on the move and whether a single accident causes multiple fatalities. We have to analyse trends over periods of time rather than concentrate on snapshots. The number of road deaths has decreased by 11% since 2001. I have not had the opportunity to study the latest numbers on car usage but I am

sure the figures have increased significantly since 2001. Account must be taken of all the parameters rather than merely studying the raw numbers when dealing with statistics.

The Government's investment programme has led to safer roads. However, the better and more technically safe our roads are the more likely people are to speed on them. I have seen areas that were previously accident black spots due to hump back bridges, acute bends and so on where the result of the removal of such dangers has been the creation of a raceway. Boy racer activity and disorderly behaviour at night may take place on such improved roads and this can only be dealt with through enforcement but it is a by-product of Government investment. Speed is a factor in many accidents and must be addressed through enforcement.

Statistics on driver suicide through single-vehicle accidents do not exist so it is difficult to track this pattern but it is an issue that has been raised and sad as it is the matter must be taken into account. This may be complicated by those who consume alcohol and intend to take their lives in single-vehicle accidents.

The Government cannot take responsibility for all road deaths and significant improvements have been made and will continue. Publicity is an important factor and Charlie Bird presented an important clip on RTE news each month that, in stark terms, set out the age and family circumstances of those who died on the road in the previous month. They also set out the impact of the deaths in communities and the bulletins could only have a positive impact in influencing our behaviour on the road. This is a public service obligation that RTE should continue. Indeed, it may be doing so but I do not have as much time as I had to watch the news.

Deputy Fergus O'Dowd: The Deputy would be alright if he flew to Shannon.

Deputy Timmy Dooley: I am spending more time on the road anyway. Our media outlets must continue to highlight deaths on our roads, not as a stick with which to beat the Government, but as a method of educating and creating better driver behaviour.

I understand the Minister's points on drug abuse and drug driving and this is a matter Deputies on the other side of the House have also addressed. The Minister has clearly pointed out that there is not an adequate test for such matters. I am a former member of the Joint Committee on Transport and a number of experts came before us to address the subject. Testing methods are emerging in this regard and when they become available I hope the Minister will give adequate consideration to their implementation.

Deputy Thomas P. Broughan: I wish to share time with Deputy Aengus Ó Snodaigh.

I welcome the opportunity to speak on the critical matter of road safety and I commend the Fine Gael Party and Deputies O'Dowd and McEntee on bringing forward this motion that highlights the ongoing carnage on Irish roads. This motion is timely given the horrific number of road deaths in the past two weeks and the hundreds of deaths and serious injuries on our roads every year. Last week saw one of the worst days in a long time when five people were, tragically, killed. This morning an 83 year old woman was killed in a hit and run incident in Cork and a woman and her three young children are seriously injured in hospital after a collision in Cork last night.

The nation was dismayed yesterday and today at the report of the inquest into the horrific crash on the M7 in March. A young woman, Kate Moyles, tragically died and we all feel desperately sorry for her parents and her sister. It is too commonplace now to read on a daily and weekly basis in local and national media of road collisions that leave people dead or seriously maimed for life with family members plunged into grief. Notwithstanding recent reforms, such as the introduction of mandatory alcohol testing and penalty points reform, mentioned by the Minister in his speech and in the Government amendment, it is clear that greater political leadership is needed if we are to fully tackle the atrocious and unacceptable problem of road deaths and serious injuries.

Luxemburg cut its road death rate by nearly 50% between 2001 and 2006 according to the European Transport Safety Council, ETSC, performance index, PIN. An exceptionally high number of people died on roads in Luxembourg in 2001 but the drop in deaths by 2006 was achieved because the government elected in 2004 made road safety a top priority. As Christian Ginter from the Luxembourg ministry of transport said, "this reduction would not have been possible had road safety not been one of the key elements of our government's strategy". In an interview on "Morning Ireland" last week Mr. Noel Brett, chief executive of the Road Safety Authority, RSA, described how the leadership assumed by the Prime Ministers of Luxembourg and France and by President Sarkozy has been most important in drastically cutting road deaths in those states. It is clear that political leadership is required.

The establishment of the Road Safety Authority on 1 September 2006 was a very positive step and I congratulate the chairperson of the organisation, Mr. Gay Byrne, and its chief executive, Mr. Noel Brett, on the valuable work they have done. In the first year of its existence the RSA has undertaken significant reforms and implemented new measures. It has long been clear that a single agency to drive road safety was necessary to address the long standing problem of a very high level of road deaths and injuries in Ireland. That it took this Government ten years

to establish the agency was an ongoing source of concern for Deputies.

I had the pleasure of meeting Mr. Noel Brett last week for a very informative briefing and explanation of the work of the authority. The RSA has been given a long, complex list of tasks and advances have already been made in the past year, especially in the areas of driver testing, the national car test contract and co-ordinating a new road safety strategy. However, the RSA needs more support and commitment from the Minister and the Government because there are many areas in which the authority simply does not have the resources to tackle the problems involved. A clear example is the area of funding for commercial vehicle testing. There are problems relating to the safety of heavy goods vehicles and this is known because Irish HGVs are stopped on Irish roads but we pass the responsibility for testing to the English authorities.

The level of deaths and injuries represents an ongoing catastrophe and it is a sobering reality, as Deputy McHugh recently pointed out, that the number of road deaths from 1996 to 2006, at almost 4,500, significantly exceeds the number of deaths in the Troubles. According to the Garda National Traffic Bureau there were 239 collisions resulting in the deaths of 263 people this year up to 9 a.m. on 12 October. Road death statistics hide thousands of people who have been left horribly injured in collisions.

RTE News must be commended on its reports on the death toll which roll-call the names of victims and the terrible consequences for families and communities. *The Sunday Independent* should also be commended on its weekly series that highlights road casualties.

Fine Gael's motion refers to the European Transport Safety Council report that indicated Irish road deaths dropped by just 10.9% between 2001 and 2006. This contrasts with a 47.8% reduction in Luxembourg, a 42.3% reduction in France and a 42% reduction in Portugal. The reduction in Ireland is well below the European average. The report also indicated in its headline report, alarmingly, that the reduction in Ireland may have occurred only by chance because the numbers involved are small when compared to absolute numbers.

The RSA has estimated that random breath testing reduces road collisions by over 20% and may have saved 100 lives per annum so far. Regarding the 2007 figures, I take the point made by Mr. Brett and the Minister that it is common to assess road death statistics in terms of deaths per million of population or in terms of kilometres travelled. Ireland performs better when these scales are applied but, regardless, the headline EU road safety performance index gives the percentage change in terms of the absolute number of road casualties and in those terms I am sure the Minister will agree there is still a great deal to do.

[Deputy Thomas P. Broughan.]

Many factors contribute to road safety, or the lack of it. Driver behaviour is a critical element of road safety and I agree with those who say all drivers must be fully aware of their responsibilities. Deputy McHugh made a point earlier about simply lecturing young drivers. I agree we must go further and adopt innovative measures to combat speeding and strengthen the law.

Governments play a significant role in facilitating a transport environment that maximises the safest possible infrastructural conditions, vehicle and testing standards and introduces education and other enforcement initiatives to positively change driver behaviour. When one looks at the RSA figures so painstakingly collated over the period 1996-2004, it is striking that young men in the 17 to 24 and 25 to 34 age groups are massively over represented in cases of road deaths where excessive speed was a contributory factor. Dangerous driver behaviour can be targeted and reduced by effective, ongoing and properly funded measures, implementation and enforcement. The Minister's predecessor, the Minister, Deputy Cullen, called for a 25% reduction in road fatalities in the 1998 to 2003 period. He said the target should be only 300 deaths per annum. Even that is 300 deaths too many but this target is only coming into view this year.

I welcome the fact that the road safety strategy will be published in the next three weeks. Why does the strategy cover 2007 to 2012 when 2007 is almost over? The Labour Party supports the proposal to breath test all drivers involved in serious collisions. However, the final two paragraphs of the Minister's amendment seem somewhat contradictory. Is new legislation needed for compulsory testing in this area, given that it will be subject to the overriding medical circumstances?

I was the Labour Party shadow spokesman to the Minister, Deputy Dempsey, in his previous capacity and now I am the spokesperson on transport in his new Department. I wish him well in the Department, particularly in the area of road safety. I hope the Minister succeeds in reducing the numbers of deaths drastically, over however long the Government lasts. There are many transport issues to be addressed.

I agree with what Deputy O'Dowd said on signage during the Order of Business. Significant work is necessary in that regard. For example, one can enter Dublin, Cork and Galway cities and be unaware of what are the speed limits. We have had a significant debate on this issue. Should we, for example, paint the limits on the roads in front of drivers? The Minister may remember that some six or nine months ago Mr. Charlie Bird drove to Dublin from his home in south Wicklow with a camera team in the back which filmed the many drivers who were definitely breaking the speed limit because they overtook him on the way. In this regard, should the Mini-

ster not strengthen the role of the Garda Traffic Corps and ensure we see these gardaí throughout the road network.

I agree with Deputy McEntee's valid point that while the Minister may introduce new measures, he must keep up testing and invigilation. For example, when mandatory breath testing started, these tests were frequently conducted outside Dáil Éireann. Many Deputies leaving work in the evening were stopped during the early months of such testing. However, since then there have been very few such roadblocks. I commend Fine Gael and support its motion.

Deputy Aengus Ó Snodaigh: I listened to the Minister's speech earlier and hope he will pick up on my suggestions on this matter. Motor vehicles become lethal weapons if operated under the influence of alcohol and drugs and drink driving is the main contributory factor to single vehicle collisions and a factor in more than one third of all fatal crashes. The incidence of drug driving has also increased and we need to examine this aspect of road safety. While we need preventative education and strong laws to challenge the widespread culture of impaired driving, these are not enough. It must also become socially unacceptable to drive while impaired. Therefore, we must develop a widespread counter culture of designated intoxicant-free driving. Young people in particular have a leadership role to play in this regard. Older people also have a major responsibility to lead by example.

In August 2007, Sinn Féin launched its all-Ireland road safety policy, which set out concrete proposals to end the culture of impaired driving. Our policy proposals include ensuring adequate resources for a random breath testing regime and training of police officers in detecting and improving drug-impaired driving. We also call for more night time public transport options, particularly in rural areas, to reduce the risk of people driving while impaired. We must also have a widespread public education campaign to accurately inform drivers of the effects of alcohol and the length of time required before a person can safely drive a vehicle after consumption of alcohol. We must promote a culture of intoxicant-free driving. We call too for the participation of victims, survivors and families of victims and survivors of impaired drivers in public education programmes.

It is regrettable that we must once again discuss the need for introduction without delay of mandatory alcohol testing for drivers involved in accidents causing injury. This issue could have been resolved in the Road Traffic Bill last year, but, unfortunately, it was omitted for some reason. There seems to be a commitment from the Minister that this will be addressed at some stage. This legislation should be introduced in the House as soon as possible and I am sure it would be accommodated by all sides.

The success of mandatory testing, which was introduced on 21 July last year, is unquestionable. However, the issue of mandatory alcohol and drug testing at the scene of crashes remains unresolved. The current scenario allows drivers who have caused serious harm or death on our roads to emerge untested. It seems logical that the Garda Síochána should be given the power to automatically breathalyse a driver who has been involved in a road traffic collision, without first having to form an opinion that an intoxicant had been consumed. Surely the serious injury or death of a person on our roads should warrant the breathalysing of the driver responsible.

In the Six Counties and most EU states it is required procedure for police officers to automatically test all drivers involved in crashes. Again, there is an inconsistency between both jurisdictions of our island which negatively affects road safety. All drivers involved in road traffic collisions should not only be tested for alcohol, but also for drugs. Partition is a major impediment to improving road safety here because as a result we have two entirely separate systems, with different speed limits, road signs and standards for drivers. The result is that the death rate from road accidents is one third higher in the Border region. It is in the interest of everyone on this island to work together for an all-Ireland approach that will save lives.

The question of resources must also be addressed. Hopefully, the report that there are only 439 breathalysers in use in the State is inaccurate. Some in the field of road safety have argued that all Garda cars and gardaí should be equipped with breathalysers. Only one fifth of gardaí is trained in the use of breathalysers, which is ridiculous. The same case holds with regard to the 64 intoxilyser machines. According to the promoting awareness, responsibility and care on our roads group, if a garda on duty has not been trained in the use of the machine, a doctor must be called to the station to carry out a blood and urine test, which costs taxpayers €200 per call.

It seems a logical step to extend the mandatory alcohol testing introduced over a year ago to accident scenes. It is ludicrous that only individuals who lose their lives in a collision are tested for alcohol and drug intake after the collision, by way of autopsy. Essentially, if a garda fails to form an opinion that a driver involved in a collision is drunk, a preliminary test is not carried out. People may be drunk but hide it well. They may not have bloodshot eyes or slurred speech and they may not stagger but their driving ability will be impaired. If a driver is unconscious it is impossible for a garda to form this opinion. The fact that most collisions involving serious injury and death occur at weekends, the prime time for drinking and socialising, is no coincidence. One part of the solution is new legislation to ensure that all drivers involved in collisions are tested.

That can be another deterrent to the scourge of drink and drug driving.

Deputy Charlie O'Connor: I wish to contribute briefly to the debate. If I had more time I would have made a number of points on the issue.

It is important that we have these opportunities. I know some controversial comments have been made already in this debate and will be said again but it is right that Private Members' time is used to debate day-to-day issues of concern to our communities, and road safety is an issue people are beginning to take seriously.

The Minister, Deputy Noel Dempsey, is taking a particular interest in this matter, despite what was said on the opposite side of the House, although I was glad to hear some kind comments from the Labour Party benches about his work. We all have an interest, as legislators, in dealing with the issues that are of concern. Like everybody else, I have different views. I often wonder why gardaí hide behind lamp posts on good roads. I know the road safety representatives do not like us saying that, and perhaps it is a controversial remark, but I wonder if these issues could be dealt with in a different way.

It is important also that we re-examine, as I am aware the Minister is doing, the methods for testing drivers. My constituency in Tallaght had a first class centre but difficulties arose with regard to accommodation. It should be made as easy as possible for people to take tests. It was brought to my attention recently that a person living near the Wicklow border wanted to do the test locally because it would be better to use the local roads. However, the individual was sent to Naas for the test. I wonder about the logic of that.

I do not want to be radical from the Fianna Fáil benches but we all talk about the problems of trying to get information from various bodies, and the Road Safety Authority is no exception. I often contact the Department to try to get details on issues and I am referred to the Road Safety Authority. We must have some joined-up thinking regarding the way public representatives can access information.

Debate adjourned.

Adjournment Debate.

Community Pharmacy Services.

Deputy Jan O'Sullivan: I welcome the Minister of State, Deputy Devins, to the House. It has now become a matter of urgency that talks are arranged between the Health Service Executive and representatives of pharmacists who are in dispute over the proposed reduction in the amount paid to pharmacists for drugs they buy from wholesalers and dispense to patients under the State drugs scheme. Neither the Minister of State

[Deputy Jan O'Sullivan.]

nor the senior Minister can stand idly by while 3,000 methadone patients are directly affected this week; other vulnerable groups are also at risk.

This problem did not arise without warning. I raised it last week in the Dáil and tabled it for the Adjournment debate twice without succeeding. I also raised it on the Order of Business, as did other Members. The Government and the HSE were well aware that this action would happen, and all Members received letters and representations from community pharmacists. The main point made to us was that there were no meaningful negotiations with pharmacists on this issue.

We now see that the most vulnerable people are directly threatened in terms of their access to services. In particular, methadone patients who need continuity in accessing their methadone must now go to a different centre. There is a real concern that medical card patients in general are at risk if this issue is not resolved.

I stress that there are means of resolving this issue if some kind of independent talks can take place. Talks must take place, whether through the so-called Shipsey process or under the national implementation body, as recommended by the IPU. Disputes are resolved through talks. We saw last weekend that as soon as people sit down together, they can resolve their differences but we cannot leave this issue hanging in the air without resolution.

We need to bring together manufacturers, wholesalers, pharmacists and the HSE because this process is complicated. Essentially, community pharmacists are telling us they will lose money by dispensing drugs. That is the root of the problem but it is the patients at the coalface who are suffering. We need a resolution to this issue and I hope we will hear tonight that talks will be set up and that an independent process will be put in place immediately.

Deputy Aengus Ó Snodaigh: I ask the Minister to intervene immediately before somebody dies. That is the scale of the problem because some people who are denied access to methadone will turn back to heroin. I urged the Minister to intervene in this issue in a letter over two weeks ago, to which I received a cursory reply this morning. I again urge the Minister to intervene and begin talks with the IPU because the HSE, the Minister and the pharmacists who have taken this decision to withdraw the dispensing of methadone are culpable in this matter. They are causing chaos to people who have managed to get their lives back in order to some degree. Over 4,500 people are dependent on methadone dispensed by pharmacists, over 3,000 of whom are in this city. They are now being asked to go to different centres at different times. These people are being exposed to predatory drug dealers while queuing at the 11 centres that have been chosen by the HSE as

contingency dispensing clinics. The opening hours of the clinics are not conducive to the treatment because the patients have built up a routine. That is the stability that many of these patients have built into their lives. They have children and cannot always go out in the evening to these new dispensing centres. Their personal lives are now back in chaos. Many of the drug services in this city and throughout the country have managed to help those people put some stability back in their lives yet this House and the Minister have introduced chaos to those lives.

The withdrawal of methadone services must be reversed and the Minister and the HSE must take on that role immediately, not next week or the week after. Otherwise, we will see people dying from overdoses and the like.

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I am taking the Adjournment debate on behalf of my colleague, Deputy Mary Harney, Minister for Health and Children.

I welcome this opportunity to inform the Dáil of the current position. The recently announced changes by the Health Service Executive to the wholesaler arrangements for the supply of drugs and medicines to community pharmacists, for dispensing under these schemes, were informed by a comprehensive consultation process when it became clear that the HSE could not negotiate with pharmacists or wholesalers for legal reasons.

Under section 4 of the 2002 Competition Act, the Pharmaceutical Distributors Federation, representing wholesalers, and the Irish Pharmaceutical Union, representing pharmacists, may not collectively negotiate fees, prices or margins on behalf of their members since both bodies constitute undertakings under the Act. Accordingly, it is not possible for the State to negotiate with the PDF or the IPU on fees or margins as such negotiations would place these bodies at risk of prosecution. I have already outlined in detail how the legal issues evolved in recent written replies to several Deputies, and in the Seanad last week.

Following the completion of public consultation by a HSE-led negotiating team and informed by independent economic analysis carried out by Indecon Economic Consultants, new reimbursement arrangements were announced by the HSE on 17 September 2007. The new price arrangements involve revised rates for community and hospital supply. For community supply, the reimbursement rate of cost of drugs and medicines to pharmacy contractors will be reduced from ex-factory price plus 17.66% for wholesale supply, the previous mark-up rate, to ex-factory price plus 8% from 1 January 2008 and 7% from 1 January 2009, the new mark-up rate. For hospital supply, there will be a new interim mark-up rate of 5% for wholesale supply from 1 January 2008, with further discounts for efficient ordering and supply in that sector.

In its examination of the issues involved and in determining the new arrangements, the negotiating team considered a reimbursement level that reflected the market value of pharmaceutical wholesale services, and security and continuity of supply at current levels to patients. The evidence on which the decision is based, following examination of the issues involved, direct consultation and independent economic analysis, all indicates that the State is currently paying a premium for the services in question. It is possible and necessary for revised arrangements to be put in place without a substantial impact on the delivery of such services. Pharmacists' arrangements with wholesalers for the supply of drugs and medicines are private commercial arrangements. The HSE's role is confined to setting the most appropriate reimbursement rates for community pharmacies. The basis for the new reimbursement arrangements was set out in detail by the chief executive officer of the HSE on 17 September 2007.

To address concerns expressed by the IPU on behalf of community pharmacists about the implications of the legal advice on competition law for their right to negotiate fees through the union, a process of dialogue was established, chaired by Bill Shipsey SC, to explore ways in which these concerns could be addressed, having regard to the legal position. A number of meetings have been held, involving both the IPU and the HSE, under the auspices of Mr. Shipsey. At a meeting on 11 October, the IPU informed Mr. Shipsey that it continued to have difficulties, as the trade union representing pharmacists, with the fact that it was precluded from negotiating fees or margins with the HSE on behalf of its members.

The pharmacists' action in withdrawing from supplying methadone to patients is currently mainly in the Dublin area, with a threatened escalation country-wide later. This is the second time in recent years that pharmacists have targeted this scheme in response to unrelated issues, although on the previous occasion the threatened withdrawal of service did not take place. It is completely wrong that certain pharmacists have chosen to target some of our most vulnerable patients, recovering drug users who are stable enough to be treated in the community setting, in this way. As of Monday 15 October, some 140 pharmacists in the Dublin area have withdrawn from the methadone protocol scheme. This action affects approximately about 3,000 patients. I am sure Deputies will join me in calling on those pharmacists to withdraw this action.

Since last Monday the HSE has been implementing a contingency plan and made alternative arrangements for the emergency dispensing of methadone to the patients involved in 13 centres. Arrangements have been put in place to enable patients affected by this action to be informed of these alternative arrangements. The HSE's drug helpline is available on a seven days a week basis to provide information for clients about the con-

tingency arrangements. The situation in the rest of the country is being monitored closely and arrangements are ready to be implemented in the event of an escalation of the action nationwide. The contingency arrangements are being overseen by an emergency planning group which is liaising with other agencies as necessary. The HSE has indicated that to date the contingency plan is operating satisfactorily.

In an effort to address concerns on all sides, a meeting has been organised this afternoon with the Irish Pharmaceutical Union and the HSE under the auspices of Mr. Shipsey who, I understand, has put some proposals to both sides.

Animal Feedstuffs.

Deputy James Bannon: I thank the Ceann Comhairle for affording me the opportunity to speak on this important issue.

While I do not support the full introduction of genetically modified crops for animal feedstuffs or GM foods, I am concerned at the delay within the European Union for approval of feed crops with a GM component which ranges from two and a half years to ten years, as opposed to the US average of 15 months, and which threatens the viability of animal production in Ireland as the sector relies heavily on imported grain. The delay and obstruction of grain and protein supplies are having a detrimental effect on the entire livestock sector in Ireland. Wheat that could be purchased by pig farmers in August 2006 for €130 per tonne now costs a whopping €260 per tonne. Each €10 increase in feed prices increases the cost of production of a kilogramme of pig meat by 4 cent.

The problem is that meat from all over the world, including beef from Brazil, where the foot and mouth contamination poses a serious risk to our farming industry, that is fed genetically modified maize is allowed into Europe. The competitively priced maize, however, is not allowed into EU countries giving non-European imported meat a competitive edge. This double standard is a disgrace, especially as substantial transformation leads to Irish people being conned into thinking they are buying Irish products. According to the Central Statistics Office, 1.3 million kilogrammes of pigmeat were imported into Ireland from outside the European Union last year. Recent reports indicate that 30% of pig producers will exit the sector in the next year. Supply and demand will lead to an inevitable rise in pigmeat prices, similar to that seen in Britain in 1998. Irish meat must secure a stronger footing in the retailers to ensure the national herd can be maintained.

Neither the Minister of State nor the European Union can allow this inequitable situation to continue. There is an urgent need for country of origin labelling and approved animal feed to be allowed into Europe. Serious food price inflation is inevitable here and across Europe if the

[Deputy James Bannon.]

Government does not take a stand and tackle the inequity in the meat industry. Already an increase in Irish pork prices of 30% is necessary if pig farmers are to stay in business.

On 27 September the Minister of State abstained in a crucial vote at the EU Council of Ministers meeting in Brussels but he was actively in favour of the EU proposal in June and had the full support of the IFA. This U-turn has damaged Ireland's credibility in Brussels and assurances given by the Minister of State in June now count for nothing. Irish pig production which is worth over €400 million to the economy and directly employs 7,000 people now faces a wipe-out, with producers losing at least €15 on every pig sold. Our poultry industry will be handed over to Brazil and Thailand, while winter beef finishers face crippling feeding costs and will be forced to leave their sheds empty. Winter milk product will also be hit hard.

The Government is guilty of hypocrisy and double standards in failing to support an EU proposal to accept scientifically approved maize and corn gluten for circulation in the European Union with no consideration for the damage it is doing to Ireland's livestock industry, especially pigmeat and poultry producers.

The IFA has proposed that the Government should immediately press the European Commission to approve maize, gluten and soya bean imports from the United States. The Minister of State has indicated his concern for the survival of the pig industry and acknowledged that the extremely high feed costs facing Irish producers are a major contributor to their losses. A direct cash injection to Bord Bia by the Department of Agriculture, Fisheries and Food to mount an extensive promotion campaign to lift demand for and consumption of Irish pigmeat is now essential, together with an assurance that the money will only be used to support brands and processors using 100% Irish pigmeat. The IFA has proposed a series of measures to facilitate and encourage the use of pig manure on REPS and tillage farms. The interpretation of the nitrates regulations by the Department is placing an unnecessary cost burden on pig producers, while at the same time favouring imported chemical fertilisers. New round-up ready varieties of grain and soya bean are being developed and planted in all major animal feed exporting countries. Without official approval for such crops, our farmers face a serious and uncompetitive situation with the odds stacked against them. I would welcome a favourable reply from the Minister of State.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy John Browne): I thank Deputy Bannon for raising this issue. I presume it has a lot to do with the fact that pig producers will be in Dublin tomorrow.

Deputy Jimmy Devins: Timing is everything.

Deputy John Browne: Many from my own county will be coming also. I hope to meet them for a chat.

Deputy Bernard J. Durkan: It had better be a good reply.

Deputy John Browne: I reassure Deputies that the viability of animal production in Ireland does not rest solely on the speed with which the European Food Safety Authority, EFSA, assesses applications from biotechnology companies to place on the EU market feed materials derived from genetically modified crops. We are fortunate to have so much animal feed coming from our green fields. Over 80% of ruminant livestock feed intake comes from grass based inputs. Compound feeds make up the remainder of ruminant feed, as well as all of the nutritional diets for pig and poultry.

Because Ireland has a deficit in protein feed ingredients we must import about 80,000 tonnes of maize by-products and 500,000 tonnes of soya. This is less than 5% of the total feed intake by farmed animals in Ireland. The majority of these imported protein ingredients come from authorised GM crops grown in the United States and South America which have been subjected to the stringent assessment process required by EU legislation. The EFSA is a central player in that authorisation process. Prior to 2007, the authorisation process and the EFSA's role in that process had little negative impact on the availability of animal feed, as there were adequate supplies available from non-GM or authorised GM crops. It was only in the last 12 months and in the light of increased global demand for feed and biofuel, allied to poor weather conditions, that the lack of synchronisation between the GM authorisation process in the European Union and the United States became a factor in feed supply.

I am confident that the recent relaxation of the setaside rules by the EU Council of Ministers which was fully supported by my colleague, the Minister, Deputy Coughlan, should lead to improved market conditions for cereal growers. I hope we will have more favourable weather conditions for cereal growing in 2008.

There is no doubt that the lack of synchronisation in the GM authorisation processes used in the United States and the European Union has presented problems for feed importers in Ireland. Notwithstanding this, we all accept that the rules governing the marketing and use of GM crops for animal feed within the Community are set down in EU legislation that has been adopted jointly by the European Parliament and the Council of Ministers. This legislation which is binding on all member states dictates that only GM events subjected to the necessary health and environmental safety assessment by the EFSA and authorised under the relevant legislation can be placed on

the market within the European Union. This legislation was introduced in response to the concerns expressed by EU consumers about the safety of GM produce. The new legislation which is considered to be among the most stringent in the world governs the assessment and approval procedures for GM crops, food and feed. It also ensures the highest possible standards are in place to protect the citizens of the Community from a food safety and environmental safety aspect.

In addition to this legislation, the Community also established the EFSA. This authority, an independent science based body made up of specialists from a range of relevant disciplines, provides EU citizens with independent assessment, advice and communication of any risk associated with GM produce or food safety matter.

The speed with which the European Union authorises GM products will be an issue because US agriculture sees new GM crops being cultivated each year. It is obvious that delays caused by the necessary assessment process carried out by the EFSA can contribute significantly to this lack of synchronisation which, in turn, is a contributory factor to the difficulties in securing feed supplies at reasonably economic prices. It should be acknowledged, however, that some of the delays accredited to the EFSA are as a result of the absence and subsequent procurement of data from the applicant for which the applicant can only be held responsible. A tighter timeframe between the two authorisation processes would significantly reduce the possibility of unauthorised GM events admixing in consignments, particularly maize by-products, being exported to Europe and would also allow European pig producers to source whole GM maize as a substitute for costly wheat.

The Minister has welcomed recent statements from the EFSA indicating it recognises that a problem has arisen and that it is engaging with the US authorities to identify ways of minimising the time lag between both processes, as the Deputy has sought. The Minister fully supports any development that will lead to a more effective, efficient and speedier EU GM authorisation process and will do what she can to push that synchronisation process along at EU level. We will also seek ways in which there will be less reliance on imported feed. In this regard it should be noted that the current high cereal prices will have the effect of encouraging increased local production both here and throughout the rest of the European Union generally.

Schools Language Policy.

Deputy Tom Sheahan: Ar dtús, ba mhaith liom a rá go bhfuil ard-mheas agam don Ghaeilge. Fuair eas mo chuid oideachais ina iomlán trí Gaeilge i gColáiste Íosagáin, Baile Bhúirne.

Bhíos ann mar bhí an rogha ag mo thuismitheoirí mise a chur go Baile Bhúirne nó aon scoil eile. Bhí ard-mheas acu agus agamsa, áfach, don Ghaeilge agus sin an fáth go ndeachaigh mé go scoil lán-Gaelach i mBaile Bhúirne. An fadhb atá ann anois ná nach bhfuil aon rogha ag tuismitheoirí Chorca Dhuibhne oideachas a fháil dá leanaí ach i bPobalscoil Corca Dhuibhne. Níl rogha acu ach oideachas lán-Gaelach. Níl an díospóireacht seo ar siúl i dtaobh Gaeilge nó Béarla, ach i dtaobh oideachas agus rogha.

Since the beginning of the year children at Pobailscoil Corca Dhuibhne have been taught solely through the medium of Irish. This system caters for students with a full command of written and spoken Irish, but the vast majority of students living in the area are not fluent enough to adhere to this strict regime. In March 2007 a survey was carried out by teachers at the CBS school in Dingle in which pupils were asked if they had answered questions on their mock exam papers through Irish or English and the reasons for their choice. Of 33 junior certificate students surveyed, 26 had answered through English and seven through Irish. In the case of leaving certificate students, all 21 surveyed had answered through English. This survey was not sanctioned by the school but the results were distributed in the presence of Department of Education and Science facilitator, Mr. Austin Corcoran. The Department is now fully aware of the enforcement of the all-Irish policy, since the Children's Ombudsman, the Equality Tribunal and parents contacted it with their concerns. Parents see this as an educational matter and are extremely concerned for the welfare of their children.

While Pobailscoil Corca Dhuibhne is located in a Gaeltacht area, the fact remains that Dingle is as cosmopolitan a town as any other in the country. Some 30 nationalities are represented there. Annascaul is in the catchment area of Pobailscoil Corca Dhuibhne, where children in national schools have been taught totally through the medium of English. This all-Irish policy should be reviewed. There is discrimination against students in the catchment area of the school. Parents are worried because their children are coming home from school distressed. It has never happened before that 160 students went on strike and protested and 240 students signed a petition asking that Irish and English be used in the school.

There is a myth that the two schools which amalgamated taught only through Irish. That is incorrect. When the fine new school was built

parents and students expected that it would continue to be bilingual. In 10 o'clock September when the children returned to school they discovered that the teaching was all through Irish. If there was an alternative one could consider that but the only alternative is for those who are not blás as Gaeilge to go to Tralee which is 31 miles from Dingle town and 50 miles from Dún Chaoin. The Minister cannot

[Deputy Tom Sheahan.]

offer that as an alternative to the parents and children of Pobalscoil Corca Dhuibhne catchment area.

If this continues the Minister says that anyone who wants to move into the Gaeltacht area of Corca Dhuibhne must stop at Anascaul. If they or their children are not proficient in Irish they must stop there and go to school in Tralee. I listened to the Minister for Education and Science on "Questions and Answers" last night when she used the words "inclusion" and "discrimination". In this case there is discrimination against the students of the catchment area of Pobalscoil Corca Dhuibhne. I ask the Minister to sort this out for the students and the parents there and if necessary to meet those involved.

Deputy Jimmy Devins: I am taking this matter on behalf of my colleague, the Minister for Education and Science, Deputy Hanafin. Scoileanna Lán-Gaeilge receives almost 40% extra in *per capita* funding and each school has one additional teaching post in its overall allocation. An additional allowance of €3,068 is also paid to teachers who teach through Irish in Gaeltacht schools.

Providing textbooks and teaching materials in Irish is a core function of An Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta. Funding for an comhairle for this purpose has been increased significantly and further expansion of its services is in train.

A co-ordinating committee has also recently been established which represents an comhairle, Foras na Gaeilge and Udarás na Gaeltachta and which reports jointly to the Departments of Education and Science and Community, Rural and Gaeltacht Affairs. This committee works co-operatively in developing plans to extend the range of teaching and learning materials for Gaeltacht and all-Irish schools.

The Department of Community, Rural and Gaeltacht Affairs also funds a scéim na gcúntóirí teanga to strengthen Irish as a spoken language among young people in the Gaeltacht and to guide the linguistic behaviour of school children towards the use of Irish. Under this scheme, fluent Irish speakers are sent to Gaeltacht schools where they assist children who do not have Irish as their first language or who require further help.

A total of 113 Gaeltacht schools, including primary and post-primary schools, benefit from the scheme. It assists children who do not have sufficient Irish to develop their fluency in an enjoyable way through play, games, drama, rhymes and songs. Last summer a separate scheme, scéim na gcampaí samhraidh, provided a course to support second level students attending all-Irish education in the Gaeltacht.

Pobalscoil Corca Dhuibhne is an amalgamation of two existing schools, Meanscoil na Toirbhite

and Meanscoil na mBraithre Chríostaí. In 1989 the managements of Meanscoil na Toirbhite and Meanscoil na mBraithre Chríostaí proposed to amalgamate the two schools into a single co-educational voluntary secondary school. In March 1998, the management authorities sought departmental approval to change the status of the proposed school to a community school. Approval was given in early 1999 for the change of status following consultations between trustees, boards of management, staff and parents of the two schools and the school was to be a community school under County Kerry VEC.

Both schools which amalgamated to form the new community school were classified as Scoileanna Lán-Gaeilge. Pobalscoil Corca Dhuibhne has the same classification as a scoil lán-Gaeilge. In the context of the amalgamation, the issue of the language of tuition of a number of pupils arises from the reaffirmation, by the board of management of Pobalscoil Corca Dhuibhne, of the characteristic spirit of the new school as an all-Irish Gaeltacht school in which the language of tuition is exclusively Irish. No party to the discussions of the amalgamation raised this issue with the Department of Education and Science.

The Department first became aware of this as an issue of concern for some students and parents when a parent contacted it in July. In August, the Department wrote to the board of management of the new community school requesting that it bring forward proposals to ensure that students could complete their post-primary education without substantially altering the conditions of tuition under which they had hitherto been enrolled. Since the school reopened in September, the Department has received representations from several parents concerned about the situation. Some parents have made representations in support of the board of management's position.

In September, the Department wrote to the trustees of the school requesting their direct involvement with the board of management in developing definitive proposals as to how students who have been taught, at least partially, through English can continue to receive instruction in a way that does not substantially disadvantage them. It was pointed out that such proposals would need to involve a commitment that those students already enrolled should be facilitated in completing their post-primary education in the manner in which they have been taught to date.

These students could be strongly encouraged to engage with the Irish language supports already outlined by the board but, as students already enrolled in the school, they have a legitimate expectation that they will continue to be taught in the manner in which they have been to date. I urge all parties to work together in a constructive manner to find a solution to this issue. My Department has been in regular contact with the trustees and at a senior level is involved in active

dialogue with them in seeking a resolution to the current impasse.

Deputy Tom Sheahan: I wish to ask a short supplementary question.

Acting Chairman (Deputy John Cregan): The Deputy has no facility to ask a supplementary question.

Deputy Tom Sheahan: The question was what direction has the Minister given.

Acting Chairman: The Deputy is out of order.

Deputy Tom Sheahan: Nothing in this response answers my question.

Acting Chairman: I must call the next item.

Deputy Tom Sheahan: What about the students with special needs, with dyslexia, who have been taught through English? How will they be taught in Pobalscoil Corca Dhuibhne?

Acting Chairman: I have to call the next item.

Local Authority Housing.

Deputy Bernard J. Durkan: I thank the Acting Chairman and the Ceann Comhairle and his staff for allowing me to raise this subject on the Adjournment. I compliment the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O’Keeffe, on coming into the House to reply to my query. I wish him well in his new ministerial office. I have no doubt that his previous knowledge of local authorities will stand him in good stead. What a pity more people will not come from that quarter in the future.

The matter I wish to raise concerns site development costs amounting to around €130,000 for the subsidised private sites at Easton Mews, Leixlip, County Kildare which were previously the subject of a contract between the voluntary housing group Respond and the current Easton Mews construction company on foot of a provision made by Kildare County Council wherein a decision was made that the Easton Mews development costs would be met by Respond directly or through a figure retained by the council for this purpose. I want to know if the Minister of State will outline the relevant details of the contract or arrangement entered into by Kildare County Council, Respond and the construction company, including the terms of any agreements, contracts or indentures that might in any way affect the development costs to the purchasers of the serviced sites at Easton Mews. This is part of a scheme, whereby the Department of the Environment, Heritage and Local Government encourages people on local authority housing lists to avail of private sites at a cost. It

includes clawbacks and other obstacles to ensure houses go to the proper people.

Respond decided to develop the whole site. Some 122 houses are within its responsibility, having been built by the same builder in accordance with its wishes. The builder also contracted to construct 27 houses on private sites. Despite the fact that the sites were originally sold to the recipients at a cost of €15,000 per site, it now transpires that an extra cost of €5,000 is about to be imposed upon them. This is a huge burden on persons on a council housing list. They also have to meet additional costs such as legal fees, apart from the fact that they have borrowed the maximum amount by way of a shared ownership, annuity or even private loan.

This scheme of houses is very modern in terms of fuel efficiency. It is a highly rated development. Kildare county councillors are adamant that a sum of money was set aside to cover the development cost of the site. On behalf of the site recipients, the quantity surveyor set out the costs involved and what precisely had to be done. I have been informed by the local authority that a submission was made to the Department in the past few days. This is a very serious issue. If the submission has been forwarded to the Minister’s office for approval, I urge him to approve it forthwith. To the local authority €130,000 is a small amount, but it is huge to the 27 recipients who are now at the stage where they cannot move forwards or backwards, unless the Minister gives approval.

Deputy Batt O’Keeffe: I apologise to Deputy Durkan for any unintended confusion caused last week. Disallowance was sought based on my Department’s understanding that this was a contractual issue between the voluntary body and builder concerned. The Department was not aware at the time of the mixed-tenure nature of the development.

I thank the Deputy for raising this matter. I take the opportunity to acknowledge the significant contribution being made by the voluntary and co-operative housing sector in delivering on social housing need. To date, some 20,000 units of accommodation have been provided by the sector to meet the needs of low income families and special needs groups. The development in Leixlip, County Kildare, comprises 61 social units and 45 voluntary units, of which 17 are funded under the capital assistance scheme and 28 under the loan subsidy scheme. There are a further 27 private sites, subsidised under my Department’s low cost sites scheme, while the development also includes the provision of some community facilities.

The voluntary housing body, Respond, was engaged to develop the scheme on behalf of Kildare County Council. The individuals allocated the 27 private sites grouped together to form Easton Mews Limited in order to develop the

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sites. The contractor for the whole development, including the development of the private sites, is MDY Construction Limited. The current approved funding is over €17 million, comprising approximately €9.3 million for the social housing, €6.6 million for the voluntary housing and €1.2 million for the private sites.

The contract between Respond and the contractor is substantially complete at this stage. The footpaths and the final surface dressing of access roads were the last items to be provided under the contract and the final account for the completed scheme is being examined by Respond. At this point, the outstanding matters relate to the apportionment of the final account costs between the different elements of the development.

My Department's role in the implementation of voluntary housing projects relates primarily to the provision of funds for individual projects. There is over €500,000 of approved funding available for recoupment from my Department for the

voluntary development on receipt of the appropriate claims from Kildare County Council. The administration of the scheme and the certification that individual projects meet the terms of the scheme are the responsibility of the relevant local authority. The terms of the contract between the voluntary housing body and the chosen contractor are matters for the parties themselves. My Department is not privy either to these terms or any provisions in the contract regarding site development works or access roads. Therefore, I am not in a position to give details of the contractual arrangements in this case.

On 2 October 2007 Kildare County Council submitted a revised budget application seeking additional funding in respect of the 27 private sites. This application is being examined by the Department and the authority has been asked to clarify a number of matters. The application will be dealt with as soon as possible on receipt of the clarification sought.

The Dáil adjourned at 10.20 p.m. until 10.30 a.m. on Wednesday, 17 October 2007.

Written Answers.

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

Questions Nos. 1 to 9, inclusive, answered orally.

Questions Nos. 10 to 82, inclusive, resubmitted.

Questions Nos. 83 to 89, inclusive, answered orally.

Tax Collection.

90. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance the number of random audits carried out by the Revenue Commissioners in 2006 and to date in 2007; the way this compares with each year from 2003; the number expected to be undertaken during this year; and if he will make a statement on the matter. [23694/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I have been advised by the Revenue Commissioners that 401 cases were selected for random audit as part of their 2007 programme. As of 30 September 2007, 148 cases have been concluded, 253 cases are still ongoing. In 2006, 402 cases were selected for random auditing and 352 of these cases have been completed leaving 50 cases ongoing.

In 2005, 410 cases were selected for random audit. Of these, 62 cases did not proceed to final audit due to the particular circumstances of the taxpayer (e.g. trading had discontinued, the taxpayer was deceased or the case had been recently audited), 346 cases have been completed leaving 2 cases ongoing. Revenue's approach to random compliance testing changed significantly for their 2005 programme. The new approach introduced both better design and improved statistical vigour.

In 2004, the traditional random audit programme was not carried out due to the change in Revenue's approach following a review of the programme. However, 25 cases selected under the programme for previous years were com-

pleted in 2004. In 2003, 274 random audits were completed. Revenue plan to conduct a further Random programme in 2008, which again will consist of a sample size of at least 400 cases.

Carbon Budget.

91. **Deputy Paul Connaughton** asked the Tánaiste and Minister for Finance the nature of the carbon budget which will be presented to Dáil Éireann; and the policy instruments which have been sanctioned by him for influencing carbon intensity. [23560/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government states that the Tánaiste and Minister for Finance will present an outline carbon report, referred to as a carbon budget, in conjunction with the annual financial budget. The Programme for Government also states that the Minister for the Environment, Heritage and Local Government, will follow the carbon budget with a report outlining our use of energy in the preceding year, the progress made in meeting the reduction targets and government plans to meet the targets in the following year. I will be announcing details of the 2008 budget on 5 December and prior to that date I will not make any statement regarding policies which may be introduced.

Price Inflation.

92. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance his plans to ensure continued confidence in the economy with particular reference to inflation; and if he will make a statement on the matter. [23543/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I will set out my pre-Budget outlook later this week. However, at this stage I can once again reiterate that I do not subscribe to the

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more gloomy views of the economy that are currently abroad. Inflation, as measured by the CPI was 4.6 per cent in the twelve months to September, down from 4.8 per cent in August 2007. Although the annual rate of inflation has increased in the past year, this has, to a large extent, been due to ECB interest rate increases which are outside Government control.

A better measure of inflation is the Harmonised Index of Consumer Prices (HICP) which excludes, amongst other things, mortgage interest. Including the impact of mortgage rate increases, as the CPI does, would not only mask the underlying inflation rate, but would also serve to highlight the short term impact of interest rate increases which are designed to bring down inflation. The increase in the HICP to September was 2.9 per cent. Achieving a moderate rate of inflation remains a key priority of economic policy. The Government is focusing on areas it can control and has taken and continues to take positive actions to contain inflation, particularly by implementing responsible fiscal policies and by promoting greater price competition.

I note that indicators of confidence in the Irish economy continue to remain strong, with the overall IIB Bank/ESRI Consumer Sentiment Index rising to 74.3 in September, from 72.0 in August. The ESRI report that consumers are becoming more positive in their perception of the outlook for the labour market, and in relation to current economic conditions.

Tax Code.

93. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Finance when the commission on taxation proposed in the programme for Government is expected to be established; and if he has brought proposals on this matter to the Government to date. [23651/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I will be bringing proposals to Government in the near future on matters relating to the establishment of the proposed Commission on Taxation including its membership and terms of reference. The Commission will be specifically charged with considering and making recommendations on the following:

- Examine the balance achieved between taxes collected on income, capital and spending and report on it
- Review all tax expenditures with a view to recommending the discontinuation of those that are unjustifiable on cost/benefit grounds
- Consider options for the future financing of local government In the context of maintaining a strong economy, investigate fiscal measures to protect and enhance the enviro-

ment including the introduction of a carbon tax.

Pending consideration by the Government of these proposals, I am not in a position to elaborate further on matters pertaining to the Commission.

Ministerial Transport.

94. **Deputy Phil Hogan** asked the Tánaiste and Minister for Finance his views on the fact that the recent award of a tender for the supply of 18 ministerial/executive vehicles did not include biofuel or hybrid vehicles; if his attention has been drawn to the fact that some of the cars involved had engine sizes of three litres and are powered by diesel which can produce equally harmful emissions including carbon, and the example that the decision by the State to ignore biofuel and hybrid vehicles in this tender sends to the general public about more sustainable choices in motoring; and if he will make a statement on the matter. [23021/07]

112. **Deputy Liz McManus** asked the Tánaiste and Minister for Finance if he will ensure that the ministerial and Government fleet is converted to environmentally friendly and more fuel efficient alternatives; and if he will make a statement on the matter. [23053/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): I propose to take Questions Nos. 94 and 112 together.

The Government Supplies Agency (GSA), which is a Business Unit of the Office of Public Works, provides a procurement service to Government Departments, Offices and Agencies for a range of goods and services including vehicles. Procurement is organised by way of public tender competitions, with contracts being awarded to the most economically advantageous tenders in each category of vehicle. Departments, Offices and Agencies purchase their vehicle requirements directly from appointed contractors on the prices, terms and conditions of the GSA contracts. The class or category of vehicle to be purchased in any individual case is a matter for the Department, Office or Agency concerned, having regard to the purposes for which the vehicle is required, the cost of the vehicle and other relevant factors including environmental factors.

It is the policy of the GSA to provide its clients with a range of contracts to meet their varying needs and to include environmentally-friendly options, where available, as an alternative to conventional vehicles. In 2007, for the majority of contracts placed by the GSA, alternative environmentally friendly options are available including hybrid vehicles (with petrol and electric engines) and flexible-fuel vehicles which can run on petrol or bio-ethanol, as well as diesel-engined vehicles

which have the capacity for the inclusion of bio-diesel in the fuel mixture. I am satisfied that this balanced approach provides the necessary flexibility, allowing clients to buy environmentally friendly vehicles where appropriate, while having the option of conventional vehicles.

The recent contracts for the supply of diesel-engined vehicles form a part of the procurement process for vehicles for the Ministerial fleet. Arrangements also exist for the purchase of hybrid vehicles for this fleet.

Tax Code.

95. **Deputy James Bannon** asked the Tánaiste and Minister for Finance if he has considered the appropriate timing for the introduction of a carbon tax; and if the proposed taxation commission will be asked to complete its assessment of the optimum structure for such a tax. [23547/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government signals that a carbon tax/levy would be introduced over the lifetime of this Government. The matter of the introduction of a carbon tax is one of the issues to be considered by the new Commission on Taxation to be established under the Programme. Consequently, at this stage, the precise design of such a tax has yet to be determined. This will, of course, form an important part of the normal deliberative process of the Government in setting fiscal and environmental policy. Deputies will recall that the Programme for Government indicates that the phasing-in of a carbon levy will be on a revenue neutral basis, so it is not intended that its introduction will lead to any net Exchequer revenue increase or net addition to the overall tax burden.

Departmental Reports.

96. **Deputy Ulick Burke** asked the Tánaiste and Minister for Finance if he has received a report on the pay levels of chief executive officers in the State sector; the recommendations made; and if he will make a statement on the matter. [23554/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Hay Management Consultants were commissioned to size the chief executive positions of all the commercial State bodies by reference to comparable positions in the private sector and rank them according to job score. Based on an analysis of rates across the private sector for jobs of comparable size, Hay identified median rates for the various job score level. They recently submitted their report to me and I am bringing proposals to Government on their recommendations.

The pay of Chief Executive Officers of non commercial State bodies comes within the remit

of the Review Body on Higher Remuneration in the Public Sector. I recently received the Review Body report on the seventh general review and I will bring proposals to Government on their recommendations. As no decisions have yet been made on the reports, it would be inappropriate to comment on their recommendations at this time.

Official Engagements.

97. **Deputy Pádraic McCormack** asked the Tánaiste and Minister for Finance the position he will adopt at the World Bank IMF meeting in October 2007 in respect of anticipated decisions; and if he will be tabling resolutions on behalf of Ireland. [23601/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Board of Governors of the International Monetary Fund (Fund) and the Boards of Governors of the World Bank Group (Bank) normally meet once a year to discuss the work of their respective institutions. I will attend the meeting to be held this year in Washington and will speak on behalf of Ireland. In addition there are meetings of the International Monetary and Financial Committee (IMFC), the IMF's policy-guiding body, and the Development Committee, a joint IMF-World Bank forum. Ireland is not a member of either of these bodies, but is represented indirectly.

In my speech at the Annual Meeting, I intend to recognise the very important work being done by both organisations and especially by the World Bank in its mission of global poverty reduction and the improvement of living standards in developing countries around the world. I will take the opportunity at the meeting next week to address a number of challenges facing both organisations including governance and surveillance. I will also emphasise our commitment to enhancing the position of the emerging market economies while at the same time accommodating the quota position of the more developed dynamic countries which are significantly under represented, including Ireland.

In relation to anticipated decisions, these relate primarily to the normal work of the organisations, for example, annual reports and accounts. I am awaiting the circulation of the relevant documents for the meeting and I will consider my position when I have them to hand. I have no plans to table any resolutions on behalf of Ireland at next week's meeting.

Financial Services Regulation.

98. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Finance if he plans to improve the deposit protection scheme for savers in financial institutions here. [23615/07]

122. **Deputy Joe Costello** asked the Tánaiste and Minister for Finance the guarantees the State

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offers to depositors with banks and financial institutions; if he has plans to review the level of protection available in view of the recent crisis (details supplied); and if he will make a statement on the matter. [23672/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 98 and 122 together.

The Irish deposit protection scheme is based on the harmonised arrangements set out in the EU Deposit Guarantee Schemes Directive 94/19/EC. The Directive currently provides for a minimum level of protection of €20,000 or 90% of the loss incurred by a depositor when a credit institution cannot repay funds, whichever is the lesser. The Exchequer or the CBFSAI do not fund the scheme; it is funded by a levy of 0.2% on bank deposits.

Ireland participates in discussions in the EU relating to financial services regulation. In contributing to those discussions, important lessons are to be learned from recent developments in international financial markets. This process of review and examination is already under way. A key issue following recent events in the UK is the effectiveness of deposit protection arrangements across the EU. The European Commission has recently concluded a review of the Deposit Protection Schemes Directive which sets the framework for national schemes in the EU. It is necessary to look again at this work and in the light of recent developments to make sure that deposit guarantees strike the right balance between protecting depositors and making sure banks are not encouraged to take inappropriate risks.

In this context the Ecofin Council, at its meeting on 9 October last, decided on a preliminary set of issues to be analysed and addressed following the recent market turbulence. These include reviewing possible enhancements of the deposit guarantee schemes in the EU. This review is to be undertaken by the Commission and the EU's Financial Services Committee on which Ireland is represented. This review is to report by mid-2008. The work carried out on this review and its conclusions will be important inputs to the process of ensuring that arrangements to safeguard financial stability in Ireland continue to conform to international standards.

I think it is always well to remember that sound prudential supervision aimed at ensuring the continuing solvency and liquidity of banks provides the best protection for depositors. Ireland prides itself in matching best international practice in all aspects of financial regulation whether they involve international activities or domestic activities. According to the IMF itself, our regulatory regime is up to the best international standards. Additionally, the Governor of the Central Bank and Financial Services Authority of Ireland (CBFSAI) in a recent speech has indicated that

Irish banks are solidly profitable and well-capitalised and, consequently, have good shock-absorption capacity to deal with risks emanating from the current period of uncertainty in financial markets. The CBFSAI is monitoring the domestic situation very closely, and is confident that Ireland is not exposed to the risks underlying recent disruption in financial markets.

Public Service Pay.

99. **Deputy Jim O'Keeffe** asked the Tánaiste and Minister for Finance the cost to the taxpayer of the benchmarking process to date; his views on whether the benchmarking process has not delivered the promised programme of public service reform to date; and if he will make a statement on the matter. [23537/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The first Public Service Benchmarking Body was established as an independent body in July 2000 under the terms of the Programme for Prosperity and Fairness to examine public service pay and jobs by comparison with the private sector. The Body reported in June 2002 and recommended varying levels of pay increases for the grades examined, with the average increase being 8.9%. The cumulative cost of implementing the recommendations of the Report was approximately €1.2bn in a full year.

The Benchmarking Body, in their first report, recommended that, apart from the first quarter of the award, the payment of the balance should be dependent on real and verifiable outputs from modernisation, flexibility and change. This was endorsed by the social partners in Sustaining Progress. It was also agreed that the final two phases of the benchmarking increases should be conditional on satisfactory implementation of the modernisation agenda and the maintenance of industrial relations stability.

It should be noted — and this is a point that has been repeatedly misunderstood by some — that there is not nor was it envisaged that there would be a direct correlation between the cost of the benchmarking increases and the “value” of the change measures implemented. The levels of the benchmarking increases recommended were determined on the basis of comparison with the remuneration of jobs of comparable weight in the private sector (taking account of relevant factors such as security, pensions, perks, etc.). The change agenda as set out in Sustaining Progress and subsequent action plans reflected the priorities of the various sectors. The Government in the negotiations insisted on and secured agreement to payment of the various pay increases being conditional on progress on the change agenda and on commitments on industrial relations stability.

Benchmarking has been accepted, by both the employers and unions, as a significant improvement on the old pay determination system which

was based on relativities whereby if one grade or group of public sector workers received an increase it led to leapfrogging and catch up claims right throughout the public service. The pay increases provided for in Towards 2016 are, once again, predicated on co-operation with change and modernisation initiatives as well as improvements in productivity right across the public service.

The agreement builds on the progress made under previous partnership agreements and reaffirms commitment to the further development and accelerated implementation of modernisation frameworks in each sector of the public service in order to secure the flexibility required to achieve the highest international standards. It provides an important framework for meeting the economic and social challenges ahead and builds on previous achievements in areas such as:

- more responsive and better quality customer services;
- better management of performance — individually and organisationally;
- better financial and human resource management;
- greater flexibility and openness to change.

Critically, Towards 2016 sets out a mechanism for the verification of progress at sectoral, organisational and grade level in the public service through the establishment of Performance Verification Groups — PVGs — for the Civil Service, the Health, Education and Local Authority sectors, and the Garda Síochána and Defence Forces. Under the terms of the agreement, the PVGs are required to satisfy themselves on progress in relation to co-operation with flexibility and ongoing change, including co-operation with the satisfactory implementation of the agenda for modernisation set out in the agreement, the maintenance of stable industrial relations and the absence of industrial action in respect of any matters covered by the agreement before recommending the pay increases provided for under the agreement.

Financial Services Regulation.

100. **Deputy John Perry** asked the Tánaiste and Minister for Finance if he has plans to amend the legislation governing the Financial Services Ombudsman in order that he can make rulings on classes of transaction in respect of which refunds should be made instead of hearing each case individually. [23620/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Financial Services Ombudsman (FSO), established in April 2005 to deal with consumer complaints about financial service providers, has made a very significant contribution to protecting and promoting the interests of consumers of financial services. Where a complaint

is upheld the Financial Services Ombudsman can direct the financial service provider to pay compensation to the complainant for any loss, expense or inconvenience sustained by the complainant and can also issue directions to the financial services provider concerned to change a practice relating to its conduct. To end September 2007 the Financial Services Ombudsman has received 10,463 complaints and has concluded 9,608 cases, 60% of which were settled in the complainants favour.

The role and functions of the FSO in dealing with consumer complaints strongly complements that of the Financial Regulator in protecting the interests of consumers of financial services as a whole. During the passage of the FSO legislation through the Oireachtas in 2004 it was stated, on behalf of the Minister for Finance, that the Ombudsman's remit essentially is to deal with individual complaints from customers of financial institutions and it is the responsibility of the Consumer Director in the Financial Regulator to deal with general issues relating to the protection of consumers.

The relevant legislation provides for co-operation between the Financial Services Ombudsman and the Financial Regulator on general issues relating to the protection of consumers. A Memorandum of Understanding has been concluded between the Financial Services Ombudsman and the Financial Regulator to ensure the efficient and effective handling of complaints. An issue drawing attention to a general breach affecting consumers can be referred by the Financial Services Ombudsman to the Financial Regulator. Such issues can then be examined by the Financial Regulator through its codes of practice and its administrative sanctions regime. The Financial Regulator can, as part of the administrative sanctions regime seek to mediate or can make rulings in relation to classes of transactions and order refunds if appropriate.

A recent High Court judgement confirmed in that context that the Financial Services Ombudsman's power of direction, except in relation to a change in general practice, may only relate to an individual claimant and does not extend to payment of compensation for other consumers in relation to similar conduct of the financial service provider. The FSO and Financial Services Ombudsman Council have asked me to review the implications of the recent High Court decision and to consider if a change in legislation is warranted. I propose to refer this issue to the Advisory Forum on Financial Legislation which will be commencing work shortly to consolidate and modernise legislation governing financial services regulation. In the interim my Department has asked the FSO and the Financial Regulator to review their current co-operation arrangements to ensure that these work smoothly where a finding of the FSO in an individual case

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may have implications for a broader group of consumers.

Tax Code.

101. **Deputy Noel J. Coonan** asked the Tánaiste and Minister for Finance the impact on corporate tax receipts here of the adoption of the proposed sales factor for calculating corporate tax receipts; the impact on the effective tax rate on corporate earnings here if this latest proposal for harmonised corporate tax was adopted throughout the EU; and if he will make a statement on the matter. [23562/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Deputy will be aware that there have been no decisions taken at the level of the Council of Ministers on the harmonisation of corporate tax throughout the EU. However, a technical working group, chaired by the Commission, is working on a proposition for a Common Consolidated Corporate Tax Base. The Commission has not itself completed an assessment of the issues involved here, but we understand that the Commissioner for Taxation and Customs Union currently hopes to table a proposal sometime in late 2008.

Ireland, along with a number of other Member States, opposes the idea of creating common rules for the calculation of company profits across the EU and for allocating the taxing rights for those profits to Member States. Accordingly Ireland is participating in the meetings of the Commission technical working group strictly without prejudice to our stated position. One of the key planks of any proposition for a common consolidated base will be a sharing mechanism for allocating the consolidated profits back to participating member states. While there is evidence that the Commission is leaning towards the inclusion of the traditional factors of capital, labour and sales in such a sharing mechanism, the Commission's outline technical paper on the sharing mechanism will not be available until later this year at the earliest. Since the technical specification for the proposed sharing mechanism is not yet available it is not possible to estimate the impact on tax revenues.

However, the allocation of corporate profits on the basis of a sales factor would not in our view lead to a fair distribution of profits across the EU. In fact it would seriously disadvantage all small open export driven economies where sales into larger Member States would be taxed at their corporate tax rates. This would lead potentially to a significant reduction in corporate tax take in Ireland. Our position in this regard has been made clearly known to the Commission.

These are tax issues of importance that must be progressed at a European level. This particular proposition, however, would severely restrict the fiscal autonomy of Member States and in my view

would lead to a loss of competitive advantage for the EU as a whole. As I said in a speech at the weekend, I believe that there are issues of principle and of a practical nature which all EU Member States would have to consider very carefully before moving to deal with any proposal the Commission might bring forward. I am confident that my scepticism is shared in a significant number of other Member States.

State Agencies.

102. **Deputy Willie Penrose** asked the Tánaiste and Minister for Finance if his attention has been drawn to the concern expressed by the Ombudsman regarding the creation of agencies to fulfil functions once covered by Government Departments and which are now outside the remit of the Ombudsman; if he will take action to deal with this situation; when the promised Ombudsman (Amendment) Bill will be published; and if he will make a statement on the matter. [23686/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am aware of the concern expressed by the Ombudsman. My Department is currently preparing an Ombudsman (Amendment) Bill 2007 to widen the Ombudsman's remit and update the existing Ombudsman legislation, and is in consultation with all Government Departments about the list of bodies to be included. Publication of the Bill is expected towards the end of the current Dáil session.

Decentralisation Programme.

103. **Deputy David Stanton** asked the Tánaiste and Minister for Finance, further to Parliamentary Question No. 136 of 26 June 2007, the further progress made on decentralisation; and if he will make a statement on the matter. [23742/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As part of the overall decentralisation programme, it is intended that 100 staff of the Public Appointments Service (PAS) and 100 staff of the Valuation Office will be decentralised to Youghal, Co Cork. I am advised by PAS and the Valuation Office that the number of people who have indicated their desire to decentralise with these offices is 104 and 28 respectively. In accordance with the indicative timescale set out in the Decentralisation Implementations Group's July 2007 report, both Offices are working towards decentralisation to Youghal in the 3rd quarter of 2009.

I am informed by the Office of Public Works (OPW) that in August 2006 they agreed terms to acquire a site, comprising circa 3 acres, in Youghal from Cork County Council. The contract for the sale of the site is still awaited from Cork County Council.

Tax Code.

104. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Finance if he has reviewed the position of older people allowed to avail of free banking without charges and fees by a number of banks in view of the fact that such people still have to pay the €40 stamp duty on credit and laser cards and ATM facilities; if he has reviewed the matter; the estimated revenue received from such older people; and the cost to the State of foregoing the €40 charge for older people. [23669/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The stamp duty on cheques, bills of exchange and promissory notes has existed for many years. When electronic means of money transfers were subsequently introduced, stamp duty was gradually extended to these products to ensure that the stamp duty from cheques was not eroded.

The current annual rates of stamp duty are as follows:

	€
Credit card or charge card account	40
ATM card without a debit function	10
Debit card without an ATM function	10
Combined ATM and debit card	20

The stamp duty applies irrespective of the volume of bank transactions made.

As the stamp duty is paid by the Financial Institutions and is based on the aggregate number of (a) credit card/charge card accounts and (b) debit/ATM cards, it is not possible to identify the revenue that is received in respect of older people.

Pension Provisions.

105. **Deputy Bernard Allen** asked the Tánaiste and Minister for Finance his estimate of the deferred liability of pension commitments under social welfare provisions, assuming the maintenance of existing ratios to average earnings and the achievement of targets suggested as desirable; and the way this impacts on the adequacy of the National Pensions Reserve Fund provision. [23546/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Deputy will recall that my Department's projections of future pension liabilities were published in the Stability Programme Update of last December and presented to the Dáil on Budget Day. The Government's Green Paper on Pensions, which will be launched tomorrow, updates these projections to take account of more recent developments, including Programme for Government commitments in this area.

The value of the National Pensions Reserve Fund at end-June 2007 was just over 21 billion euro. As envisaged from the outset, the assets accumulated in the NPRF will go some way towards easing future funding concerns, but will fall short of projected pension liabilities. A range of measures that could help address the challenges we face in meeting pension commitments will be discussed in the Green Paper.

Financial Services Regulation.

106. **Deputy Tom Hayes** asked the Tánaiste and Minister for Finance the progress made in developing a transparent and strong deposit protection scheme for credit unions; and if he will make a statement on the matter. [23593/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Irish League of Credit Unions (ILCU) has since 1989, operated a savings protection scheme (SPS) for credit unions. The SPS aims to protect the individual savings of members by ensuring that credit unions are financially and administratively sound and provides for savings protection for each individual credit union member. It is important to note that no member of a credit union has experienced any loss of shares and deposits and no credit union has become insolvent. The SPS has only been called upon in a very limited number of cases, and it has never been necessary to make savings protection payments to individual credit union members.

The design and operation of the SPS for credit unions is consistent with the specific regulatory approach adopted for credit unions under the Credit Union Act, 1997. However in line with changes in the regulatory environment for financial services generally, the need for modernisation of the organisational structure and governance arrangements for the credit union SPS has become evident over time.

Earlier this year the Registrar of Credit Unions commenced a structured series of meetings with the ILCU to examine certain SPS reform proposals put forward by them. The Registrar of Credit Unions has advised that these discussions identified common ground with regard to how savings protection based on ILCU's proposal should work. I understand that, since the conclusion of these discussions, ILCU have been consulting with their membership and I am advised that they will revert to the Registrar shortly with their revised proposals for the reform of SPS.

Tax Code.

107. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance his proposals to weigh vehicle registration tax in favour of cars with lower emissions; the estimated annual cost of this proposal; and if he will make a statement on the matter. [23691/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In Budget 2007, I announced that it was planned to introduce changes to the current VRT system to take greater account of environmental issues, and in particular Carbon Dioxide (CO₂) emissions. The Programme for Government re-affirms the commitment to introduce measures to further weight VRT in favour of cars with lower emissions. A public consultation in this regard has taken place. Work on the matter is ongoing and a range of possible options are being considered at this stage. It is intended that the changes made to the VRT system will be broadly revenue neutral.

Tax year	Exempt (Standard rate liability fully covered by credits or Age Exemption Limits)		Paying tax at the standard rate (including those whose liability at the higher rate is fully offset by credits)		Higher rate liability NOT fully offset by credits		All cases
	Number	%	Number	%	Number	%	
2006	784,100	35.6	939,200	42.6	481,800	21.9	2,205,100
2007	868,000	38.0	939,400	41.1	478,000	20.9	2,285,400

The figures are estimates from the Revenue tax forecasting model using actual data for the year 2004 adjusted as necessary for income and employment growth for the year in question. It is therefore provisional and likely to be revised. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Financial Services Regulation.

109. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance the proposals he has to regulate the area of sub-prime lending; his views on the issue of re-financing packages as offered by a number of sub-prime lenders in view of the fact that such packages often include the family home, credit card debt and short or medium term loans such as car finance; if such packages as excessively risky; and if he will make a statement on the matter. [23668/07]

124. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Finance when it is expected that the new regulation of non-deposit taking lenders, including what is described as sub-prime lending, will be introduced. [23650/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 109 and 124 together.

I have already announced my intention to propose an amendment to the Markets in Financial Instruments and Miscellaneous Provisions Bill 2007, at Committee Stage this week, with a view to regulating the non-deposit taking lending sector. The text of the amendment has already been circulated. The main aim of the proposed measures is to ensure that borrowers from sub-

Tax Collection.

108. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance the number and percentage of income earners who are paying tax at the higher rate and the standard rate for 2006; the anticipated figures for each category for 2007; and if he will make a statement on the matter. [23692/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The information requested by the Deputy in a format which presents the data in terms of the numbers who are actually paying tax at the higher rate is set out in the table.

prime lenders, or from other lenders in that sector, will be able to benefit from the additional safeguards which the Financial Regulator's Consumer Protection Code provides.

With respect to the issue of re-financing packages, The Financial Regulator has drawn attention to the need for consumers to choose the right type of loan for their needs and in particular to carefully consider the long-term effects of consolidating personal debt into new or existing loans or mortgages. Despite a possibly lower rate of interest or lower repayments, the consumer can end up paying more in the long term because the consolidated loan lasts much longer than the original loans. Also, if the new loan is secured by a mortgage their home could be at risk in the event of failure to keep up repayments. Individual decisions in relation to consolidating loans, like those in relation to any other form of credit, are primarily a matter for the borrower in each case. They should only be taken after careful consideration of the available information and taking full account of how their personal circumstances or the financial environment may change. As has been highlighted by the Financial Regulator, consumers should carefully examine their needs and means beforehand, shop around and examine all of the options.

Where difficulties arise in keeping up repayments on any form of credit the advice given by the Financial Regulator and by the bodies and agencies that help people who in financial difficulty may be summarised as three key points:

- Don't ignore the problem.
- Take action as early as possible and keep lenders informed.

- Contact the Money Advice and Budgeting Service (MABS). Early action on these lines may pre-empt the need to consider re-financing or consolidation of debt.

Tax Code.

110. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance his plans to have Annex III of the EU VAT directive amended to include road safety products, and thereby reduce the rate of VAT applicable on such products; and if he will make a statement on the matter. [22313/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The position is that the VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. Under the VAT Directive Member States may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. As Annex III does not list the supply of road safety products, the rate that can apply to such products is the standard VAT rate which in Ireland is 21%. However, as it was possible under EU law, I have reduced the VAT rate applicable to children's car seats from the standard VAT rate to the reduced VAT rate of 13.5%. This came into effect on the 1st July 2007.

In relation to amending Annex III of the VAT Directive, the Deputy will be aware that this could only be done in the context of an overall review at Community level of reduced rates. That would be the forum for such a proposal. Whilst the Commission has launched a debate on reduced rates in July 2007, as yet, no specific Commission proposals have been brought forward. Generally, any significant review of the application of VAT across the different EU Member States can be complex.

Tax Yield.

111. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance if concerns regarding Government revenue from taxation require corrective measures; and if he will make a statement on the matter. [23544/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Exchequer tax receipts to end-September were, at €31,462 million, €490 million or 1.5 per cent below profile. They were up 6.1 per cent on the same period last year. Corporation tax and income tax were both ahead of target, at +€296 million and +€56 million above profile respectively, reflecting the health of the economy generally. The other main tax-heads were all below profile. Stamp duties were €401 million below target, excise duties were €225 million below, VAT was €132 million below and capital gains tax was €107 million below.

However, I would point out that the “big four” taxes — VAT, income tax, corporation and excise duty — which together were estimated to account for around 85 per cent of total tax revenue this year, were exactly on target at end-September.

While taxes are likely to be somewhat below target this year, it must be remembered that we expect to collect over €48 billion in overall tax revenue this year, around 5½ per cent up on last year's very strong performance.

Question No. 112 answered with Question No. 94.

113. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Finance his views on the implications of the shortfall in projected tax receipts in terms of Government spending plans and in respect of promises contained within the programme for Government. [23653/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): While taxes are likely to be below target this year, reflecting developments in some taxes, such as stamp duty, it must be remembered that we expect to collect over €48 billion in overall tax revenue this year, around 5½ per cent up on last year's very strong performance. This significant level of tax revenue will enable the Government to continue to make adequate provision for day-to-day public services and investment. The Programme for Government sets out clearly the Government's guiding economic and fiscal principles for the next five years. We are fully committed to a responsible fiscal policy.

Pension Provisions.

114. **Deputy Tom Sheahan** asked the Tánaiste and Minister for Finance if his attention has been drawn to the fact that some Departments have issued instructions to agencies under their supervision that they should not follow general accounting principles in presenting deferred pension liabilities; and if he will make a statement on the matter. [23584/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I assume that the Deputy is referring to the application of Financial Reporting Standard 17 — known as FRS 17 — that requires annual accounts to show the total accrued value of future pension liabilities in respect of staff. FRS 17 is applied through-out the private sector and in the accounts of all commercial State bodies.

In the public service, FRS 17 does not arise in the case of accounts prepared on a cash-basis. This includes the Appropriation Accounts for all Departments and Offices covering most of central government. However, FRS 17 does apply to non-commercial State bodies whose financial statements are prepared on the basis of accruals accounting. Normally these accounts would show

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pension liabilities — for example, where there are funded pension schemes. In relation to pay-as-you-go pensions, with the agreement of the Comptroller and Auditor General, most of these accounts now show an asset to balance the pensions liability. This reflects the fact that public service pension funding policy provides financing for pay-as-you-go pensions.

Ministers have statutory powers to determine the form of accounts of bodies under the aegis of their Departments. Any specific questions in relation to the form of particular accounts should be addressed to the relevant Minister.

Capital Investment Framework.

115. **Deputy Simon Coveney** asked the Tánaiste and Minister for Finance if cases of non-compliance with the capital investment framework were reported to his Department in 2007; the Departments and the projects involved; and if he will make a statement on the matter. [23564/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Compliance with the capital investment framework is of course a matter in the first instance for implementing Departments and Agencies in respect of their capital expenditure. Under the conditions of sanction for capital expenditure issued by my Department, Departments are required to put in place a system of annual spot-checks of projects to ensure compliance with the VFM requirements and to report the findings of these spot-checks annually to my Department. This may be included as part of a Department's annual report on their capital investment programme.

These reports are reviewed by the Central Expenditure Evaluation Unit (CEEU) in my Department who report on issues arising. The focus of these reviews in this first full year of operation of the CEEU has been on the systems in place in Departments for undertaking spot checks. As a result of these reports my Department is following up a number of issues with some Departments in assessing compliance with the guidelines with a view to ensuring that enhanced procedures are implemented in future years. A small number of Departments have yet to submit a report on their spot checks and this is being followed up with the Departments in question.

Tax Yield.

116. **Deputy Martin Ferris** asked the Tánaiste and Minister for Finance his views on whether his Department failed to recognise the expected extent of the impact of the much anticipated downturn in the property and construction sectors on tax receipts. [23656/07]

131. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Finance his views on whether the failure of his Department to recognise the extent to which the economy was over dependent on the construction sector has meant that the Government was ill prepared for the consequences for the Exchequer of the contraction which is currently under way in that sector. [23652/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 116 and 131 together.

The relatively high level of new housing investment as a percentage of GNP in recent years reflects the increase in the housing stock that was required to address the demand for housing. Ireland still has a housing stock below the Western European average. At Budget time, my Department did anticipate an easing in new housing output from the very high rates of completions last year. While the actual slowdown is now larger than initially anticipated other components of construction continue to do well.

While tax revenues from Stamp Duties and CGT have made an increasing contribution to the Exchequer in recent years, it is important to put that contribution in context. The Budget forecast of yields from Stamp Duties and CGT in 2007 together represent about 15 per cent of tax revenues overall. In contrast the main four taxes (Income Tax, VAT, Corporation Tax and Excise Duties) together account for about 84 per cent of expected revenues this year. Overall, the four main taxes are on target.

Care has been taken not to plan the public finances around the assumption that tax receipts from the property and wider construction sector would continue to grow in future years as they have done previously. The 2007 forecasts for Stamp Duties and CGT together assumed only a modest increase over their 2006 outturn on the basis that the property market would begin to ease back to more sustainable levels of growth.

It now looks likely that overall tax revenue will be about 2 percent below the Budget Day target. This shortfall will be offset to some extent by savings of about €500 million in other areas such as Central Fund expenditure and higher than expected non-tax revenue. An Exchequer deficit of up to €1 billion now seems likely at end year. In addition a General Government surplus, the tenth out of the last eleven years, is anticipated for this year.

Social Finance Foundation.

117. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Finance when the social finance fund announced in budget 2006 will start to issue loans to voluntary projects; the person who will be in charge of the fund; the number of staff members it will have; the responsibilities of same; the salaries of same; the criteria they will use for

assessing loan applications; the penalties that will be imposed on projects that are unable to meet their repayments; and if he will make a statement on the matter. [23695/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): On 8 February 2007 I launched the Social Finance Foundation to implement the Social Finance Initiative announced in Budget 2006. The Foundation has been established on a not-for-profit basis to act as a wholesale supplier of social finance for on-lending by specialist social finance lenders to support social and developmental projects and social enterprise in local communities.

The Foundation is a private company established under Company Law and is governed by its Board of Directors under its Memorandum and Articles of Association. The company has received seed funding of €25 million from the Irish banking sector for distribution to qualifying Social Lending Organisations who will on-lend to individual social finance projects.

The Foundation's lending policies and procedures as well as the appointment, role and responsibilities of staff and their terms and conditions of employment are matters for the Board of the Foundation. The Board is chaired by Mr Peter Quinn and information on the other directors of the Foundation is included in the press release issued by my Department which is available on the Department's website at www.finance.gov.ie. My Department has been advised by the Foundation that the Social Finance Foundation has commenced wholesale lending to accredited Social Lending Organisations. Loans totalling €2.4 million have been approved by the Foundation and €486,700 of these loans have been drawn down to date.

I see the launch of the Foundation as a catalyst for deeper participation by private finance in the area of local and community development and social enterprise.

National Development Plan.

118. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Finance if he is satisfied that there is a strong pipeline of bankable projects under the national development plan on which robust value for money appraisal has been carried out; and if he will make a statement on the matter. [23596/07]

171. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he will outline and publish an appraisal of individual national development plan capital projects in terms of project selection and roll out. [23407/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 118 and 171 together.

The Capital Appraisal Guidelines of February 2005 as amended by the Value for Money (VFM) circular of February 2006 provide for a comprehensive system of project selection, appraisal and management. All capital projects are subject to project appraisal, with the nature and extent of the appraisal being related to the type and value of the particular project. The responsibility for undertaking such appraisals rests in the first instance with the individual Departments and Agencies. The primary purpose of the guidelines is to reinforce the need for rigorous appraisal of projects at all stages including selection stage.

Each Department is also required to put in place a system to carry out spot-checks of projects so as to ensure compliance with the VFM frameworks, and the findings of these spot-checks are reported annually to my Department. These spot-checks should examine a number of issues, including whether the appropriate form of appraisal has been properly applied to projects. The spot check reports submitted to my Department are reviewed by the Central Expenditure Evaluation Unit, which may also undertake its own spot checks of individual capital projects to verify compliance with the requirements of the VFM framework.

The individual National Development Plan capital projects are subject to the standard appraisal rules in the normal way. While the handling of these appraisals is a matter for each relevant Department and Agency, it has not been the practice to publish such analyses. The appraisals are generally prepared to facilitate and inform the internal decision making process and as such they would contain commercially sensitive information, the publication of which could be prejudicial to the State's capacity to get best value for money in procurement of capital projects. For example, appraisals would include the estimates of the capital and operating costs of projects, information which it would be inappropriate to share with potential tenderers in advance of procurement.

While the NDP itself was launched by the Government in January of this year, the roll out of projects under the Plan has been making satisfactory progress to date, and I anticipate that there will be continued strong delivery into the future. Indeed, a strong monitoring and reporting framework has been provided for in the NDP from the outset, with a view to maintaining the focus on delivery and value for money. The NDP monitoring process includes the establishment of a Central Monitoring Committee (CMC) whose membership includes all the relevant Government Departments, the Regional Assemblies and Regional Authorities, the Social Partners and bodies representing environmental interests. The first meeting of the CMC will be in November. A detailed reporting system based on a focused monitoring template has been developed. This template will facilitate the monitoring of Sub-

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Programmes in terms of financial and physical outputs and impacts including by reference to the horizontal objectives of the NDP in relation to balanced regional development, all-island co-operation, development of the rural economy and environmental sustainability.

All implementing Departments will report on the implementation of Sub-Programmes they are responsible for early in the New Year. These reports will be considered by the CMC. They will also feed into the annual report on NDP progress that will be submitted to the Oireachtas.

Proposed Legislation.

119. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he plans to amend the legislation governing the Standards in Public Office Act 2001 in order that it can initiate its own investigations of matters which may breach proper behaviour by persons in its area of responsibility. [23581/07]

125. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Finance if the Government will amend the Ethics in Public Office Act 1995 to allow the Standards in Public Office Commission to appoint an inquiry officer without having received a formal complaint in view of the fact that SIPO has urged the Government to do so on a number of occasions. [23688/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 119 and 125 together.

The Standards in Public Office Act 2001 already allows the Standards in Public Office Commission to carry out ‘own initiative’ investigations, where it considers it appropriate to do so, on ‘specified acts’ and on breaches of other provisions of the Ethics legislation, by persons in its area of responsibility, and as provided for by the legislation.

As regards the appointment by the Standards Commission of an inquiry officer into matters in respect of which no complaint has been made, the Government’s position on this has been made clear on several occasions: a formal complaint to the Commission should be required before the Standards Commission can appoint an inquiry officer to initiate a preliminary inquiry. Such an inquiry process, in itself, can carry serious consequences for the person under investigation. It is difficult to accept that the appointment of an inquiry officer would be justified in circumstances where a formal complaint had not been made to the Standards Commission from any of the numerous categories of persons (including members of the public and any public representative) entitled to do so against persons and officer-holders against whom complaints can

be made to the Commission. If a matter is of sufficient public importance or substance to warrant an inquiry, it must surely be of sufficient importance to warrant a formal complaint.

Tax Code.

120. **Deputy David Stanton** asked the Tánaiste and Minister for Finance, further to Parliamentary Question No. 220 of 9 October 2007, the way hospitals are selected for approval under section 469 of the Taxes Consolidation Act 1997; if applications must be made; the number of hospitals which applied for approval or were considered for approval under the scheme in the past five years; the names and locations of same; the number which were rejected and their names and locations; and if he will make a statement on the matter. [23741/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As indicated to the Deputy in reply to a previous question from him, the position is that in accordance with the provisions of section 469 of the Taxes Consolidation Act 1997, ‘‘hospital’’ means:—

- (a) any institution which is provided and maintained by the Health Service Executive for the provision of services pursuant to the Health Acts 1947 to 2004,
- (b) any institution in which services are provided on behalf of the Health Service Executive pursuant to the Health Acts 1947 to 2004,
- (c) any hospital, nursing home, maternity home or other institution approved of for the purposes of this section by the Minister for Finance after consultation with the Minister for Health and Children.

Once an institution falls within the definition of ‘‘hospital’’ as set out above, health expenses in respect of maintenance or treatment in that institution may qualify for tax relief. As regards (c) above, the legislation provides that consultation with the Minister for Health and Children must take place before an institution may be approved of for the purpose of section 469.

Generally, institutions are not actively selected for approval. It is more usual for an individual to request that an institution be approved of, or for an institution to request that it be approved of, for the purpose of section 469. This is done by contacting my Department, the Revenue Commissioners or the Department of Health and Children. There is no formal application process and contact by telephone or e-mail is sufficient to initiate the approval process. As indicated above, consultation with the Minister for Health and Children is a prerequisite before an institution may be approved of.

In relation to the Deputy's questions about the number of hospitals who applied for approval or were considered for approval under the scheme in the past five years, I understand that there are over 100 such institutions. It will take some time, therefore, to compile the information requested in conjunction with the Revenue Commissioners and the Department of Health and Children. However, arrangements in this regard are being made and I will revert to the Deputy with the information as soon as may be.

Tax Yield.

121. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Finance if his attention has been drawn to the concerns expressed by the Comptroller and Auditor General in his most recent report at the significant underestimation of tax revenues by his Department in each of the past three years; the steps he is taking to ensure a more accurate level of forecasting by his Department; and if he will make a statement on the matter. [23674/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Exchequer tax revenues in each of the last three years have been better than Budget Day estimates. In 2004 tax revenues were 6.5 per cent ahead of target. In 2005, receipts were 4.7 per cent ahead of target and in 2006, tax revenues were 9.3 per cent ahead of target. These additional receipts allowed for a significant reduction in debt levels which is a welcome outcome. One of the reasons for the improved revenue performance was stronger economic activity in the years in question.

Excluding the impact of special investigations receipts, which, by their nature, could not be forecast with any degree of accuracy, the "big four" taxes — VAT, income tax, corporation tax and excise duties — which have accounted for around 85-90 per cent of actual tax revenues in the last three years have been close to target, particularly in 2004 and 2005.

Nevertheless, my Department is anxious to provide the most accurate tax forecasts possible in order to assist in managing the economy and the budgetary process. Therefore, the approach to tax forecasting is kept under review on an ongoing basis. For that reason, a Group chaired by a Senior Economist from the Central Bank, currently on secondment to the Department of Finance was formed to conduct a review of the methodology employed. I expect to receive a copy of the Group's report shortly.

Question No. 122 answered with Question No. 98.

Tax Code.

123. **Deputy Kathleen Lynch** asked the

Tánaiste and Minister for Finance if, in regard to the commitment contained in the programme for Government, he will outline his proposals for a review of current VAT classifications with a view to reducing the rate of VAT applied to certain environmental goods and services; and if he will make a statement on the matter. [23679/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government contains a commitment to examine the scope for reducing the VAT rate on environmental goods and services from the standard VAT rate of 21 per cent to the reduced rate of 13.5 per cent. I should mention that this is just one of a number of initiatives in the Programme aimed at delivering a cleaner environment.

In carrying out this examination account will be taken of the growing range of environmental and renewable energy products which present opportunities to reduce our dependence on conventional energy systems and can make a contribution to tackling Climate Change. For example, energy-efficient insulation materials, renewable energy systems including wind, solar and geothermal systems, and the options arising in the bio-energy crop sector will be examined. In considering a change in VAT arrangements for these, or indeed any other, goods and services, it is important to bear in mind that the treatment of goods and services is subject to EU VAT law with which Irish VAT law must comply.

It is important however to point out that the reduced rate of VAT of 13.5 per cent may currently be applied to insulation materials and renewable energy systems where these products are supplied and installed as a single contract and where the VAT-exclusive cost of the goods does not exceed two-thirds of the total VAT-exclusive charge to the customer. I understand that the bulk of supply and install contracts are likely to meet this so-called "two-thirds" rule, resulting in the reduced VAT rate of 13.5 per cent rate being applied. Consequently, under existing VAT arrangements, the reduced VAT rate can apply to environmental products where they form part of such a supply and installation arrangement. The reduced VAT rate of 13.5 per cent also currently applies to the supply of all fuel products, including wood pellets, used for home heating and light. Ireland is one of only eight Member States that apply a reduced VAT rate to the supply of fuel products used for home heating and light.

The purpose of the VAT review is to examine whether there is scope within EU VAT law to further extend the application of the reduced VAT rate in the area of environmental goods and services. This and other measures under the Programme for Government clearly demonstrate the Government's commitment to addressing the environmental challenges which we face.

Question No. 124 answered with Question No. 109.

Question No. 125 answered with Question No. 119.

Decentralisation Programme.

126. **Deputy Seymour Crawford** asked the Tánaiste and Minister for Finance if he will clarify the circumstances in which decentralisation proposals can be withdrawn based on difficulties created for the practical operation of the body concerned; and the proposals he has received for the withdrawal or substitution of decentralisation proposals. [23566/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I assume that the Deputy is referring to the relocation of posts to Kildare Town by the Office of the Revenue Commissioners. The Revenue decentralisation project to relocate 380 posts to Kildare Town will go ahead in full. The Chairman of the Revenue Commissioners wrote to me outlining some business continuity issues regarding the relocation of that Office's full ICT function to Kildare Town. I agreed in principle to an alternative mix of 380 posts for the Kildare location and have asked the Chairman of the Revenue Commissioners to submit a formal proposal setting out a revised mix of posts.

The Deputy will be aware that the Minister for Justice, Equality and Law Reform also put forward proposals last year for a change in the mix of posts for Navan based on the business needs of the Probation and Welfare Service. In that instance an equivalent number of posts was agreed by the Minister for Justice, Equality and Law Reform for the Navan location from within the Justice group of Agencies.

This decision to consider an alternative mix of functions which Revenue will relocate to Kildare Town is further evidence that the decentralisation programme is vibrant and flexible enough to adapt to changing business needs as they arise in the detailed implementation phase while also ensuring delivery of the Government commitment to the 59 towns across 25 counties included in the programme.

On an ongoing basis, many of the organisations included in the Government's decentralisation programme will make small adjustments to the number and mix of posts for particular locations as their business evolves and changes over time.

Tax Code.

127. **Deputy Martin Ferris** asked the Tánaiste and Minister for Finance if he will proceed with tax cuts proposed prior to the 2007 general election and promised in the programme for Government. [23657/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Budget is less than eight weeks away. It has been the practice of successive Ministers for Finance not to comment on tax changes in the run up to the annual Budget and I do not propose to depart from that approach.

Economic Competitiveness.

128. **Deputy Michael D. Higgins** asked the Tánaiste and Minister for Finance his Department's forecast for the expected level of economic growth for the full year of 2007; the way this compares with the forecast he gave in his budget 2007 speech; and if he will make a statement on the matter. [23676/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): On Budget Day 2007 my Department forecast economic growth of 5.3% for 2007, in both GDP and GNP terms. Updated economic growth forecasts, reflecting developments in the year to date, will be published in the Pre-Budget Outlook which I will lay before the House later this week.

Price Inflation.

129. **Deputy Michael D. Higgins** asked the Tánaiste and Minister for Finance his Department's forecast for the expected increase in the consumer price index for the full year of 2007; the way this compares with the forecast he gave in his budget 2007 speech; his views on whether the level of inflation continues to run at 5%; the measures he will take to deal with this issue; and if he will make a statement on the matter. [23675/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Department of Finance's most recent inflation forecast remains that which was published with Budget 2007 on the 6th December 2006. At that time, my Department forecast that CPI inflation would average 4.1 per cent for this year. This forecast was based, as it always is, on the assumption of no further interest rate increases over the forecast period. However, the ECB has increased interest rates on three occasions by a total of 0.75 per cent since Budget Day. The cumulative impact of these interest rate increases has been to add about 1 per cent to the CPI since Budget Day. The latest figures show that the Consumer Price Index (CPI) increased by 4.6 per cent in the year to September.

A better measure of inflation is the Harmonised Index of Consumer Prices (HICP) which excludes, amongst other things, mortgage interest. Including the impact of mortgage rate increases in the CPI not only masks the underlying inflation rate, but also highlights the short term impact of interest rate increases which are

designed to bring down inflation. The increase in the HICP to September was 2.9 per cent.

A moderate rate of inflation remains a key priority of economic policy because of its importance for competitiveness. The Government is focusing on areas it can control, in particular by implementing responsible fiscal policies. My Department will publish its Pre-Budget Outlook later this week, which will include a revised inflation forecast for the period 2007-2010.

Tax Code.

130. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Finance his views on whether in many instances the present stamp duty system places an unjust burden on those who are purchasing homes; and if he has proposals to reform same. [23464/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Finance (No. 2) Act 2007 introduced an exemption from stamp duty for first-time buyers in accordance with the commitments made in the Programme for Government to bring about immediate change to the stamp duty regime for first-time buyers. It is considered that the changes brought about a positive impact upon the ability of first-time buyers to purchase a house. In relation to other purchasers, who are not first-time buyers, they generally enter the market with a build up of equity which reflects their previous home-ownership. This enables them to enter the market at a higher level than first-time buyers.

It should be noted that, in real terms since 1997, a person on the average industrial wage will have seen their take-home pay rise by 42%, about half of which is due to reductions in taxation. In International terms, Ireland has the lowest tax wedge in Europe for the single worker on average earnings; this has been the case in each of the years over the 2000-2006 period. This improvement in disposable income has undoubtedly helped people purchase houses regardless of whether they are first-time buyers or existing home owners.

In Budget 2007, the ceiling for mortgage interest relief for first-time buyers was doubled from €4,000 to €8,000 for single persons and from €8,000 to €16,000 for couples or widowed persons. This means that mortgage holders may receive extra relief of up to €66 per month, if single, or €133 per month, if married or widowed, subject to paying sufficient mortgage interest to avail of the relief. It was estimated at Budget time that in the region of 125,000 individuals who were first time buyers for mortgage interest relief purposes would benefit from the increased level of relief. I might also mention that the ceiling for mortgage interest relief for non first-time buyers was increased from €2,540 to €3,000 for single

persons and from €5,080 to €3,000 for couples or widowed persons.

Looking ahead, people will be aware of our commitment, contained in the Government Programme, to increase in Budget 2008 the ceiling on mortgage interest relief for first-time buyers and first-time buyers who bought a house in the past seven years, from €8,000 to €10,000 for single people and from €16,000 to €20,000 for couples or widowed persons. In addition, as income taxes are reduced, we are committed to keeping the rate of mortgage interest relief at 20% for all home owners. These commitments were made alongside the commitment to immediately abolish stamp duty for all first-time buyers which has already been implemented.

These measures underpin the Government’s solid support for first time buyers who may have extended themselves relative to their incomes to buy a first home.

Question No. 131 answered with Question No. 116.

Decentralisation Programme.

132. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Finance the implications for the Government’s decentralisation programme of the recent Labour Court ruling that promotions could not be linked to a willingness to transfer to new locations; and if he will make a statement on the matter. [23698/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government states that the Government will continue to move ahead with decentralisation and ensure that no public servant is obliged to accept decentralisation against their wishes and that promotion opportunities remain available. It is now a matter, in the first instance, for each state body, together with its parent Department, to manage their approach to implementation of the programme, taking account of the implications of the Labour Court recommendation issued in relation to FÁS.

It has always been recognised that there were particular issues for the State bodies in progressing decentralisation at the same pace as the Civil Service because of the size and nature of the individual organisations. This point has been acknowledged by the Labour Court itself.

In relation to the Court’s recommendation for the appropriate authorities to address the issues arising in broader context of decentralisation of the non-commercial state bodies overall, I have asked my Department to engage with the unions representing staff in the State Agencies generally to establish how progress can be made on this aspect of the Labour Court recommendation. ICTU’s response to an approach by my Department is awaited.

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However, it is important to recognise that the Decentralisation Programme is progressing well in the Civil Service based on understandings reached with the unions representing most civil servants and this approach will be maintained. Evidence of this progress is provided by the fact that approximately 40% of all the civil service posts due to relocate are already filled. In the region of 2,000 civil and public service posts will have moved to their new locations by the end of this year.

Having examined the Labour Court Recommendation LCR 18974 I have concluded that it is firmly rooted in the context of the State Agencies and has no implications for the Decentralisation Programme in the Civil Service.

Tax Collection.

133. **Deputy Mary Upton** asked the Tánaiste and Minister for Finance his estimate of the number of persons non-resident for tax purposes for each of the past three tax years; if the Revenue Commissioners have undertaken additional steps to clarify the number of visits made to the country by such non-residents; and if he will make a statement on the matter. [23699/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that the 2005 income tax year was the first year for which it was possible to capture the number of returns of income and gains made by persons based outside the State who are not resident here for tax purposes. The number of persons concerned in 2005 is 3,030. Returns for 2006 are due to be filed by 31st October 2007 or, in the case of returns made on ROS (Revenue's on-line system), by 15 November 2007.

I am further advised by the Revenue Commissioners that inquiries relating to residence are a feature of the risk-based programmes operated by Revenue. The procedures adopted in relation to validating non-resident status depend on the circumstances in each case. The administration of the validation procedures is a matter for the Revenue Commissioners and the methods used to verify claims to non-residence include a range of tests and an intelligence dimension which for obvious reasons they do not publicise.

However, in relation to work carried out by the High Wealth Individuals Unit of Revenue, as part of its risk-based programme for 2005, the Commissioners have advised me that they have no reason to conclude that there is failure to comply with the rules governing non-resident status. They continue to include examination of a cross-section of non-resident cases in their risk-based programmes.

Tax Code.

134. **Deputy Phil Hogan** asked the Tánaiste and Minister for Finance the way he will enhance the business expansion and seed capital schemes; and if he will make a statement on the matter. [18985/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As the Deputy will be aware, an extensive review of the Business Expansion Scheme (BES) and the associated Seed Capital Scheme (SCS) was carried out by my Department, in conjunction with the Revenue Commissioners and the Department of Enterprise, Trade and Employment last year. This review took account of various studies, including the Report of the Small Business Forum. Following this review I announced in Budget 2007 that the schemes were to be extended for a seven year period from 1 January 2007 to 31 December 2013. I also increased the aggregate amount that a company can raise under the schemes from €1 million to €2 million. The individual investment limits were increased from €31,750 to €150,000 in the case of the BES and from €31,750 to €100,000 in the case of the SCS. Recycling companies were added to the list of qualifying trades and a number of other amendments, aimed at improving the operation of the schemes, were made. As the schemes are considered to be State-aids, these changes required that an application be made to the European Commission for approval. The approval was received in August this year and I signed a Commencement Order giving effect to the changes in September.

I have no plans to make further amendments to the schemes at this time. However, as with all tax reliefs, the BES and SCS are kept under ongoing review in order to ensure that they meet their objectives.

135. **Deputy Jack Wall** asked the Tánaiste and Minister for Finance if he is considering new proposals or methods to remove the 21% VAT on fees for non-resident artists performing here; and if he will make a statement on the matter. [19252/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I should explain that the VAT rating of goods and services is subject to EU VAT law with which Irish law must comply. Under Article 132 of the EU VAT Directive member states are allowed to exempt certain cultural activities. This exemption is applied differently across the various Member States of the EU.

In Ireland, we apply the exemption to the promotion of and admissions to certain live theatrical or musical performances. This very broad exemption is allowed under the EU VAT Directive. In effect, this means that the promoter realises the

full value of admission fees as no VAT is applied to admission fees. In this regard, the current exemption is already very generous covering a broad range of activities accessible to the wider public. In addition, one of the basic tenets of EU VAT law relates to the proper functioning of the internal market. This means that it is not possible to use VAT law to favour artists not resident in this state over artists who are resident in the state.

In relation to providing a VAT exemption for performance fees charged by musical or theatrical performers to not-for-profit arts organisations, the position is that the VAT treatment of a particular good or service is determined by the nature of the good or service, and not by the status of the customer. There is no provision in European VAT law that would allow for an exemption from VAT on supplies by non-resident artists when they perform for not-for-profit cultural organisations as such an exemption would have to apply to all such performers. It is estimated that this would cost in excess of €20 million. All performance fees are therefore liable to VAT at the standard rate of 21 per cent.

Tax Collection.

136. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Finance his views on the report of the Revenue Commissioners on the effective rate of tax of the top 400 earners during 2003; the steps he is taking to ensure that all high earners pay their full share of tax; and if he will make a statement on the matter. [23673/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Revenue Commissioners' study, Effective tax rate of top 400 earners: Report for the tax year 2003, indicates that in 2003 the percentage of high earners on low rates of tax remained relatively static in comparison with 2002.

There are a number of factors to bear in mind when reading the results of that report:

- Reliefs that reduced the effective tax rates include loss relief and standard wear and tear allowances, reflecting real trading losses and depreciation of business assets.
- Reliefs reducing effective rates would also, for example, have included relief for interest paid on borrowings for business investments in partnerships and companies and relief for charitable donations.
- The effective rates shown are effective rates for Irish tax on income and, in some cases, the rates would increase significantly if adjusted to reflect tax payments in respect of that income in other jurisdictions.

Historically, there have been some individuals with high incomes who have paid a very low level

of tax. While their use of legitimate reliefs was entirely legal, it did give rise to questions of equity, which further justifies and reinforces the valid reasons for my decision in Budget 2006 to restrict income tax relief for high earners.

The measures introduced in Budget 2006, which took effect from 1 January 2007, will both greatly restrict the availability of special tax incentives — especially in the property sector — and reduce the ability of high earners to offset these reliefs against annual income. This means that from this year onwards the tax take from the better off will rise and the tax system will be more equitable as a result. This action complemented the series of measures taken by the Government since 1997 to curb abuses, curtail reliefs, reinforce equity and restore confidence in the fairness of the tax system.

Notwithstanding the above, it should be noted that the vast majority of those with high incomes pay tax at or close to the top rate (42% in 2003) and the top 1.5% of income earners pay more than a quarter of all income tax in the State, while after Budget 2007 nearly 40% of income earners at the lower end of the income scale pay no income tax.

As the Deputy will be aware, the Programme for Government includes a commitment to establish a Commission on Taxation which will further examine tax reliefs and incentives in Ireland. While tax incentives are a valid and useful policy instrument, which can be very effective in influencing economic behaviour, they must be used judiciously and with their cost effectiveness and impact on the overall fairness of our tax system kept in mind.

Proposed Legislation.

137. **Deputy Pat Rabbitte** asked the Tánaiste and Minister for Finance the Government's response to the ten specific amendments to the Ethics in Public Office Act 1995 suggested by SIPO in its most recent annual report; and if he will make a statement on the matter. [23689/07]

144. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Finance if the Government is planning amendments to the Ethics in Public Office Act 1995; and if he will make a statement on the matter. [23687/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 137 and 144 together.

Deputies will be aware that I published the Ethics in Public Office (Amendment) Bill 2007 earlier this year. The main purpose of that Bill is to amend the Ethics Acts so as to require office holders and non-office holding Oireachtas members, before accepting significant benefits from a friend for personal reasons, to seek the

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opinion of the Standards in Public Office Commission that acceptance would not be likely to materially influence the recipient in the performance of his or her official duties or functions. It is intended to move the Bill in the Dáil in the current session.

As regards the proposals for further amendment of the Ethics Acts suggested by the Standards Commission, some are of technical nature. The more substantive of the Commission's proposals are being examined, though I should say that I have no plans for the preparation of a consolidated Ethics Bill at this stage. Furthermore, as I have already indicated in a reply to another question today, I do not intend to amend the legislation to allow the Standards Commission to appoint inquiry officers to carry out preliminary inquiries where a formal complaint has not been made.

Public Service Pay.

138. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the progress that has been made in the various reviews of special awards within the public service due to a report in 2007; and his views on the need to reform the process for setting and implementing special pay awards within the public service. [23769/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There are four such reports due in 2007 and I will outline the position in relation to each, as follows:

- I recently received the final report of the seventh general review of the Review Body on Higher Remuneration in the Public Sector and I will be bringing proposals to the Government for consideration.
- The Public Service Benchmarking Body is due to report at the end of the year.
- The Parallel Benchmarking report on the pay of craft workers was presented to both parties on 15 June 2007. Discussions are ongoing in relation to the recommendations.
- Hay Management Consultants have carried out a review of the salaries of Chief Executive Officers of commercial State bodies and recently submitted their report. I will be bringing proposals to Government on their recommendations.

Government policy on public service pay is quiet simple. It is that the public service should be in a position to attract and attain its fair share of good quality staff at all levels. It should neither lead the market nor trail it. Periodic reviews of public

service pay levels are necessary to deliver on that criterion.

The pay of the majority of public servants comes within the remit of the Public Service Benchmarking Body. This is an independent body. Benchmarking arose from the Programme for Prosperity and Fairness and is a process for determining public service pay rates through comparison of specific roles, duties and responsibilities in the public service by reference to comparable positions in the economy generally. In this way, appropriate, grade-specific salary levels may be determined for the public service that are grounded in the rates applicable to similar jobs in the private sector. The first Benchmarking Report was published in 2002 and the Benchmarking Body is well advanced in its work for a second report which is expected to be completed around the end of the year.

Benchmarking has been accepted, by both the employers and unions, as a significant improvement on the old pay determination system which was based on relativities whereby if one grade or group of public sector workers received an increase it led to leapfrogging and catch up claims right throughout the public service.

Payment of any pay increases in the public service is contingent on co-operation with a robust agenda of measures to improve the effectiveness, efficiency and user friendliness of our public services and to the maintenance of industrial peace. Progress on the modernisation agenda is monitored by Performance Verification Groups for the various sectors and payment of any increase under the agreement is subject to verification of co-operation with flexibility and ongoing change, including co-operation with the implementation of the agenda for modernisation. There is a need for continuous improvement and development across the whole range of public services.

Decentralisation Programme.

139. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Finance the latest information available from the central applications facility in respect of applications from civil servants and other public servants located in Dublin who wish to transfer to new locations outside of Dublin under the Government's decentralisation programme; the way this compares with the Government target of 10,300; and if he will make a statement on the matter. [23696/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Over ten thousand nine hundred civil and public servants have applied to relocate under the Programme. Of these, approximately 6,000 or 55% are currently based in Dublin. The Central Applications Facility (CAF) remains open and continues to receive applications. At

the end of August 2007, over 3,000 staff had been assigned to decentralising posts.

Tax Code.

140. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Finance the numbers of first time buyers availing of the revised first time buyer's exemption; the value of such houses above €300,000 and the number in each category in rises of €50,000; and the cost to the Exchequer

of the revised exemptions to stamp duty for first time buyers to date. [23670/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the information requested by the Deputy in relation to the first time buyer exemption from Stamp Duty introduced in the Finance (No. 2) Act 2007 is as set out in the table, which reflects the position up to and including 30 September 2007.

First Time Buyer Transactions exempted under the provisions of the Finance (No. 2) Act 2007

Consideration	Number of Transactions	Cost to Exchequer	Aggregate Value of Property
€		€m	€m
317,500-350,000	388	3.93	130.850
350,000-400,000	664	8.63	248.460
400,000-450,000	219	5.57	92.900
450,000-500,000	133	3.80	63.300
500,000-550,000	92	2.92	48.655
550,000-600,000	67	2.31	38.582
600,000-650,000	36	1.46	22.540
650,000-700,000	6	0.37	4.103
700,000-750,000	11	0.73	8.103
750,000-800,000	5	0.35	3.878
800,000-850,000	10	0.75	8.305
850,000-900,000	6	0.48	5.285
900,000-950,000	7	0.59	6.522
950,000-1,000,000	4	0.35	3.885
>1,000,000	13	1.52	16.462
Total	1,661	33.76	701.830

This table represents only transactions that would not have been exempt from stamp duty, but for the changes introduced in the Finance (No. 2) Act 2007. Houses below €317,500 are therefore not included because they were already exempt, as were, for the most part, new built houses.

Freedom of Information.

141. **Deputy Jan O'Sullivan** asked the Tánaiste and Minister for Finance if his attention has been drawn to the recent annual report from the Information Commissioner in which she expressed concern regarding the operation of the Freedom of Information Act 1997 including the continued exclusion of many public bodies from its scope, a failure by the Government to consult with her office before making changes and the deterrent cost of high fees; if he has plans to address these concerns particularly in regard to the level of fees; and if he will make a statement on the matter. [23684/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am aware of the contents of the Information Commissioner's Annual Report for 2006, which was published earlier this year. The

Freedom of Information Act, which covered 67 public bodies when it commenced in April 1998, now applies to over 500 bodies across the public sector. My Department is involved in an ongoing programme of FOI extension and is actively engaged with Government Departments about a number of bodies that remain outside the scope of the Act.

Arrangements have been put in place by my Department to ensure that the Information Commissioner is kept informed of legislation impacting on the FOI Act. The arrangements provide for the Office of the Information Commissioner to be notified by the relevant Department when any FOI-related legislation is published, enacted or commenced.

In regard to the fees that apply under the Freedom of Information Act, I have no plans to review these. I am satisfied that the fees currently in operation strike the correct balance between the burden and cost to the taxpayer of administering the FOI Act and the need to allow access to information.

Tax Yield.

142. **Deputy Jan O'Sullivan** asked the Tánaiste

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and Minister for Finance if he will make a statement on the Exchequer returns for the first nine months of 2007; the estimated budget deficit he expects at the end of 2007; and if he will make a statement on the matter. [23683/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As the Deputy may be aware, the monthly Exchequer Returns are available on my Department's website, as are my Department's tax receipts, expenditure and debt service profiles for 2007. The Exchequer Balance to end-September 2007 showed a deficit of €3.1 billion compared to a Budget day deficit of €546 million for the year as a whole.

Exchequer tax receipts to end-September were, at €31,462 million, €490 million or 1.5 per cent below profile. They were up 6.1 per cent on the same period last year. Corporation tax receipts were €296 million above profile while income tax receipts were €56 million above profile. The other main tax heads were all below profile. Stamp duties were €401 million below target, excise duties were €225 million below, VAT was €132 million below and capital gains tax was €107 million below.

Overall issues for net voted expenditure in the period to end-September 2007 were €274 million or 0.9 per cent above profile. Net voted capital expenditure at end-September was €328 million higher than expected, largely reflecting the progress being made under the National Development Plan. Net voted current expenditure was €54 million below profile.

Based on an assessment of the position as at end-September, there is likely to be a shortfall in overall tax revenues this year. While it is expected that this shortfall in tax revenue will be compensated for by positive developments on other elements of the Exchequer account an Exchequer deficit of up to €1 billion now seems likely. The Budget day forecast was for a deficit of €546 million in 2007. The end year position will fall to be reviewed further in the light of tax receipts over the rest of the year — a significant amount of tax revenue is due for collection in the last quarter of the year, in November in particular when large amounts are profiled from corporation tax, capital gains tax and income tax of the self-employed.

Economic Competitiveness.

143. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Finance his views on the fact that the ESRI has revised downward its growth forecast for 2008 in its latest quarterly economic commentary, from GNP growth in 2008 of 3.7% in the June 2007 commentary to 2.9% in its latest commentary issued at the end of September 2007. [23655/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I have noted the revision of the 2008 growth forecast by the ESRI in their latest quarterly economic commentary. A reduction in new housing output is the main factor behind their revised growth forecast. However, there are a wide range of economic forecasts for 2008, and not all have as pessimistic an outlook as the ESRI. For example, the Central Bank's growth forecast for 2008 is higher, at 3½% and 3¼% in GDP and GNP terms respectively. I will publish revised growth forecasts covering the period 2007-2010 and beyond in the Pre-Budget Outlook which I will lay before the House later this week.

Question No. 144 answered with Question No. 137.

Garda Stations.

145. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Finance the progress that has been made in respect of providing a new Garda station for Portlaoise; and if he will make a statement on the matter. [22541/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The provision of a new Divisional Headquarters for An Garda Síochána at Portlaoise, Co. Laois is a priority for An Garda Síochána and for my Office. Considerable time and resources have gone into identifying a suitable solution. This involved considering options on the existing site and trawls of the local market for suitable sites.

Earlier this year, a suitable site was identified on the grounds of the Health Service Executive in Beladd, Portlaoise, Co. Laois. The site is approximately 2 acres in area and occupies the location known as the 'Old Walled Garden' within the HSE grounds, directly opposite Portlaoise Prison. In April, 2007, the HSE agreed to the transfer of the site to OPW for the development of a new Divisional Headquarters and the necessary arrangements are being put in place to effect this transfer.

Tax Collection.

146. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance the amount of outstanding uncollected taxes; the proportion of this the Revenue Commissioners expect to recover; if new measures are planned to assist in the collection of outstanding taxes; and if he will make a statement on the matter. [23693/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the tax debt outstanding at 31 March 2007 and as reported in its annual report was €1,107 million. This represents 1.8% of gross receipts, a level which is exceptionally low by international standards. The amount

under appeal was €315 million leaving the remainder, €792 million available for collection.

The debt of €792m represents a snapshot of the debt at a particular point in time [in this instance 31 March 2007] and is a constantly changing figure as additional debt arises and activity by Revenue results in debt being collected. This changing element of the debt composition makes it difficult to accurately predict the likely reduction in the debt figure. However, Revenue estimate that the collectible debt of €792m plus additional debt that arises from new or revised tax charges will be reduced by up to 97% over a five year period. The remaining debt will be under control, under appeal or at enforcement. Revenue is not in a position to estimate the likely collection from debt currently under appeal.

The strategies and methodologies adopted by Revenue to achieve a reduction over a five-year period are subject to annual review and evaluation that is carried out within the context of the business planning process. In the context of the preparation of a new Statement of Strategy for 2008-2010, Revenue is considering the appropriate strategies and targets in relation to debt management for the period ahead.

Financial Services Regulation.

147. **Deputy Joe Costello** asked the Tánaiste and Minister for Finance if he will carry out a review of the regulatory framework for funds operating here in view of the recent crisis in a Dublin based investment fund (details supplied) which brought a German state bank close to collapse and the fact that this fund was not subject to any Irish regulatory authority; and if he will make a statement on the matter. [23671/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Ireland prides itself in matching best international practice in all aspects of financial regulation at both domestic and international level. The IMF has recently confirmed that our regulatory regime complies with the best international standards.

It is very important to distinguish clearly between the type of wholesale off-balance sheet Special Purpose Vehicles (SPVs) which are sponsored and managed by banks which have given rise to some recent concerns, and the wider investment funds industry where there are important safeguards in place to protect investors, especially retail investors. Retail investment funds such as EU UCITS (Undertakings for Collective Investment in Transferable Securities) have tight restrictions on what they can invest in and there are strong rules about what information must be given to investors.

The type of investment vehicles that recently encountered difficulties are not authorised funds or collective investment schemes covered by EU Directives. They are SPVs for issuing commercial paper, frequently referred to as Structured

Investment Vehicles (SIVs), and they are not, either in Ireland or internationally, subject to direct regulatory oversight. Where such investment vehicles expose a parent banking entity to risk by way of, for instance, a guarantee of a significant line of credit in the event of a financing difficulty being encountered by the investment vehicle, then it is the duty of the financial regulator of the parent banking entity to monitor such exposures, regardless of where the investment vehicle may have been incorporated.

In 2005, KPMG produced a report on the German parent bank which included certain issues in relation to its Irish-licensed subsidiary. As part of its ongoing relationship with other regulators, the Financial Regulator has had regular contact with the relevant authority, on whose behalf the report was produced. As recently as April 2007, a meeting between the two regulators concluded that there were no outstanding issues with regard the 2005 report.

It may well be the case that there is a need for greater transparency about the links between off-balance sheet vehicles and their parent entities. That is why the treatment of non-regulated entities will be part of the discussions taking place at EU and international level over the coming months.

The Deputy will be aware that Ireland participates in EU discussions relating to EU financial services regulation. At its recent meeting on 9 October, the Ecofin Council decided on a preliminary set of issues to be analysed and addressed following the recent financial market turbulence. These include reviewing whether disclosure of sponsoring of SPVs by banks under the new Basel II/Capital Requirements Directive framework is sufficient. This review is to report by mid-2008. I consider that it would be appropriate to await the outcome of this review.

Decentralisation Programme.

148. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Finance if the Government has plans for a review of the programme of decentralisation; and if he will make a statement on the matter. [23681/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government states that the Government will continue to move ahead with decentralisation, ensure that no public servant is obliged to accept decentralisation against their wishes and that promotions opportunities remain available.

A progress report by the Decentralisation Implementation Group (DIG) was submitted to me and published on 8th October last. The Group reported that implementation of the civil service elements of the Decentralisation Programme is progressing satisfactorily. At the end of August 2007, over 3,000 staff had been assigned to decentralising posts. Almost 1,300 of these are

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currently in place, in 20 new locations, while the remainder are being trained in advance of decentralisation to a new location, as soon as accommodation becomes available. In addition to these 20 locations are a further 9 locations in which Agencies have established a presence.

It is envisaged that by the end of 2007 public services will be delivered from 33 of the decentralisation towns with approximately 2,000 staff transferred. The precise numbers moving within that time frame will depend on the availability of property as well as timeframes for completion of fit out and installation of necessary ICT (information communications technology) and telecommunication cabling and equipment.

The OPW conducts a review of the property timeframes for permanent accommodation on an ongoing basis. Based on its experience to date in relation to timeframes for property selection and acquisition, brief and design issues, tendering periods, planning issues and contractual arrangements, it has provided an updated schedule of the likely availability of accommodation. While I am satisfied with the progress reported so far, I am anxious to ensure that the momentum of the programme is maintained and developed and I will be asking my Ministerial colleagues to review these timeframes in association with the OPW and the DIG to assess where earlier progress could be made either in relation to permanent accommodation or advance accommodation.

The Government appreciates that there are a number of challenges remaining, which have been identified by the DIG in its latest report. My Department and the wider management of the public service will continue to work closely with staff representatives to seek appropriate solutions to address the concerns of the professional & technical staff and those employed in state agencies, while also ensuring the delivery of the Government programme.

I can confirm that the Government is determined to make significant progress towards advancing the State Agency elements of the programme during the lifetime of this administration. In this context I would refer the House to the remarks of the DIG that over 1,000 employees of State agencies have expressed a preference on the CAF to relocate with either another public service or civil service organisation and it is not unreasonable that these applicants would expect that their applications would have been advanced at this stage. The recent Labour Court recommendation in relation to FAS provides both unions and management with a fresh opportunity to address this issue constructively and in that regard my Department is actively seeking to get discussions underway with ICTU on the range of industrial relations issues involved.

As you will be aware at this stage, the Chairman of the Revenue Commissioner has written to me outlining some business continuity issues

regarding the relocation of that Office's full ICT function to Kildare Town. I have agreed in principle to an alternative mix of posts for the Kildare location and have asked the Chairman of the Revenue Commissioners to submit a formal proposal for the sourcing of those posts.

I can also confirm that the Minister for Defence has decided to increase the number of Defence Force personnel relocating to the Curragh from 300 to 413. The number of Defence Force personnel moving to Newbridge will also increase to 43 which is a small increase in the numbers from that previously proposed.

Proposed Legislation.

149. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Finance his legislative priorities for the 30th Dáil; and if he will make a statement on the matter. [23682/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): My legislative priorities for the 30th Dáil will be formulated in the context of the implementation of the Programme for Government over the coming years. It may be helpful, however, to set out my legislative priorities for the current Dáil session:—

Bills Published:

Markets in Financial Instruments and Miscellaneous Provisions Bill 2007 — While the Markets in Financial Instruments Directive has been transposed by Statutory Instrument (S.I. 60 of 2007), some complementary adjustments require primary legislation through this Bill. The Bill is also being availed of to make necessary technical amendments to various Acts. The Bill is due for Committee Stage in the Dáil on 17th October and is scheduled to finish in the Seanad on the 31st October 2007.

Ethics in Public Office (Amendment) Bill 2007 — The main purpose of this Bill is to amend the Ethics in Public Office Acts so as to require office holders and Oireachtas members, before accepting significant benefits from a friend for personal reasons, to seek the opinion of the Standards in Public Office Commission that acceptance would not be likely to materially influence the recipient in the performance of his or her functions and duties. The Bill has been passed by the Seanad and it is intended to move it in the Dáil during the current session.

Bills yet to be Published

Appropriation Bill, 2007 — The primary purpose of this Bill is to give statutory effect to individual Estimates (including Supplementary or Additional Estimates) as passed by the Dáil. The Bill will be published in December 2007.

Ombudsman (Amendment) Bill — The purpose of this Bill is to extend the Ombudsman's remit and to update the existing Ombudsman

legislation. Publication is expected towards the end of the current session.

Financial Services Regulation Bill — The purpose of this Bill is to consolidate and modernise legislation relating to regulation of financial services. This is an important priority contained in the Building on Success Strategy for the development of the financial services industry in Ireland. An Advisory Forum composed of representatives of all the main stakeholder interests is currently being established to advise and assist in the preparation of the draft legislation. The first meeting of this Forum is expected to take place shortly.

Decentralisation Programme.

150. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [23667/07]

155. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Finance the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [23697/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 150 and 155 together.

One Hundred and nineteen (119) staff of my Department have decentralised to Tullamore and a further six (6) have accepted offers of decentralisation. Of those in Tullamore, eighty-three (83) staff transferred from Dublin posts to Tullamore, twenty-three (23) were serving in various other locations in the country and fourteen (14) were recruited specifically for Tullamore. About thirty further posts in my Department are scheduled to be decentralised to Kildare by end 2007 early 2008.

I am informed by the Revenue Commissioners that fifty (50) staff of their Office have decentralised to temporary accommodation in Limerick in preparation for the move to Newcastle West and a further two (2) have accepted offers of decentralisation. Of those in the temporary accommodation in Limerick, two (2) were serving in Dublin with other Departments prior to moving to Limerick.

Fifty four (54) staff have decentralised to Kilrush. Of those, six (6) staff were based in Dublin. A further one (1) has accepted an offer to decentralise to Kilrush. Forty nine (49) staff have decentralised to Listowel. Of those, six (6) staff were based in Dublin. A further five (5) have accepted offers to decentralise to Listowel.

As part of the overall decentralisation programme the Revenue Commissioners also intend to move 100 staff to Navan and 250 staff to Athy. To date, eighty three (83) staff have accepted decentralisation offers for Navan, four (4) of whom are currently serving in provincial locations. The Office of Public Works (OPW) is currently negotiating a lease for suitable accommodation and it is expected that Revenue will be in a position to move to Navan in the first quarter 2008. To date fifty one (51) staff have accepted offers for Athy, of whom forty seven (47) are currently serving in Dublin. It is intended to send an advance party of approximately 50 staff to Athy by the end of 2007 and the OPW are examining a number of possibilities for permanent accommodation.

I am informed by the OPW that twenty (20) staff of their Office have decentralised to Claremorris. Of those, six (6) were based in Dublin. A further ten (10) will decentralise to Claremorris by the end of 2007, one (1) of whom is serving in Dublin.

With regard to the other agencies under the aegis of my Department, arrangements for decentralisation are proceeding in accordance with their implementation plans which have been prepared and submitted by each of the agencies to the Implementation Group. To date, no staff have been decentralised by the Public Appointments Service (PAS), Valuation Office (VO), or Ordnance Survey Ireland (OSI).

Tax Code.

151. **Deputy James Reilly** asked the Tánaiste and Minister for Finance if he will review and update the exemption limits on the revenue relief scheme for the transfer of sites from parent to child to bring the exemption limits within realistic current market values as the current exemption limit is approximately ten years old and out of date; and if he will make a statement on the matter. [22314/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The transfer of a site from a parent to a child for the purpose of building a private residence is, subject to certain conditions, exempt from capital gains tax, capital acquisitions tax and stamp duty. One of the conditions for relief is that the value of the site does not exceed €254,000. This is still a very generous exemption and I have no plans to change it.

Tax Yield.

152. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Finance the reason for the lack of accuracy in respect of the projections made by the Government with regard to tax receipts for 2007. [23654/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): At Budget time, based on the latest available economic and fiscal information to hand, my Department prepares its forecasts for the coming years. At the time of the last Budget some commentators suggested that my tax projections were too cautious. At the end of September tax receipts were €490 million or 1.5% below profile. Income Tax and Corporation Tax are performing well and when taken together with VAT and Excise Duties, the four main taxes, which were forecast to account for around 85 per cent of total taxes this year, are on target.

This year, it now looks likely that tax receipts for the year will be about 2% below the Budget day target. This shortfall is largely accounted for by lower than expected receipts for Stamp Duty, Capital Gains Tax and VAT — reflecting the change in the residential property market as it returns to more normal levels of activity. Excise Duties are also expected to be below target but Income Tax and Corporation Tax are expected to outperform their targets.

My Department is anxious to provide the most accurate tax forecasts possible in order to assist in managing the economy and the budgetary process. A Group chaired by a Senior Economist from the Central Bank, currently on secondment to the Department of Finance was formed to conduct a review of the methodology employed. I expect to receive a copy of the Group's report shortly.

Tax Code.

153. **Deputy Kathleen Lynch** asked the Tánaiste and Minister for Finance if, in regard to the commitment contained in the programme for Government, he will outline his proposals for major changes for mortgage interest relief for first time buyers and those who bought a house in the past seven years; if he has an estimate of the cost of the proposed changes; and if he will make a statement on the matter. [23680/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): An Agreed Programme for Government contains a commitment to increase in Budget 2008 the ceiling on mortgage interest relief for first-time buyers and those who bought a house in the past seven years, from €8,000 to €10,000 for single people and from €16,000 to €20,000 for couples or widowed persons. The estimated cost of this measure is about €10 million in a full year.

I would draw the Deputy's attention to the fact that the guiding economic and fiscal principles for the next five years contained in the Programme provide that "we will operate a responsible fiscal policy characterised by broad budget balance and a declining debt burden" and "keep the budget in broad balance and fully within our commitments under the Stability and Growth Pact."

Tax Collection.

154. **Deputy Willie Penrose** asked the Tánaiste and Minister for Finance his views on the continuing high level of tax evasion as indicated by the number of financial settlements revealed in the quarterly defaulters list published by the Revenue Commissioners; and if he will make a statement on the matter. [23685/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Revenue Commissioners are dealing in a very determined way with tax evasion and are very effectively using the additional powers they have been given in recent years. For example, Revenue special investigations, capitalising on the powers given in the Finance Act 1999 and subsequent legislation, have yielded a total of €2.4 billion to date. Revenue's normal audit programme each year also continues to recover significant tax, interest and penalties and these successes are reflected in the settlements revealed in the published quarterly defaulters lists.

I am advised by the Revenue Commissioners that their high level of success in securing settlements is also the result of a more sophisticated and targeted approach on their part to focus its audit and enforcement resources on those areas where they are needed most. An associated strategy is to minimise the number of contacts with largely compliant taxpayers. Accordingly, as Revenue's audit selection is now increasingly targeted at areas of highest risk, the level of published settlements must be seen in that context and it would be wrong to draw any conclusions from the published lists (which still include a number of "legacy" investigation cases) about the current level of tax evasion.

I am further advised by Revenue that tax compliance generally is improving. This is partly attributable to lower rates of direct taxation and partly due to the highly visible success of Revenue's special investigations and ongoing audit and enforcement programmes, backed up by appropriate powers.

Question No. 155 answered with Question No. 150.

Public Service Contracts.

156. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the way he will ensure

better exploitation of domestic opportunities to facilitate companies in applying for public sector contracts; and if he will make a statement on the matter. [18993/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Government recognises the important business opportunities that public service contracts represent for business enterprises in the local and national economy and encourages participation to the greatest extent possible. My Department is currently involved in an initiative to improve access to public procurement for small and medium sized enterprises (SMEs). The National Public Procurement Policy Unit is consulting with stakeholders to identify possible obstacles and to consider ways of appropriately encouraging and facilitating that sector's participation. Responses have been received from interested parties and these are currently being examined with a view to identifying what action can be taken.

Significant measures have been introduced which make it easier than ever to bid for public contracts. A national public procurement website (www.etenders.gov.ie) was developed by my Department in recent years where all significant public sector contracts are now advertised. This central facility, which is available free of charge, increases transparency and greatly facilitates access to public sector contracts for all suppliers. On average, about 1,000 tendering opportunities are open at any given time. Significant efforts have been made, through advertising and promotion, to encourage suppliers to use the site and there are currently more than 37,000 suppliers registered. A facility whereby suppliers receive free email alerts when a tender notice that matches their areas of supply has been published is a key feature of the site. In addition, the site offers access to contracting authorities' buyer profiles and contacts as well as general information on public procurement, regulations and guidance.

Tax Code.

157. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Finance if, in regard to the commitment contained in the programme for Government, he will outline the proposed membership and terms of reference of the planned commission on taxation; when the commission will be appointed; when it is expected to report; and if he will make a statement on the matter. [23677/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government contains a commitment to the establishment of a Commission on Taxation which will have a wide remit to consider the structure of the taxation

system. The Commission will be specifically charged with considering and making recommendations on the following:

- Examine the balance achieved between taxes collected on income, capital and spending and report on it
- Review all tax expenditures with a view to recommending the discontinuation of those that are unjustifiable on cost/benefit grounds
- Consider options for the future financing of local government
- In the context of maintaining a strong economy, investigate fiscal measures to protect and enhance the environment including the introduction of a carbon tax

I will be bringing proposals to Government in the near future on matters relating to the establishment of the proposed Commission including its membership and terms of reference. Pending consideration by the Government of these proposals, I am not in a position to elaborate further on matters pertaining to the Commission or its work programme.

158. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Finance the steps he has taken to implement a promise made in a speech on 25 March 2007, where on tax individualisation he promised to double the credit where one spouse works in the home to care for children, the elderly or the disabled; the steps he plans to take to implement same; if it will be included in the Estimates for 2008; and if he will make a statement on the matter. [23324/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Government's commitments in relation to taxation are contained in the Programme for Government. All income tax provisions are reviewed regularly, particularly in the context of the annual Budget. The Budget is less than eight weeks away. It has been the practice of successive Ministers for Finance not to comment on tax changes in the run up to the annual Budget and I do not propose to depart from that approach.

Departmental Expenditure.

159. **Deputy Leo Varadkar** asked the Taoiseach the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23514/07]

The Taoiseach: The table details the payments in respect of domestic mileage, as provided for in the relevant Department of Finance circulars,

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made to Minister of State Dick Roche since 2003. Minister of State Roche was entitled to these expenses because he used his private car for official business. No claims were made by Minister of State Noel Treacy as he was also Minister of State at the Department of Foreign Affairs.

Since the Chief Whip is provided with Garda transport by the Department of Justice, Equality & Law Reform, no domestic mileage claims arose in respect of former Minister of State Mary Hanafin and current Minister of State Tom Kitt.

Minister of State Dick Roche

Item	2003	2004	2005	2006	2007 (up to end of Sept)
Domestic Mileage	€19,956	€14,841	Nil	Nil	Nil

160. **Deputy Richard Bruton** asked the Taoiseach the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23734/07]

The Taoiseach: The State agencies which come under the aegis of my Department are the Cen-

tral Statistics Office and the National Economic and Social Development Office which comprises the National Economic and Social Forum, the National Economic and Social Council and the National Centre for Partnership and Performance.

The information requested is outlined in the table.

Body	Director	Salary	Pension	Ancillary benefits
CSO	Gerry O'Hanlon	Secretary General Grade — €201,178	Superannuation Scheme for established civil servants	None
NESDO * NESC	Rory O'Donnell (Chief Officer)	€136,034 (4th point Assistant Secretary Modified Scale)	An allowance of 16.66% of salary is paid in lieu of superannuation. This currently is €22,663.26**	None
NESF	Sean O hÉigearthaigh	€113,145	Superannuation Scheme for established civil servants	None
NCPP	Lucy Fallon Byrne	€108,856	Superannuation Scheme for established civil servants	None

* The Deputy should note that Rory O'Donnell is the Chief Officer of NESDO as well as the Director of NESC. He receives no additional emoluments for the dual role.

** Section 27 of the NESDO Act provides for a pension scheme. A scheme is being prepared at present and will be submitted shortly to the Taoiseach for approval, as required by the Act. The Chief Officer of NESDO/Director of NESC may opt to join that scheme, if he so wishes. The terms and conditions which will apply to such transfer are under negotiation at present.

Official Travel.

161. **Deputy Enda Kenny** asked the Taoiseach the official functions he undertook during his recent visit to France; the names and titles of the persons who accompanied him; the mode of transport used; the cost of the visit; and if he will make a statement on the matter. [23837/07]

The Taoiseach: I travelled to Paris by Government Jet on Friday, 21 September. I returned to Dublin on Saturday, 22 September. I met with President Sarkozy at the Elysée Palace, Paris on 21 September. During an open and productive meeting, we discussed a wide range of issues on the European Agenda including the Reform Treaty, agriculture, the EU budget review, the Doha round of the WTO negotiations and international financial issues. Later that evening, the President and I attended the Ireland-France rugby match together.

On 22 September, I officiated at the official re-opening of the Old Library of the Irish Cultural Centre in Paris. I also visited our Embassy in Paris, where I met with the Ambassador and her staff and inspected the magnificently restored reception rooms there. This was part of an Embassy open day, which a large number of people attended. Among those whom I met were the family of an Irishman who had gone missing in Paris and is sadly still missing.

While not all costs have yet been settled for the visit, it is likely that the cost incurred by the Department of the Taoiseach will be in the region of €12,000. This figure does not include the cost of using the Government Jet. Questions regarding the cost of the use of the Government Jet should be directed to the Minister for Defence.

The delegation accompanying me for the visit was as follows:

Minister for Foreign Affairs

Minster of State for European Affairs*

Mr. Dermot McCarthy, Secretary General, Department of the Taoiseach*

Ambassador Anne Anderson*

Mr. Gerry Hickey, Programme Manager and Special Advisor to the Taoiseach

Mr. John Callinan, Assistant Secretary, EU and International Division, Department of the Taoiseach

Mr. Dan Mulhall, Director General, European Union Division, Department of Foreign Affairs

Mr. Eoghan O Neachtáin, Government Press Secretary

Mr. David Feeney, Private Secretary to the Taoiseach

Ms. Olive Melvin, Personal Assistant to the Taoiseach

Mr. Eddie Walsh, Higher Executive Officer, Government Press Office

Mr. Tony Maxwell, Official Photographer

Ms. Mary Browne, Higher Executive Officer, Department of Foreign Affairs

Ms. Cathy Bruton, Private Secretary to the Minister of State for European Affairs*

*Joined the delegation in Paris. Did not travel by Government Jet.

Regulatory Impact Assessments.

162. **Deputy Denis Naughten** asked the Taoiseach the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23914/07]

The Taoiseach: The Government Decision of June 2005 requires Regulatory Impact Analysis to be produced in respect of all proposals for primary legislation involving changes to the regulatory framework, significant Statutory Instruments and draft EU Directives and significant EU Regulations. In the period since June 2005, only one piece of legislation requiring RIA arose in respect of my Department, namely the Statute Law Revision Act. A RIA was produced in this case and has been published on my Department's Better Regulation website.

Official Statistics.

163. **Deputy Seán Ó Fearghaíl** asked the Taoiseach the number of people employed in the construction industry in County Kildare in the years 1997 to 2006; and if he will make a statement on the matter. [23187/07]

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): The information requested by the Deputy is not available on an annual basis at county level. The table contains the relevant Census of Population data for the years 1996, 2002 and 2006. Persons aged 15 years and over at work in the construction industry in County Kildare, 1996, 2002 and 2006.

Census Year	Persons
1996	3,866
2002	7,665
2006	10,981

Decentralisation Programme.

164. **Deputy Joan Burton** asked the Taoiseach the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24437/07]

165. **Deputy Joan Burton** asked the Taoiseach the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24451/07]

The Taoiseach: I propose to take Questions Nos. 164 and 165 together.

33 staff currently serving in my Department have applied through the Central Applications Facility to relocate under the Decentralisation Programme. 15 members of my Department have already transferred to other Departments for decentralisation purposes — their chosen options are listed below. However, the timing of the relocation of these officers is a matter for their new Departments.

1 AP to the Department of Social, and Family Affairs (Sligo)

1 AP to the Department of Arts, Sport and Tourism (Killarney)

1 AP to the Department of Agriculture and Food (Portlaoise)

1 AP to the Department of Enterprise, Trade and Employment (Carlow)

1 AO to Development Co-operation Ireland (Limerick)

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1 AO to the Department of Community, Rural and Gaeltacht Affairs (Charlestown)

1 EO to the Department of Finance (Tullamore)

1 EO to the Department of Defence (Newbridge)

1 EO to the Department of Transport (Loughrea)

1 SO to the Department of Communications, Marine and Natural Resources (Clonakilty)

1 CO to the Office of Public Works (Claremorris)

1 CO to the Department of Social and Family Affairs (Sligo)

1 CO to Garda Headquarters (Thurles)

1 CO to the Office of the Revenue Commissioners (Tralee)

1 CO to the Department of Justice (Mayo)

The Deputy will be aware that there are no proposals to decentralise my Department or any of the bodies under its aegis and also that the Department of Finance has overall responsibility in Government for the Decentralisation Programme.

Fiscal Policy.

166. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the reason the rates base has not been expanded to incorporate Government buildings and other properties exempted from payment of rates as recommended by the Dublin Business Alliance. [23404/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): State occupied buildings have been exempt from rates since before the enactment of the Valuation Act 1852 and was specifically continued and provided for under Section 15(3) of the Valuation Act 2001. Schedule 4 of the Valuation Act, 2001, sets out several categories of property which are not rateable. I have no plans at present to amend the existing legislation.

Tax Code.

167. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance his views on the introduction of a VAT reclaim system on hotel and restaurant costs incurred for conferences, corporate meetings and incentive travel purposes as recommended by IBEC in its publication, Vision for Dublin. [23406/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I would like to draw the Deputy's attention to a dedicated scheme I introduced in the 2007 Budget and Finance Act which allows

deductibility of VAT on conference related accommodation expenses. This measure recognises the importance of tourism to our economy and will help Irish hotels to compete more favourably for international conference business where significant opportunities are available. The measure which came into effect from 1st July 2007 addresses concerns raised by the hotels and tourism bodies regarding Ireland's attractiveness as a location for international conferences. The international conference market is seeing considerable growth and it is important that Ireland is sufficiently well positioned in order to avail of opportunities of attracting new business in this area.

A conference is defined as a meeting attended by a minimum of 50 delegates "in the course or furtherance of business". In addition, there is no minimum number of nights stay required and attendees may be accommodated at the conference venue or elsewhere. Under the scheme, VAT relief is available to conference attendees whether they come from Ireland or abroad and applies to accommodation expenses irrespective of the accommodation chosen. I have no plans to widen the scope of this measure.

Disabled Drivers.

168. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance when a review of an application for VRT will be undertaken in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23487/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate is refused, the person may appeal the refusal to the Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin.

I understand the named person appealed the decision of the Senior Medical Officer not to grant a Primary Medical Certificate and the appeal was subsequently refused by the Medical Board of Appeal. If the named person wishes to apply again for a Primary Medical Certificate, the application to the Senior Medical Officer must be accompanied by a medical certificate from a registered medical practitioner indicating that the practitioner has formed the opinion that the medical condition of the person concerned has materially disimproved since the previous application. I would point out that the medical Board of Appeal is independent in the exercise of its functions.

Tax Code.

169. **Deputy Willie Penrose** asked the Tánaiste and Minister for Finance if the stamp duty exemption which applies to first time purchasers of dwelling houses here will apply to a couple who are returning to Ireland from the United States having not previously purchased a dwelling house for their own use and occupation here, and in the context where one of the people concerned is an Irish citizen and the other is a US citizen; and if he will make a statement on the matter. [23347/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): To avail of first-time buyers relief, all the parties to the purchase must be first-time buyers. A first-time buyer is a person

- (a) who has not on any previous occasion, either individually or jointly, purchased or built on his/her own behalf a house (in Ireland or abroad) and
- (b) where the property purchased is occupied by the purchaser as his/her only or principal place of residence and
- (c) where no rent, other than rent under the rent-a-room-scheme, is derived from the property for five years after the date of the current purchase.

The citizenship of a purchaser is not an issue for the purposes of availing of this relief.

170. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the circumstances in which a bet is subject to duty and value added tax; and the definition of the tax base in each case; and if this changes depending on whether the bet is done electronically, on the high street or through a betting exchange. [23367/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Bets placed with bookmakers in the State are liable to betting duty at 1%. However, an exemption applies to bets accepted by on-course bookmakers at horse-race or greyhound race meetings but the exemption does not extend to bets accepted by on-course bookmakers by any means of telecommunications.

Bets placed with the Tote are also exempt from betting duty. Bets placed with bookmakers outside the State are not liable to betting duty. Most providers of internet betting are based outside the State.

With the exception of bets entered into by an on-course bookmaker by any means of telecommunications, the means by which a bet is placed or accepted does not affect the duty payable on that bet. Under current betting legislation, betting exchanges are not deemed bookmakers. They differ from bookmakers in that they facilitate the matching of bets between outside parties unlike a bookmaker who takes the bet and the associated risk involved. Bets entered into or accepted through an exchange are not liable to betting duty.

VAT is a Community tax and Irish VAT law must comply with the relevant EU requirements. Article 135(1)(i) of the VAT Directive 2006 (formerly Article 13B(f) of the Sixth VAT Directive) provides that Member States must exempt betting, lotteries and other forms of gambling from VAT, subject to conditions and limitations laid down by each Member State. That measure has been transposed into Irish law by paragraphs (xv) and (xvi) of the First Schedule to the Value-Added Tax Act 1972, as amended, which provide that licensed betting, betting on the Tote and lotteries are exempt from VAT.

Question No. 171 answered with Question No. 118.

Departmental Staff.

172. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance the number of jobs advertised through open recruitment for the positions of HEO, assistant principal, principal officer, assistant secretary and secretary general in the past 12 months. [23411/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The number of advertisements for the filling, through open recruitment, of positions in these grades in the past 12 months is set out in the Table; it should be noted that in the case of the HEO, A.P. and the P.O. grades, the recruitment process will establish panels from which a number of appointments will be made.

Position	No. of open competitions advertised	No. of posts filled
HEO	One competition	Competition in progress
Assistant Principal	One competition	Competition in progress
Principal	One competition	Competition in progress
Assistant Secretary	Nine competitions	Nine positions filled
Secretary General Level	One competition*	One position filled

*Second Secretary post

Tax Code.

173. **Deputy Finian McGrath** asked the

Tánaiste and Minister for Finance if he will clarify the term first time buyer and the issue of stamp duty for anyone on the title deeds of another house. [23440/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the stamp duty relief for first time buyers is provided for in section 92B of the Stamp Duties Consolidation Act 1999 and that the term “first time purchaser” is defined in the section. In the definition, a first time purchaser is referred to as a person who has not previously purchased a house or a part of a house or previously built a house on his or her own behalf. In addition, a first time purchaser is a person who has received a gift of a house after 22 June 2000 or received a gift of part of a house after 27 June 2000.

A person on the title deeds of a house, whether this resulted from that house being purchased, built or gifted after that dates above, would not be regarded as a first time purchaser should they acquire another house at a later date.

National Development Plan.

174. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance the profile of actual expenditure and expenditure versus profile in the Border Midlands Western region in the national development plan up to 31 December 2006. [23442/07]

175. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance the amount of extra expenditure spent in the Border Midlands Western region up to 31 December 2006. [23443/07]

176. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance the profile of actual expenditure and expenditure versus profile in the southern and eastern regions in the national development plan up to 31 December 2006. [23444/07]

177. **Deputy Finian McGrath** asked the Tánaiste and Minister for Finance the amounts of extra expenditure spent in the southern and eastern regions up to 31 December 2006. [23445/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 174 to 177, inclusive, together.

The National Development Plan/Community Support Framework (NDP/CSF) 2000-2006 has made a major contribution to our economic growth and employment levels and has significantly enhanced Ireland’s competitiveness. The benefits of projects and programmes in areas including child care, housing, rural development, training and business innovation have been experienced nationwide and the completion of many of these programmes has both improved our social infrastructure and encouraged regional development.

The ESRI (Oct 2006) in its ex-ante assessment of investment priorities for the NDP 2007-2013 concluded that “The NDP/CSF 2000-2006 has greatly enhanced the economic and social infrastructure of the State with major benefits to economic development throughout all regions”.

The most recent information available to my Department, following the June NDP/CSF Monitoring Committee, regarding expenditure under NDP/CSF 2000-2006 indicates that over €54.5 billion has been invested nationally to the end of December 2006, with expenditure of €15.1 billion in the BMW region and expenditure of €39.4 billion in the S&E region. In terms of Exchequer and EU funding under NDP/CSF 2000-2006 nearly €47 billion was spent nationally to the end of December 2006, with expenditure of over €13 billion spent in the BMW region and expenditure of over €33.6 billion spent in S&E region.

The original forecast under the NDP/CSF 2000-2006 is for €57 billion to be invested nationally with €18 billion allocated to the BMW region and nearly €39 billion allocated to the S&E region. The original forecast under the NDP/CSF 2000-2006 for Exchequer and EU funding is for €44.6 billion to be invested nationally, with €14.6 billion to be invested in the BMW region and over €30 billion to be invested in the S&E region.

The Exchequer and EU expenditure nationally is ahead of the original forecast which indicates that all demands for expenditure are being met by the Exchequer. However there is some over-performance and under-performance of expenditure taking place within and between the programmes. The main difficulties being a large demand led component that did not materialise and a lower than expected private sector involvement rather than a lack of Exchequer resources. The principal reasons are well known at this stage and reflect a slower rate of expenditure as a result of the impact of the slowdown in economic activity in 2000-02 — the early years of the Programmes — and the outbreak of foot and mouth disease which meant that businesses and the agriculture sector were not in a position to put forward sufficient, suitable investment plans in those early years to avail of funding and a lower draw-down of funding for Research and Development projects.

It is important to point out that national development planning is an ongoing process and the €184 billion National Development Plan 2007-2013 will continue the investment required to maintain and enhance national competitiveness while at the same time providing a better quality of life for all our citizens.

Departmental Expenditure.

178. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of

the past four years and to date in 2007; and if he will make a statement on the matter. [23511/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The domestic mileage amounts were paid to the Minister of State at the Office of Public Works, Mr. Tom Parlon, in 2007 and in each of the previous four years.

Year	Total
	€
2007	19,769.49
2006	42,809.96
2005	33,397.38
2004	34,917.29
2003	35,259.57

Departmental Advertising.

179. **Deputy Niall Collins** asked the Tánaiste and Minister for Finance if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23526/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): My Department uses various communications media as part of advertising and public awareness campaigns. Where it is deemed appropriate to the needs of the campaign local media are used. I have had details of the organisation concerned forwarded to the relevant officials in my Department for consideration where appropriate in any future advertising or public awareness campaigns.

Benchmarking Awards.

180. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the cost to the Exchequer of the interim payment made under the higher remuneration review of the payment made to craft workers in the public service in lieu of benchmarking 1; if he has received the promised reports on these two dimensions of special pay awards; and their implications for the development of the public service pay bill. [23632/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The cost of the full increase to the Exchequer of the interim payment recommended by the Review Body on Higher Remuneration in the Public Sector is about €33m a year. The greater part of this cost relates to the Health Service Executive because of the numbers of hospital consultants who constitute a majority of those covered by the Interim Report.

The cost of the payment made to craft workers and related grades in the public service under the first Parallel Benchmarking Process was about €160m in a full year. The final report of the seventh general review of the Review Body on

Higher Remuneration in the Public Sector has been received and I am bringing proposals to Government for consideration. The consultant's report under the second Parallel Benchmarking process on the pay of craft workers was presented to management and unions on 15 June 2007. Discussions are ongoing in relation to the report. In the event that the Government accept the recommendations of the Review Body, details of the implications for the Public Sector Pay Bill will be forwarded to the Deputy directly.

Public Service Staff.

181. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if the categories of worker in the Public Service whole standard working week exceeds 35 hours; and if the approach of cost neutral reductions in working hours is a viable public policy for those activities. [23633/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The following grades in the public service working in excess of a net 35 hours week:

Health Services

Ambulance, Support Staff, Nurses, Child Care, Craftworkers, General Operatives and related grades.

Local Authorities

Firemen, Craftworkers, General Operatives and related grades.

Education

Technical Officers in Institutes of Technology, Craftworkers, General Operatives and related grades.

Justice

Prison Officers and Gardaí

State Industrial Employees

Craftworkers, Stores, General Operatives and related grades.

Any reduction in the standard working week for any of the above groups could only be considered on a cost neutral basis and would have to reflect the requirement to maintain service provision. The settlement of the nurses' dispute earlier this year provided for a reduction in the working week from 39 hours to 37.5 hours on a cost neutral basis by June 2008. A further reduction to 35 hours is the subject of a seven person commission, under the chairmanship of Ms. Justice Maureen Harding Clark, who are due to present their report in mid 2008. The Labour Court recommended some time ago that, if there was to be any reduction in the working week, nurses should be the first group to benefit. Developments in other areas will have to await the outcome of the position on nurses.

Departmental Staff.

182. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the number of competitions below the rank of assistant secretary general which have been subject to open competition; the number of posts filled; the origin of the successful applicants distinguishing those who are internal to the recruiting Department from another Department, from elsewhere in the public service, from the Irish private sector or from abroad; and if he will provide similar information for TLAC appointments in the past three years. [23634/07]

Assistant Principal Open Competition

Year	No. assigned	Candidates Internal to recruiting Department	From another Department	Elsewhere in the public service	From the Irish Private Sector	From Abroad
2004	6	0	0	0	6	0
2005	3	0	0	2	1	0

Higher Executive Officer Open Competition

Year	No. assigned	Candidates Internal to recruiting Department	From another Department	From elsewhere in the public service	From the Irish Private Sector	From Abroad
2004	3	0	1	0	2	0
2005	3	0	0	0	3	0

No open recruitment competitions were held for the Principal Officer Grade between 2004 and 2006. An open recruitment competition for the Principal Officer Grade was advertised in 2007 under the provisions of Towards 2016 and is nearing completion.

Top Level Appointments Committee (TLAC)

TLAC held no open recruitment competitions for general service grades in 2004 and 2005. One open recruitment competition took place in 2006 for appointment to a post at the grade of Second Secretary. The post was filled by an internal candidate.

To date in 2007, 9 posts at the grade of Assistant Secretary General have been filled by open competition. Six were filled from within the appointing Department, one from another Department, one from the wider public service and one from the private sector.

Expenditure Reviews.

183. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the progress to date in the programme of work of the central evaluation unit in his Department. [23635/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am pleased to report substantial

Tánaiste and Minister for Finance (Deputy Brian Cowen): I understand that the Deputy is seeking information on the number of open recruitment competitions held for the general service grades of Principal Officer, Assistant Principal Officer and Higher Executive Officer, and for similar details in respect of the general service competitions conducted by the Top Level Appointments Committee (TLAC), in the years from 2004 to date. The tables set out the relevant details.

progress has been made in the programme of work of the Central Expenditure Evaluation Unit (CEEU) in my Department. Following an external recruitment campaign, two specialist evaluators were appointed to the Unit, augmenting the internal expertise already in situ. In addition, two more evaluators joined the Unit on completion of the MSc in Policy Analysis Programme for civil servants run by the Faculty of Commerce at UCD and the Institute of Public Administration.

A key focus of the Unit's work to date in 2007 has been to check compliance with the Value for Money Frameworks by Government Departments and Agencies. Spending departments are required to establish systems to carry out spot-checks on projects to ensure compliance with the VfM Frameworks and to report their findings to my Department on an annual basis. While such spot-checks and the development of appropriate systems are the responsibility of Departments themselves, the CEEU reviews the reports received and reports their findings to the relevant sections in my Department who then engage with line Departments on any remedial action which may be required. The Unit is also undertaking its own spot-checks on a range of projects across a number of the major capital spending departments. CEEU spot checks are currently underway in the Departments of Health and Children; Environment, Heritage and Local Govern-

ment; Enterprise, Trade and Employment; and Arts, Sport and Tourism. Spot checks in the Department of Transport have been completed and final reports will issue to that Department shortly.

The Unit has also played a pivotal role in overseeing programme evaluation under the scheme of Value for Money and Policy Reviews (VfMPRs). Along with coordinating progress under the agreed schedule of Reviews, the Unit has published a detailed Guidance Manual for officials tasked with carrying out VfMPRs. This represents an important step in transferring necessary skills to Departments and Agencies which will assist in fostering a greater culture of evaluation across the Government system.

Finally, with respect to development and implementation of a scheme of programme evaluation under the 2007 — 2013 National Development Plan, the Unit is in the midst of developing such a scheme covering the period up to and including the mid-term review in 2010. An outline of this scheme will be discussed at the first Monitoring Committee meeting later this year.

184. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if a report on

the value for money initiative has been presented to him on its first year of work; the number and subject of reports completed; the value of the programmes involved; and if these reports have been published. [23636/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In July this year I submitted a report to Cabinet to update my colleagues on progress with the Value for Money and Policy Reviews. Under this initiative which was introduced in June 2006 some 90 reviews are to be carried out during the period June 2006 to end 2008. To date, 42 reviews are complete or substantially complete, with 24 having been fully completed. Details of the completed reviews and the value of the individual programmes concerned, which amount to some €2.2 billion in total, are set out in the table.

The reviews when completed will normally be published, laid before the Houses of the Oireachtas and submitted to the relevant Select Oireachtas Committee for consideration. Responsibility for carrying out each of the reviews, publishing them and submitting them to the Houses of the Oireachtas and the Select Committees rests with the individual Departments and Offices.

Department Name	Review Title	Estimated cost of area to be reviewed based on 2005 REV
		€ millions
Education & Science	Supply Panel for Primary Teaching	2
Education & Science	1st and 2nd level Building Programmes (Devolved Initiatives)	36
Defence	Aircraft Maintenance in the Air Corps	9
Finance	Grant-in-Aid to the ESRI	3
Enterprise, Trade & Employment	Science and Technology Spending	97
Revenue	Revenue's Data Capture Outsourcing Programme	2
Communications, Energy & Natural Resources	Energy (Conservation and Alternative)	16
Community, Rural & Gaeltacht Affairs	Scéimeanna Feabhsúcháin sa Ghaeltacht	11
Finance	Information Society Fund	9
Justice, Equality & Law Reform	Asylum & Immigration	124
Community, Rural & Gaeltacht Affairs	Local Drugs Task Forces	13
Social & Family Affairs	Supplementary Welfare Allowance Scheme	650
Social & Family Affairs	Proposals for Supporting Lone Parents	770
Oireachtas	IT Service Level Agreement Contract	2
Environment, Heritage and Local Government	Motor-tax-online	2
Agriculture, Fisheries & Food	Laboratory Testing	3
Finance	Grant-in-aid to OSI	11
Social & Family Affairs	UA/UB for Atypical workers	175
Communications, Energy & Natural Resources	Public (Exchequer and EU) Supports for Aquaculture	6
Justice, Equality & Law Reform	Prisons Capital Projects	56
Health & Children	Equal Opportunities Childcare Programme	114
Foreign Affairs	Support for Irish Emigrant Groups Abroad	8
Social & Family Affairs	Medical Review and Assessment Service	30
Defence	Clothing Procurement in the Defence Forces	3

Tax Yield.

185. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the number of returns in respect of capital acquisition tax which were made in 2002 and in 2006; the number in respect of which tax was payable; and the distribution of cases by class of relationship to the donor and by size of acquisition. [23637/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the total numbers of gift and inheritance tax returns (IT38) made in 2002 and 2006, and also the numbers in respect of which tax was payable, are as follows:

Year	Number of IT38s filed	Number of Taxable IT38s
2002	11,073	7,231
2006	19,485	11,058

Details from inheritance and gift taxes returns are not maintained in such a way as to provide a basis for compiling the detailed information sought by the Deputy. It is, therefore, not possible to separately identify the details relating to the distribution of cases by class of relationship to the donor and by size of acquisition without a protracted investigation of Revenue records.

Departmental Staff.

186. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the percentage of women occupying each of the major Civil Service grades. [23638/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Based on the latest data on serving numbers supplied by Departments/Offices, to my Department, the following is the information requested by the Deputy:

Main General Service Grades	% Female
Secretary General	24
Assistant Secretary General	12
Principal	23
Assistant Principal	34
Higher Executive Officer	50
Administrative Officer	57
Executive Officer	65
Staff Officer	81
Clerical Officer	79
Head Services Officer	6
Services Officer	24
Services Attendant	11

Pension Provisions.

187. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance his latest estimate of the actuarial cost of providing the present public service pension to all of the key professions in the public service (details supplied) and of different grades within the public service in terms of the contribution required as a percentage of salary to fund such a pension. [23639/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The actuarial costs of providing public service pensions to future new recruits for various public service grades are given below where all figures are expressed as the percentages of annual pensionable pay:

- Gardai: 22%
- Nurses: 15%
- Teachers: 17%
- Prison Officers: 20%
- Defence Forces Commissioned Officers: 29%
- Defence Forces Enlisted Personnel: 20%

The above figures represent the estimated annual notional costs of funding the application of current pension terms for new entrants to future new recruits based on current pay, pensionable allowances and social welfare pension rates. These different percentages reflect the different retirement ages, accrual rates and pay scales applying to the grades in question. These costs are before any allowance is made for employees' occupational pension contributions which, on average, amount to around 5% of pay.

Tax Code.

188. **Deputy Michael Creed** asked the Tánaiste and Minister for Finance if he will investigate and rectify the level of tax being paid by a person (details supplied) in County Cork who is currently on emergency tax. [23660/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I have been advised by the Revenue Commissioners that, on being contacted by the person in question, a Certificate of Tax Credits and Standard Rate Cut-Off point issued to the taxpayer on 9 October 2007 and to his employer on the previous day. The certificate will adjust the level of tax being paid. A tax refund will be due, via the payroll system, following implementation of the certificate by the employer.

Flood Relief.

189. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Finance the position of the proposed programme of flood alleviation at Portarlington; the role of the Office of Public

Works therein; and if he will make a statement on the matter. [23700/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Office of Public Works is represented on the Steering Group established to undertake an assessment of the flooding situation in Portarlinton, where there is a long history of flooding. Officials from Laois and Offaly County Councils are also represented on the Steering Group.

A Feasibility Study dealing with the flood risk in Portarlinton and identifying viable options which could be undertaken to alleviate such flooding has been completed. The OPW is currently in consultations with the Local Authorities on the possible implementation of flood relief works as a result of the Report. Once viable options to alleviate the flood risk be identified, OPW will consider undertaking the works directly with its own workforce.

Regulatory Regime.

190. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the main categories of administration cost or compliance cost for business created by Government Departments or agencies; the benchmark value for these costs against which it is planned to reduce cost by 25%; and the reduction which he hopes to achieve in the next two years. [23714/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There is a commitment in the Programme for Government to review the regulatory environment for business. Based on the ESRI Survey of Business Attitudes to Regulation (published March 2007) and the Report of the Business Regulation Forum (published April 2007), the main areas of regulation which the business sector wants examined are:

- Taxation,
- Statistical reporting
- Environmental regulations
- Health and Safety regulations, and
- Company and employment law.

Taking account of these findings, the Government agreed in March, 2007 that the Minister for Enterprise, Trade and Employment would establish a High-level Group on Business Regulation with a wide range of membership from Government Departments, agencies, industry, and the trade unions to carry out the review.

The Group has already begun its work of examining the regulatory environment for business and will report in July 2008. This issue is of major importance in ensuring the future competitiveness of the Irish economy. I am confident that the review will ensure that the regulatory burden on business is minimized as much as possible.

State Agencies.

191. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23729/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The remuneration of the CEOs of the two State agencies, funded from the Vote of my Department, is as follows:

Special EU Programmes Body: The salary scale for the CEO ranges from €84,075 to €116,875. In addition a non-pensionable performance related bonus may be paid up to a maximum of €11,430. A pension is payable on retirement, of 1/80th of final salary for each year of service. A lump sum will also be payable on retirement of 3 times the annual pension.

Ordnance Survey Ireland: As a commercial State body, the salary of the CEO is a matter to be determined by the Board within the following agreed pay range:— €109,495 to €136,875. A performance related pay scheme provides for payment of up to a maximum of 25% of basic pay annually, which is not reckonable for pension purposes. The CEO is also provided with a car. A pension is payable, on retirement, of 7/80th of final salary (based on 7 years service). A lump sum will also be payable on retirement of 3 times the annual pension.

Of the other State Agencies which come under the remit of my Department, the remuneration for the CEO of the Central Bank and Financial Services Authority of Ireland, is a matter for the Board of the individual authorities. The remuneration packages of all National Treasury Management Agency staff, including that of its CEO and the CEO of the National Development Finance Agency, are negotiated on an individual contract basis and are confidential. The administration accounts (including pay and pensions, etc.) of the NTMA are audited by the Comptroller & Auditor General each year.

In relation to the Financial Regulator details of the remuneration of the Financial Regulator CEO are published in the Annual Report of the Financial Regulator.

The annual basic salary of the Director of An Post National Lottery Company is €188,700. In addition in 2006, the Director was paid directors fees of €14,000 and non-pensionable performance related bonuses of €42,500. Taxable Benefits amounted to €20,000. The Director is a member of An Post main superannuation scheme.

Tax Yield.

192. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the number of residential property sales which were the subject of stamp duty in each of the past five years; and the aggregate duty raised. [23738/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the available information in respect of the number of residential property transactions where stamp duty was paid in the past five years is as follows:

Stamp Duty on Residential Property

Year	Number of Duty Paid Transactions	Net Receipt
		€m
2006	52,911	1,311
2005	44,000	945
2004	44,500	752
2003	35,000	528
2002	Not Available	349

Departmental Properties.

193. **Deputy Damien English** asked the Tánaiste and Minister for Finance the properties owned by the Office of Public Works in County Meath; if he has plans to sell or lease these properties or to change their current use; and if he will make a statement on the matter. [23811/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): Details of the properties that are owned by the Office of Public Works in County Meath are set out in the table. The majority are fully operational Garda Stations and there are no plans envisaged for change of current use. The same applies to the office buildings. Also included in the schedule is the site purchased for the purpose of building the Decentralised O.P.W. H.Q.

Property Name	Address	Location
Ashbourne Garda Station	Frederick Street	Ashbourne
Athboy Garda Station	Lower Bridge Street	Athboy
Ballivor Garda Station	Killucan — Ballivor Road	Ballivor
Crossakiel Garda Station	Kells Road	Crossakiel
Duleek Garda Station	Main Street	Duleek
Dunboyne Garda Station	Auction Paddock	Dunboyne
Dunshaughlin Garda Station	Dublin — Navan Road	Dunshaughlin
Enfield Garda Station	Kinnegad Road	Enfield
Grange EU Office	Derrypatrick	Grange
Kells Garda Station	Fairgreen — Church Lane	Kells
Kilmessan Garda Station	Kilmessan	Kilmessan
Laytown Garda Station	Laytown	Laytown
Longwood Garda Station	Main Street	Longwood
Navan Garda Station	Abbey Road	Navan
Navan Government Offices	Kells Road	Navan
Nobber Garda Station	Navan Road	Nobber
Slane Garda Station	Navan — Drogheda Road	Slane
Summerhill Garda Station	Dublin — Mullingar Road	Summerhill
Trim Boyne CDS HQ	Newtown	Trim
Trim Garda Station	New Dublin Road	Trim
Trim Model School	Trim	Trim
Trim OPW Decentralisation Site	Townparks South & Manorland	Trim

Overseas Development Aid.

194. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance his views on the call from Debt and Development Coalition Ireland and Trócaire that Ireland should not pay money beyond the basic membership subscription into the IDA 15 replenishment round unless World Bank economic conditionality is ended and to instead re-channel its aid through aid channels without economic conditions; and if he will make a statement on the matter. [23823/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I do not support this call. The

International Development Association (IDA) provides financial assistance to the poorest countries by means of both loans at zero interest with a 10-year grace period and maturities of 35 to 40 years and, more recently, grants. These grants and loans are provided by donors, such as Ireland, financed by the Irish taxpayer and by return reflows. Consequently conditions must be imposed to ensure proper use of IDA resources by recipient countries.

There is no basic membership subscription, as such, in any IDA replenishment round. The World Bank would hope that each donor would subscribe as much money as possible to meet the

expanding needs of IDA, not least to meet the Millennium Development Goals in Africa, where IDA resources are particularly focused. Ireland is a strong supporter of IDA as a vehicle for channelling assistance to the poorest countries.

195. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the Government position that will be presented at the World Bank IMF meetings from 20 to 22 October 2007 and at the meeting of International Development Association deputies that will be held immediately after the World Bank IMF meetings on 23 October 2007 on the replenishment of the IDA fund; and if he will make a statement on the matter. [23824/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Board of Governors of the International Monetary Fund (Fund) and the Boards of Governors of the World Bank Group (Bank) normally meet once a year to discuss the work of their respective institutions. I will attend the meeting to be held this year in Washington and will speak on behalf of Ireland.

In addition there are meetings of the International Monetary and Financial Committee (IMFC), the IMF's policy-guiding body, and the Development Committee, a joint IMF-World Bank forum. Ireland is not a member of either of these bodies, but is represented indirectly. A considerable amount of the preparatory work emerges from the IMFC and Development Committee meetings in the form of conclusions and indeed from the entirely separate gathering of the G7 Finance Ministers to be held in Washington on 19 October.

In my speech at the Annual Meeting, I intend to recognise the very important work being done by both organisations and especially by the World Bank in its mission of global poverty reduction and the improvement of living standards in developing countries around the world. I will take the opportunity at the meeting next week to address a number of challenges facing both organisations including governance and surveillance. I will also emphasise our commitment to enhancing the position of emerging market economies while at the same time accommodating the quota position of the more developed dynamic countries which are significantly under represented, including Ireland.

A specially arranged meeting of persons dealing with the International Development Association will be held on 23 October 2007. This will be addressed by Mr R Zoellick, the new President of the World Bank. This meeting will be attended by the appropriate officials from my Department.

196. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance his views of the attaching of economic conditions to World Bank loans and grants; and if he will make a statement on the matter. [23825/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The World Bank group comprises the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA) and the International Centre for Settlement of Investment Disputes (ICSID). Together the IBRD and IDA provide low-interest loans, interest-free credit, and grants to developing countries. The IFC promotes private sector investment by supporting high-risk sectors and countries, while the MIGA provides political risk insurance (guarantees) to investors in, and lenders to, developing countries. The ICSID settles investment disputes between foreign investors and their host countries.

The IDA is the “soft” loan arm of the World Bank. It provides highly concessional financial resources to low-income countries to help them reduce poverty and achieve faster, more environmentally sustainable, broad based growth. It is the single largest source of concessional financial assistance to the world's poorest countries. The IDA provides both loans at zero interest with a 10-year grace period and maturities of 35 to 40 years and more recently grants.

These loans and grants are provided by donors, such as Ireland, and are financed by the Irish and other taxpayers, and by the return reflows from past loans. Conditions in relation to the provision of such loans and grants are always necessary to ensure that borrowers and grant recipients carry out the projects as intended and repay the funds loaned. This allows donors to be sure that the intended purposes of IDA actions are met and that, where relevant, the resources return to IDA for future reuse to assist poor countries.

197. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the time-frame and approval process for the decision making on Ireland's contribution to the IDA 15 replenishment specifically; and if he will make a statement on the matter. [23826/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Discussions on a replenishment round for the International Development Association (IDA) have commenced. The donors for a 15th replenishment, which number about forty countries, will hold a number of meetings during the course of this year, and possibly next year also, to determine the scale and scope of the overall replenishment needed. Ireland will consider its position in that context.

Tax Clearance Certificates.

198. **Deputy Brian Hayes** asked the Tánaiste and Minister for Finance the reason the Revenue Commissioners are delaying the issuing of C2 certificates by several months thereby causing a great deal of hardship and stress for many sub-

[Deputy Brian Hayes.]

contractors as they cannot get paid without these certificates; and if he will make a statement on the matter. [23852/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that they experienced technical difficulties in the production of C2 cards for a short period in August/September. These difficulties have now been resolved. The backlog which developed has now been largely overcome, and will be eliminated completely within the next two weeks.

I am also advised by the Revenue Commissioners that when the technical issues were brought to their attention, they took steps to alleviate difficulties any affected contractors might be experiencing. As an interim measure, they issued a letter to the Principal Contractor advising them that the sub-contractor had been approved for the issue of a C2 card and that an application should be made for a Relevant Payments Card for that sub-contractor.

Garda Stations.

199. **Deputy Niall Collins** asked the Tánaiste and Minister for Finance the position regarding the provision of a Garda station (details supplied) in County Limerick. [23864/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): A Sketch Scheme for the new station will be forwarded to An Garda Síochána for approval by the end of this year. The planning process under Part 9 of the Planning and Development Regulations 2001 (as amended) will then follow on receipt of this approval. It is hoped that work on the new Garda Station will commence in early 2008.

It is planned to build a new Garda Station in Limerick City to replace Henry Street, Garda Station. A suitable site is being sought for this purpose. There is an ongoing programme of refurbishing Garda Stations nationwide.

Tax Code.

200. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the cost of introducing a middle tax rate of 30% to be applied to the first €10,000 single and €20,000 couple currently paid at the higher rate; and if he will make a statement on the matter. [23875/07]

201. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the first €20,000 single and €40,000 couple currently paid at the higher rate; and if he will make a statement on the matter. [23877/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 200 and 201 together.

It is assumed that the thresholds for the proposed new tax bands mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples.

I am advised by the Revenue Commissioners that the full year cost to the Exchequer, estimated by reference to 2008 incomes, of the introduction of each of these 30 per cent rate bands could be of the order of €800 million and €1,300 million, respectively, depending on how the bands were structured. Given the current band structures there would be major issues to be worked out as to how such a new rate could be integrated in practice into the current system and how this would affect the relative position of different types of income earners. These figures are provisional and subject to revision.

Regulatory Impact Assessments.

202. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23909/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As the Deputy will be aware, following a Government Decision on 21 June 2005, Regulatory Impact Analysis (RIA) is now to be applied to all new proposals for primary legislation and significant Statutory Instruments that involve changes to Ireland's regulatory framework, and proposals for EU Directives and significant EU Regulations when they are published by the European Commission.

In accordance with this decision, screening Regulatory Impact Analyses were carried out by my Department in respect of the following Bills and Statutory Instruments:—

- The Asset Covered Securities (Amendment) Bill 2006,
- Transposition of the Markets in Financial Instruments Directive (S.Is and Bill produced in 2007),
- National Development Finance Agency (Amendment) Bill 2006
- The proposed Financial Services Regulation Bill

There were no other decisions involving legislation where it was deemed that a Regulatory Impact Analysis would be appropriate.

Tax Code.

203. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance the different types of

worker or employee who may claim expenses against income tax; the amount allowable for each employee or worker for each of the past three years; his views on whether these employees or workers are generally claiming expenses; and if he will make a statement on the matter. [23939/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that, where a PAYE worker is not reimbursed in respect of the cost of his/her work related expenses, then he or she may claim a tax deduction in respect of—

- (a) the cost of expenses of travel necessarily incurred in the performance of the duties of an office or employment; and
- (b) the cost of expenses, other than expenses of travel, wholly, exclusively and necess-

arily incurred in the performance of the duties of an office or employment.

However, it is a long established principle of tax case law that the expenses of travelling from home to work and work to home are not expenses of travelling necessarily incurred by an employee in the performance of the duties of an employment and do not qualify for a deduction. I am further informed by the Revenue Commissioners that, as an alternative to employees submitting individual expenses claims to them, agreements have been entered into between Revenue and employee representative bodies (e.g. trade unions) resulting in what are known as 'flat rate' tax deductions in respect of qualifying employee expenses.

The Revenue Commissioners publish on their website the agreed flat rate expense deductions for the different categories of employee. For ease of reference, the relevant details are set out in the annexed table.

	2003	2004	2005	2006
	€	€	€	€
<i>Agricultural Advisers (employed by Teagasc)</i>	548	548	600	600
<i>Archaeologists: (Civil Service)</i>	127	127	127	127
<i>Architects employed by</i>				
(a) Civil Service	127	127	127	127
(b) Local Authorities	127	127	127	127
<i>Airline Cabin Crews</i>	64	64	64	64
<i>Bar trade: Employees</i>	93	93	93	93
<i>Building Industry</i>				
Bricklayer	175	175	175	175
Fitter mechanic, plasterer	103	103	103	103
Electrician	153	153	153	153
Mason, roofer slater, tiler, floor layer, stone cutter	120	120	120	120
Driver, scaffolder, sheeter, steel erector	52	52	52	52
Professionals: engineers, surveyors, etc.	33	33	33	33
General operatives (labourers etc. incl. Public Sector)	97	97	97	97
<i>Bus, rail and road operatives in</i>				
Bus Átha Cliath, Bus Éireann and Iarnód Éireann	160	160	160	160
<i>Cardiac Technicians</i>				
Female	212	212	212	212
Male	107	107	107	107
<i>Carpentry and joinery trades</i>				
Cabinet makers, Carpenters, Joiners	220	220	220	220
Painters, Polishers, Upholsterers, Wood Cutting Machinists	140	140	140	140
<i>Civil Service</i>				
Architectural Technologists & Assistants	138	138	166	166
Clerks of Works (incl. Senior and District Inspectors)	119	119	142	142

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	2003	2004	2005	2006
	€	€	€	€
Engineering Technicians for Archaeologists, Architects, Engineers and Surveyors	138	138	166	166
<i>Clergymen (Church of Ireland)</i>	127	127	127	127
<i>Note: Refer to SIM dated 3/11/1977 regarding claims in excess of flat-rate deduction.</i>				
Consultants (hospital)	534	534	534	695
<i>Note: Refer to SIMs dated 21/7/1982, 28/8/1985, 21/1/1986 and Tax Memo 24/1994 regarding reimbursed expenses subjected to PAYE/PRSI</i>				
<i>Cosmetologists</i>				
Obligated to supply and launder their own white uniforms	160	160	160	160
<i>Dentists in employment</i>	376	376	376	376
<i>Dockers</i>	73	73	73	73
<i>Doctors (hospital, including consultants)</i>	534	534	534	695
<i>Note: Deduction includes subscription to the Irish Medical Council. Please also refer to Tax Memo 25/1992</i>				
<i>Draughtsmen (Local Authority)</i>	133	133	133	133
<i>Engineers employed by:</i>				
(a) Civil Service	138	138	166	166
(b) Local Authorities	127	127	127	127
(c) Bord Telecom, Coillte, OPW	138	138	166	166
<i>Engineering Industry [and Electrical Industry from 1997/98]</i>				
Skilled workers who bear the full cost of own tools and overalls	280	280	280	318
Semi-skilled workers who bear the full cost of own tools and overalls	215	215	215	244
All unskilled workers and skilled or semi-skilled workers who do not bear the full cost of own tools and overalls	185	185	185	210
<i>Firemen Full-time</i>	138	250	250	272
<i>Note: Refer to SIM dated 11/11/1985 regarding treatment of uniform allowance received</i>				
<i>Firemen Part-time</i>				
<i>Note: Refer to SIM dated 10/6/1985 regarding treatment of uniform allowance received</i>				
<i>Fishermen in Employment</i>	318	318	318	318
<i>Foresters employed by Coillte</i>	127	127	166	166
<i>Grooms (Racehorse Training)</i>	294	294	294	294
<i>Home Helps (Employed directly or indirectly by Health Boards)</i>	204	236	236	256
<i>Hospitals Domestic Staff:</i>				
To include general operatives, porters, drivers, attendants, domestics, laundry operatives, cooks, catering supervisors, waitresses, catering staff, kitchen porters				
(a) who are responsible for providing and laundering their own uniforms.	325	325	325	353
(b) who are obliged to launder the uniforms supplied	170	170	170	185
(c) whose uniforms are supplied and laundered free	85	85	85	93

	2003	2004	2005	2006
	€	€	€	€
<i>Hotel industry</i>				
Head hall porter	90	90	90	90
Hall porter	64	64	64	64
Head waiter	127	127	127	127
Waiter	97	97	97	97
Waitress	64	64	64	64
Chef	97	97	97	97
Manager	191	191	191	191
Assistant Manager	127	127	127	127
Trainee Manager	78	78	78	78
Kitchen Porter	21	21	21	21
<i>Journalists</i>				
Journalists, including those in public relations area of journalism	381	381	381	381
Journalists who receive expense allowances from their employers	153	153	153	153
<i>Local Authorities</i>				
Executive Chemists	115	115	115	115
Parks Superintendents	40	40	40	40
Town Planners	115	115	115	115
<i>Mining Industry</i>				
(a) miners/shift bosses underground, mill process workers/shift bosses and steam cleaners		1018	1018	1155
(surface workers)		508	508	576
<i>Motor repair and motor assembly trades</i>				
Assembly workers, greasers, storemen and general workers				
(a) who bear the full cost of own tools and overalls	52	52	52	52
(b) who do not bear the full cost of own tools and overalls	42	42	42	42
<i>Fitters and mechanics</i>				
(a) who bear the full cost of own tools and overalls	85	85	85	85
(b) who do not bear the full cost of own tools and overalls	42	42	42	42
Panel Beaters (See Panel Beaters/Sheet Metal Workers)				
<i>Nurses:</i>				
(a) where obliged to supply and launder their own uniforms	572	572	572	733
(b) where obliged to supply their own uniforms but laundered free	496	496	496	638
(c) where obliged to launder the uniforms supplied	280	280	280	353
(d) where uniforms are supplied and laundered by hospital	205	205	205	258
<i>Nurses: Short Term Contracts through an Agency. Additional Amount Due</i>	64	64	64	80
<i>Nursing Assistants (including attendants, orderlies and nurses' aids)</i>				
(a) where obliged to supply and launder their own uniforms	485	485	485	526
(b) where obliged to supply their own uniforms but laundered free	405	405	405	440
(c) where obliged to launder the uniforms supplied	215	215	215	234
(d) where uniforms are supplied and laundered by hospital	85	85	85	93
<i>Occupational Therapists</i>				
(a) where obliged to supply and launder their own uniforms	217	217	217	217
(b) where obliged to supply their own uniforms but laundered free	153	153	153	153
(c) where uniforms are supplied and laundered by hospital	52	52	52	52

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	2003	2004	2005	2006
	€	€	€	€
<i>Panel Beaters / Sheet metal Workers</i>				
(a) Who bear full cost of own tools and overalls	78	78	78	78
(b) Who do not bear full cost of own tools and overalls	40	40	40	40
<i>Pharmacists</i>	160	160	160	160
<i>Assistant Pharmacists</i>	97	97	97	97
<i>Physiotherapists</i>				
(a) where obliged to supply and launder their own uniforms	381	381	381	381
(b) where obliged to supply their own uniforms but laundered free	318	318	318	318
(c) where uniforms are supplied and laundered by hospital	64	64	64	64
<i>Pilots (Aer Lingus Group Pilots)</i>	191	191	191	275
<i>Plumbing trades</i>				
Plumber (non-welder)	177	177	177	177
Plumber-welder	205	205	205	205
Pipe fitter-welder	205	205	205	205
<i>Printing Bookbinding and allied trades</i>				
Bookbinders (Hand)	109	109	109	109
Bookbinders (Others)	97	97	97	97
Compositors, linotype and monotype operators	121	121	121	121
Copy Holders, photo lithographers, photo engravers and workers in T and E section of newspapers	114	114	114	114
Monotype caster attendants, stereotypes and machine minders	135	135	135	135
Readers and revisers	100	100	100	100
Rotary machine minders and assistants	150	150	150	150
Others (e.g. cutters, dispatchers, rulers, warehousemen)	90	90	90	90
<i>Professional Valuers in the Valuation Office</i>	555	555	615	615
<i>Radiographers</i>				
(a) where obliged to supply and launder their own white uniforms	242	242	242	242
(b) where obliged to supply their own white uniforms but laundered free	143	143	143	143
(c) where white uniforms are supplied and laundered by hospital	73	73	73	73
<i>Respiratory & Pulmonary Function Technicians</i>	191	191	191	191
<i>Shipping</i>				
British Merchant Navy				
Foreign-going trade:				
(a) First class passenger and cargo liners.				
Master	318	318	318	318
Chief officer, chief engineer, other officers, including pursers	318	318	318	318
Chief steward	318	318	318	318
Assistant steward	244	244	244	244
Carpenter	194	194	194	194
Other ranks	148	148	148	148
(b) Cargo-vessels, tankers, ferries				
Master	318	318	318	318
Chief officer, chief engineer, other officers, including pursers	318	318	318	318
Chief steward	318	318	318	318
Assistant steward	244	244	244	244
Carpenter	194	194	194	194

	2003	2004	2005	2006
	€	€	€	€
Other ranks	148	148	148	148
British home or coasting trade:				
Master	318	318	318	318
Chief officer, chief engineer, other officers, including pursers	318	318	318	318
Chief steward	318	318	318	318
Assistant steward	244	244	244	244
Carpenter	194	194	194	194
Other ranks	148	148	148	148
Mercantile marine officers and crews of Irish ships				
Foreign-going trade: cargo vessels				
Master	98	98	98	98
Chief officer, chief engineer, radio officer	90	90	90	90
Other officers including pursers	73	73	73	73
Chief steward	73	73	73	73
Assistant steward	55	55	55	55
Carpenter (to include tools)	55	55	55	55
Other ranks, including boys	37	37	37	37
Home trade:				
(a) Cross channel and continental				
Master	98	98	98	98
Chief officer, chief engineer, radio officer	90	90	90	90
Other officers, including pursers	73	73	73	73
Chief steward	73	73	73	73
Assistant steward	55	55	55	55
Carpenter (to include tools)	55	55	55	55
Other ranks including boys	37	37	37	37
(b) Coasting vessels				
Master	98	98	98	98
Chief officer, chief engineer, radio officer	90	90	90	90
Other officers, including pursers	73	73	73	73
Chief steward	73	73	73	73
Assistant steward	55	55	55	55
Carpenter (to include tools)	55	55	55	55
Other ranks, including boys	37	37	37	37
<i>Shop Assistants</i>				
(including supermarket staff, general shop workers, drapery and footwear assistants)	97	115	115	121
<i>Surveyors employed by:</i>				
Local Authorities	127	127	127	127
Civil Service	127	127	127	127
Coillte	127	127	127	127
<i>Teachers</i>				
Teachers [excluding guidance counsellors, third-level academic staff and physical education teachers]				
School principals	471	558	558	558
Other teachers	402	475	475	475
Part-time teacher (on full hours)	402	475	475	475
Kindergarten and/or sewing to include arts and crafts — (additional allowance)				
Arts & Crafts (additional allowance)				
Part-time (not on full hours)	217	256	256	256

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	2003	2004	2005	2006
	€	€	€	€
Guidance Counsellors				
(a) employed full-time in second level schools	402	475	475	475
(b) engaged mainly in teaching general subjects but also doing part-time guidance counselling (additional allowance)	97	115	115	115
Third level academic staff				
Professor, Heads of Schools/Departments	471	558	558	558
Senior lecturer	402	475	475	475
College lecturer	402	475	475	475
Assistant lecturer	402	475	475	475
Part-time lecturer (on full hours)	402	475	475	475
Part-time lecturer (not on full hours)	217	256	256	256
Physical education teachers				
(a) fully engaged in teaching P.E.	402	475	475	475
(b) engaged mainly in teaching general subjects but also doing part-time P.E. (additional allowance)	97	115	115	115
*Expenses deductions to be apportioned on a time basis amount				
<i>Veterinary Surgeons</i>	337	337	337	337

I am informed by the Revenue Commissioners that in addition to details of flat rate expenses due to employees being available on their website, representative bodies (including trade unions) generally circulate their members with information on the amount of the expenses due for the various categories of employee and the employees, in turn, make a claim to their Revenue office. Employees were reminded that they could claim flat rate expenses by using the ROS PAYE Self-Service System in early 2007. This reminder was contained in the PAYE Notice to Employees sent to all taxpayers with their tax credit certificate for 2007. A similar reminder will be included in the 2008 Notice.

Fiscal Policy.

204. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Finance if he has plans to introduce multi-annual budgeting for spending Estimates, borrowing and tax changes; and if he will make a statement on the matter. [23940/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): We have been publishing Budgets on a multi-annual basis since 1997. Table 1 (page D5) of the Budget book outlines the Government's budget position, including expenditure and revenue projections, on a three-year basis. The overall Exchequer and General Government Balance position are also set out for the three-year period in question. Each year's Budget is framed in the context of the overall economic and budgetary position at the time.

Five-year multi-annual capital envelopes were introduced in 2004 to promote the planning and delivery of public capital investment projects over the medium-term. This multi-annual framework

will be particularly important in implementing the important infrastructural and other capital elements of the National Development Plan 2007-2013 which the Government launched in January this year.

As part of the ongoing process of budgetary reform, this year I announced that I will bring forward a Unified Budget where my spending and revenue plans will be presented together on Budget day. Policy in this area will be kept under review in the context of the ongoing reform of the budgetary process.

Tax Code.

205. **Deputy Jan O'Sullivan** asked the Tánaiste and Minister for Finance the reason VAT has been introduced for psychotherapy practitioners while other health professionals such as clinical psychologists are exempt; if the decision will be reviewed; and if he will make a statement on the matter. [23985/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that there has been no change to the VAT treatment of services provided by psychotherapy practitioners. The position is that the rules and rating structure is determined by EU law with which Irish law must comply. Professional medical services are exempt from VAT in accordance with paragraph (iii) of the First Schedule to the Value-Added Tax Act 1972, as amended. Article 132(1)(c) of the VAT Directive 2006 (formerly Article 13A(1)(c) of the Sixth VAT Directive) provides that the exemption applies to "the provision of medical care in the exercise of the medical and paramedical pro-

fessions as defined by the member State concerned.

In interpreting the law, the Revenue Commissioners are guided by the policy of the Department of Health and Children as to what constitutes as “medical and paramedical”. As there is no system of statutory regulation for psychotherapists at present and as psychotherapy is not a designated profession for the purposes of the Health and Social Care Professionals Act 2005, the Revenue Commissioners do not treat the provision of services provided by psychotherapists as an activity which is exempt from VAT. Such services have been and continue to be liable to VAT at the reduced rate of 13.5% in accordance with paragraph (xix) of the Sixth Schedule to the Value-Added Tax Act 1972, as amended.

On the other hand, services provided by a clinical psychologist are exempt from VAT. The Health and Social Care Professionals Act 2005 provides for a system of statutory registration for a number of health and social care professions, and psychology is a designated profession under the Act. The purpose of establishing this system was to ensure that members of the public are protected and informed so that they can be confident that the professional providing the service is properly qualified, competent and of good standing. The system also ensures professional conduct and the promotion of high standards of professional education and training among health and social care professionals.

Child Care Services.

206. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Finance the supports he will provide to parents of young children who want to participate in the workforce; and if he will make a statement on the matter. [23987/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Government is well aware of the difficulties faced by many parents and families in securing affordable childcare and to this end, it has provided more options to increase the choices available to parents, and has developed a 5 year strategy, to address the supply and the cost of childcare. Childcare has become a central pillar in a diverse range of Government strategies aimed at tackling social and economic issues, including unemployment, gender equality, family support, educational disadvantage and social inclusion.

The National Childcare Strategy was announced in Budget 2006 and is also included as part of the Social Inclusion Priorities set out in the recently published National Development Plan. There is a commitment in ‘Towards 2016’ to increase the childcare places by 100,000 over the life time of the framework through a combination of the National Childcare Investment Programme, appropriate successor programme(s) and other providers. Also, there has been a very

substantial increase in the level of direct financial supports to parents since 1997, highlighting that childcare is an important issue of Government policy.

The Programme for Government recognises the need for care places for school going children and working parents. During the course of this Government for example, we will provide further investment in, and support the roll out of, affordable school-age childcare whereby children will be given access to a range of after-school and holiday time activities. We will work with social partners to promote greater availability of family friendly work practices, ensure each child has access to a preschool place by 2012 and increase paid maternity leave. These initiatives will build on the policies already supported by this Government.

Decentralisation Programme.

207. **Deputy Seymour Crawford** asked the Tánaiste and Minister for Finance if he has plans to decentralise any of his staff or personnel to anywhere in Counties Monaghan or Cavan; if so, the destinations, the number of persons and when; and if he will make a statement on the matter. [23991/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I have no plans to decentralise any staff of my Department or staff of the agencies under the aegis of my Department to Counties Monaghan or Cavan.

Tax Yield.

208. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the projected receipts to the Exchequer for the year ending 31 December 2007 from the motor industry including VRT, excise duty and fuel taxation; the way this compares with 2007 budgetary estimates; and if he will make a statement on the matter. [24039/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that the relevant information available is the amount of tax revenues collected as Mineral Oil Tax (excise) and VRT in respect of motor vehicles. Details as follows:

	2007 Budget Estimate	2007 Current estimated Outturn
	€ million	€ million
Mineral Oil Tax	2,200	2,165
VRT	1,538	1,421

The yield from VAT on cars, petrol, auto diesel and other goods and services relating to the motor industry is not separately identified in the Budget target for VAT in 2007 published by my

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Department. The information furnished with VAT returns does not require the yield from a particular sector or sub-sector of trade to be identified. However, it is provisionally estimated, that the net receipt of VAT from the motor industry will be of the order of €1,350million in 2007.

209. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the expected revenue to accrue to the Exchequer by 31 December 2007 from stamp duty; the way this figure compares with 2007 budgetary estimates; and if he will make a statement on the matter. [24040/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Budget 2007 forecast for Stamp Duty was for €3,925 million to be collected in 2007, a year on year growth rate of 5.6 per cent above the 2006 outturn. Stamp Duty was expected to represent 8 per cent of total tax forecast for this year. Stamp Duty at the end of September was €401 million or 13.8% below profile. This is largely due to the weakness in the level of Stamp Duty collected from property.

As indicated at the time of the end-September Exchequer Returns, there is likely to be a shortfall in overall tax revenues this year of up to €1 billion. It is currently anticipated Stamp Duties will be around €600 million below target. Capital Gains Tax, VAT and Excise Duties are also expected to be below target but Income Tax and Corporation Tax are expected to outperform their targets.

The shortfall in tax revenues this year will be offset to some extent by positive developments on other elements of the Exchequer account and as a result an Exchequer deficit of up to €1 billion now seems likely. The Budget day forecast was for an Exchequer deficit of €546 million in 2007.

210. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the extent to which revenue from income tax is expected to be in accord with budgetary projections for 2007; and if he will make a statement on the matter. [24041/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): At Budget 2007 Income Tax receipts for 2007 of €13,555 million were forecast. This represented an increase over the 2006 outturn of 9.4 per cent year on year. At the end of September Income Tax receipts were, at €8,823 million, €56 million or 0.6 per cent above profile. On the basis of the end-September figures and in light of the positive economic outlook for employment and earnings I expect Income Tax to remain largely on target to the end of the year.

Price Inflation.

211. **Deputy Bernard J. Durkan** asked the

Tánaiste and Minister for Finance the extent to which he has been able to isolate and address the inflationary trends not reflected in the CPI; the way this will affect budget 2008; and if he will make a statement on the matter. [24042/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Consumer Price Index (CPI) is designed to measure the change in the average level of the prices paid by consumers for goods and services. It measures in index form the monthly changes in the cost of purchasing a representative basket of consumer goods and services. The Director General of the Central Statistics Office has sole responsibility for, and is independent in, deciding the statistical methodology and professional standards to be used in compiling the Consumer Price Index (CPI).

Inflation, as measured by the CPI was 4.6 per cent in the twelve months to September 2007, down from 4.8 per cent in August. Although the annual rate of inflation has increased in the past year, this has, to a large extent, been due to ECB interest rate increases which are outside Government control. If mortgage interest was removed, CPI inflation would have measured 2.6 per cent in the twelve months to September. Maintaining a moderate rate of inflation remains a key priority of economic policy because of its importance with regard to competitiveness.

Economic Competitiveness.

212. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance if he is satisfied that economic growth projections for 2008 are expected to be achieved; the extent to which revenue from taxation will be affected by fluctuations; and if he will make a statement on the matter. [24043/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): On Budget Day 2007 my Department forecast economic growth of 4.6% for 2008, in both GDP and GNP terms. However, the outlook for 2008 has changed, mainly due the outlook for new housing output which has disimproved somewhat from what was envisaged at Budget Day; this is likely to have an impact on aggregate economic growth rates in 2008. Updated economic growth and tax forecasts, reflecting the latest developments and covering the period 2007-2010, will be published in the Pre-Budget Outlook which I will lay before the House later this week.

Financial Services Regulation.

213. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the extent of sub-prime lending here; the expected impact on the economy; and if he will make a statement on the matter. [24044/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The information available suggests that the level of lending in the sub-prime market is currently extremely small. For instance it is estimated that sub-prime loans make up roughly 2.5% of the overall mortgage market. The sub-prime market exists to provide finance to those who have difficulty accessing mainstream credit, usually due to an adverse credit history or difficulties proving income. Consequently, interest on such loans is normally higher than in the case of mainstream credit, as the lender must allow for a greater degree of credit risk. In practice, various credit providers offer loans where the interest rate or conditions differ from those generally available in the market. These interest rates and conditions depend on a number of factors, including risk.

As there is no single category of ‘sub prime lender’ it would not be possible to quantify the impact on the economy of sub-prime lending. Where responsibly used, credit provided on this basis can generate advantages in terms of investment or lifestyle opportunities. The benefits and costs accrue to individual borrowers and lenders and are not readily identifiable in the aggregate. The fact that borrowers who establish a track record in relation to repayment of sub-prime can re-finance the loan on better terms and access mainstream loan finance is an important benefit of these loans at the individual level. As far as the disadvantages of this type of lending is concerned I have consistently highlighted the need for responsible behaviour by both borrowers and lenders and in particular the need to factor into their financial decision making the effects of potential future changes in the economic and financial conditions.

I have already announced my intention to propose an amendment to the Markets in Financial Instruments and Miscellaneous Provisions Bill 2007, at Committee Stage this week, with a view to regulating the non-deposit taking lending sector, including sub-prime lenders. The text of the amendment has already been circulated. The main aim of the proposed measures is to ensure that borrowers from sub-prime lenders, or from other lenders in that sector, will be able to benefit from the additional safeguards which the Financial Regulator’s Consumer Protection Code provides.

214. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance if guidelines have existed to ensure prudent borrowing and prudent lending; the degree to which such guidelines have not been adhered to; his proposals to address such issues; and if he will make a statement on the matter. [24045/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): A comprehensive system of banking supervision is in place under both EU and

domestic law to ensure that credit institutions do not put customers’ deposits at risk through imprudent lending practices. Banking Supervision encompasses the authorisation of banks and building societies, their prudential supervision on an ongoing basis and the development of supervisory guidance and requirements for their operation. Prudential supervision involves monitoring the business of banks and building societies and how it is planned, managed, and controlled and checking compliance with statutory and non-statutory requirements.

This system is administered in Ireland by the Financial Regulator, who can increase the level of surveillance of particular practices once a concern arises. Thus, for instance, when there was heightened concern about rising levels of mortgage debt mortgage lenders were asked to review their practices and to stress test every would-be borrower’s ability to meet their credit obligations in the event of more challenging times.

As regards prudent borrowing the Consumer Credit Act 1995 obliges credit providers to include specific information in all credit agreements in order to ensure that a consumer, when making credit decisions, has access to the fullest possible information in relation to the agreement being entered into and the impact that servicing a loan will have on the consumer’s household budget.

In addition to its oversight role in relation to the Consumer Credit Act 1995, the Financial Regulator have sought to raise the level of awareness of both borrowers and lenders of the importance of prudent borrowing and responsible lending. For instance, the Financial Regulator, with its statutory consumer mandate, has developed a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of financial products. These initiatives have been developed through the framework of the Financial Regulator’s “It’s Your Money” campaign and have involved publishing consumer guides on credit products, fact sheets, cost surveys on personal loans, all of which are intended to assist borrowers in making the most appropriate credit decisions given their circumstances.

Price Inflation.

215. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the extent to which he expects inflationary tendencies here to affect the economy in 2008; and if he will make a statement on the matter. [24046/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Annual inflation as measured by the Consumer Price Index (CPI) was 4.6 per cent in the year to September. A better measure of inflation is the Harmonised Index of Consumer Prices (HICP) which excludes, amongst other

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things, mortgage interest. Including the impact of mortgage rate increases in the CPI not only masks the underlying inflation rate, but also highlights the short term impact of interest rate increases which are designed to bring down inflation. The increase in the HICP in the year to September was 2.9 per cent.

My Department will publish its Pre-Budget Outlook later this week, which will include an inflation forecast for 2008 based on up-to-date data. It will also include a general assessment of the outlook for the economy as a whole, including inflation, in 2008.

Decentralisation Programme.

216. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the number of people relocated to date under the Government's decentralisation programme; when the programme will be completed in full; and if he will make a statement on the matter. [24047/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): A progress report by the Decentralisation Implementation Group (DIG) was submitted to me and published on 8th October last. The Group reported that implementation of the civil service elements of the Decentralisation Programme is progressing satisfactorily. At the end of August 2007, over 3,000 staff had been assigned to decentralising posts. Almost 1,300 of these are currently in place, in 20 new locations, while the remainder are being trained in advance of decentralisation to a new location. These staff will relocate as accommodation becomes available. In addition to these 20 locations there are a further 9 locations in which Agencies have established a presence.

It is envisaged that by the end of 2007 public services will be delivered from 33 of the decentralisation towns with approximately 2,000 staff transferred. The precise numbers moving within that time frame will depend on the availability of property as well as timeframes for completion of fit out and installation of necessary ICT (information communications technology) and telecommunication cabling and equipment.

Price Inflation.

217. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance the way inflation levels here compare with the best and the worst in eurozone countries; and if he will make a statement on the matter. [24048/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The latest available figures for the Harmonised Index of Consumer Prices (HICP) show that annual inflation for the twelve months to August, in the 13 euro area countries, was highest in Slovenia, at 3.4 per cent, second highest

in Greece, at 2.7 per cent, while Ireland was third highest, at 2.3 per cent. The euro area country with the lowest HICP increase in that period was the Netherlands, at 1.1 per cent.

The relatively high level on HICP inflation in Ireland when compared with the majority of Euro area countries, demonstrates the need for pay moderation and increased competition across the economy. Figures for September 2007 were due to be published by Eurostat today, October 16th, but were not available at the time of writing. My officials will send them to you shortly.

Tax Code.

218. **Deputy Michael Creed** asked the Tánaiste and Minister for Finance when he will establish the commission on taxation. [24087/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I will be bringing proposals to Government in the near future on matters relating to the establishment of the proposed Commission on Taxation including its membership and terms of reference. Pending consideration by the Government of these proposals. I am not in a position to elaborate further on matters pertaining to the Commission.

Food Labelling.

219. **Deputy Andrew Doyle** asked the Minister for Health and Children the budget 2008 Estimates that have been included to fund the enforcement of the regulations S.I. No. 307 of 2006 as amended by S.I. No. 85 of 2007 governing the country of origin of beef labelling for caterers. [23470/07]

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): Checks on compliance with the Health (Country of Origin of Beef) Regulations are undertaken in conjunction with routine hygiene inspections; accordingly, it is not anticipated that additional costs will be incurred. These inspections are carried out by Environmental Health Officers in the Health Service Executive operating under a service contract with the Food Safety Authority of Ireland.

Medical Cards.

220. **Deputy Tom Sheahan** asked the Minister for Health and Children the reason a person (details supplied) in County Kerry is having difficulties obtaining a new medical card. [24052/07]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and

lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Hospital Services.

221. **Deputy James Reilly** asked the Minister for Health and Children if she will provide extra funding, staff and resources to address the crisis in obstetrics where maternity hospitals are operating at levels that according to media reports may be putting patients at risk and where birth levels have increased from 49,000 in 1993, to 64,000 in 2006 and are expected to hit 68,000 in 2007; and if she will make a statement on the matter. [23338/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

Pharmacy Regulations.

222. **Deputy Richard Bruton** asked the Minister for Health and Children the value of the dispensing fees and mark-up allowed on medications to retail chemists on prescribed medication in each of the past eight years; and the value of those paid to wholesale chemists over the same period. [23362/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the

management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

223. **Deputy Richard Bruton** asked the Minister for Health and Children the contingency plan she is putting in place to deal with threats by pharmacists to discontinue methadone services and medical card services in order that patients will not be put at risk. [23363/07]

245. **Deputy Richard Bruton** asked the Minister for Health and Children the measures she plans as a contingency to ensure that medical card holders and other people in need of medication are not prevented from obtaining their medicines as a result of the industrial dispute between the Health Service Executive and the pharmacists; and if she will make a statement on the matter. [23465/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 223 and 245 together.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

224. **Deputy Niall Collins** asked the Minister for Health and Children the position in relation to an application by a person (details supplied) for the nursing home charges refund. [23364/07]

Minister for Health and Children (Deputy Mary 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.

225. **Deputy Niall Collins** asked the Minister for Health and Children the position in relation

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to an application by a person (details supplied) for the nursing home charges refund. [23365/07]

Minister for Health and Children (Deputy Mary 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.

226. **Deputy Niall Collins** asked the Minister for Health and Children the position in relation to applications (details supplied) for the nursing home charges refund. [23366/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Waiting Lists.

227. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in County Clare will be facilitated with surgery; and if she will make a statement on the matter. [23376/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to 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 this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

228. **Deputy Pat Breen** asked the Minister for Health and Children the plans her Department and the Health Service Executive have for the rheumatology department at Ennis General Hospital; if the service is to continue at Ennis General Hospital; if not, the plans in place to accommodate Clare patients; and if she will make a statement on the matter. [23377/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the

management and delivery of health and personal social services was assigned to the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

229. **Deputy Deirdre Clune** asked the Minister for Health and Children if her attention has been drawn to the fact that there is a twelve month waiting list for children requiring the services of an audiologist in the Cork region; and if she will make a statement on the matter. [23378/07]

Minister for Health and Children (Deputy Mary 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.

Pharmacy Regulations.

230. **Deputy Brian Hayes** asked the Minister for Health and Children her views on a recent decision of pharmacists throughout the country to withdraw from the methadone distribution scheme in view of recent announcements made by the Health Service Executive regarding the cost of medicine; and if she will make a statement on the matter. [23383/07]

Minister for Health and Children (Deputy Mary Harney): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

231. **Deputy Joanna Tuffy** asked the Minister for Health and Children the situation regarding the ban on admissions at the National Rehabilitation Centre, Dún Laoghaire and the closure of two wards at the centre; if the embargo on the recruitment of staff is responsible for the situation; and if she will make a statement on the matter. [23392/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

232. **Deputy Richard Bruton** asked the Minister for Health and Children if her attention has been drawn to the difficulties in recruiting nurses at Clontarf Orthopaedic Hospital (details supplied); if there is a general shortage of such skills nationwide; and the measures she will put in place to alleviate this shortage. [23409/07]

Minister for Health and Children (Deputy Mary Harney): The numbers of doctors, nurses and other healthcare professionals employed in the public health system have increased significantly in recent years, in tandem with the high level of investment in the development in new services. In December 2006, a revised employment ceiling for the health service of 108,000 expressed in whole time equivalents was sanctioned, representing an increase of 10,450 over the previous approved ceiling. There has also been a substantial expansion of training places available at undergraduate level across a range of healthcare professions in order to ensure an ongoing supply of personnel in sufficient numbers for our health services 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.

Mental Health Services.

233. **Deputy Beverley Flynn** asked the Minister for Health and Children if it is intended to set up an interdepartmental working group to co-ordinate action by all Departments in relation to mental health; and when this will be established. [23415/07]

234. **Deputy Beverley Flynn** asked the Minister for Health and Children the steps being taken by the various relevant Government Departments to

meet their responsibilities for mental health under the policy framework, *A Vision for Change*. [23416/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 233 and 234 together.

The Report of the Expert Group on Mental Health Policy, *A Vision for Change*, which was launched in January 2006, provides a framework for action to develop a modern, high quality mental health services for a seven to ten year period. The Report represents Government policy and is the basis for the future development of mental health services.

I have been given responsibility for mental health and disability issues in the Departments of Justice, Equality and Law Reform, Enterprise, Trade and Employment and Education and Science. It is likely that the proposed new office of the Minister for Disability and Mental Health will oversee the role of interdepartmental cooperation on the implementation of *A Vision for Change*.

235. **Deputy Beverley Flynn** asked the Minister for Health and Children the percentage of health spending allocated to mental health; and the way this figure compares to mental health spending in other EU states. [23417/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Comparing the proportion of health budgets dedicated to mental health varies considerably across member states and making comparisons is very difficult because of definitions of mental health expenditure, diversity between countries, cultures etc. The proportion of our overall health spending on mental health is frequently used to make a point on the adequacy of funding. However, it is not entirely valid to make this comparison, as the nature and scope of health services change, funding ratios automatically change.

Since 1997, significant additional revenue funding has been invested in mental health services. Approximately €1 billion will be spent on mental health services in 2007. This funding includes an additional €51 million which was allocated in 2006 and 2007 for the development of mental health services in line with *A Vision for Change*. This is one third of the total cost of €150 million estimated by the Expert Group to fully implement the mental health strategy over 7 years. Increased expenditure in other areas e.g. the development of primary care also benefits mental illness. It is estimated that 90% of public mental health services are provided at primary care level.

Hospital Waiting Lists.

236. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details

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supplied) in County Kildare will receive an appointment date for a clinic; and if she will make a statement on the matter. [23430/07]

Minister for Health and Children (Deputy Mary 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.

237. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for an outpatients clinic; and if she will make a statement on the matter. [23431/07]

Minister for Health and Children (Deputy Mary 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.

Mental Health Services.

238. **Deputy Dan Neville** asked the Minister for Health and Children her views on concerns (details supplied) in relation to the decision to close St. Edmundsbury Hospital, Lucan on 31 December 2007. [23436/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): St. Patrick's and St. Edmundsbury Hospitals are private psychiatric hospitals and responsibility for their operation is a matter for the management of the hospital. I should however point out that under the Mental Health Act 2001, children and young people i.e. under 18 years can only be admitted involuntarily to an approved centre following an application by the Health Service Executive to the District Court. Where the Court is satisfied that the child is suffering from a mental disorder the court will make an order that the child be admitted and detained for treatment for a period up to 21 days. It should be noted that the criteria for involuntary admission relates to mental disorder and excludes involuntary admission for reason only of addiction.

Care of the Elderly.

239. **Deputy John O'Mahony** asked the Minister for Health and Children if an increase in home help hours will be offered to a person (details supplied) in County Mayo; and if she will make a statement on the matter. [23437/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

240. **Deputy Róisín Shortall** asked the Minister for Health and Children, further to Parliamentary Question No. 109 of 5 July 2007, the progress she has made in relation to completing the review of the DTSS scheme. [23438/07]

Minister for Health and Children (Deputy Mary Harney): As the Deputy is aware, a legal issue has arisen with regard to the Competition Act 2002 as it relates to the regulation of professional fees for dentists. The matter is still being considered by the Attorney General's office and my Department is awaiting the outcome of its consideration.

241. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in Dublin 17. [23441/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

242. **Deputy Róisín Shortall** asked the Minister for Health and Children, further to Parliamentary Question No. 291 of 26 June 2007, the reason a formal reply has not been issued by the Health

Service Executive; and if she will furnish a reply to the question. [23449/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Health Service Executive has informed my Department that a formal reply was issued to the Deputy on 12th July 2007.

Health Service Staff.

243. **Deputy James Reilly** asked the Minister for Health and Children if she will report on the levels of staff employed by the Health Service Executive in administration and other non-front-line duties; if it compares well in comparison to other countries with efficient health care services; and if she will make a statement on the matter. [23458/07]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 people work full-time or part-time in our public health services. Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the 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 to the Deputy.

The Deputy may wish to note that the HSE has commissioned an independent study to examine such issues as the number of clerical/admin staff, the proportion of such staff engaged in front line services, comparisons with other jurisdictions, comparisons with non-healthcare settings and resource issues and I look forward to the outcome of this study.

Hospital Building Programme.

244. **Deputy Fergus O'Dowd** asked the Minister for Health and Children when a decision is expected from the Health Service Executive regarding the proposed new acute hospital in the north east; and if she will make a statement on the matter. [23459/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive

to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 245 answered with Question No. 223.

Pharmacy Regulations.

246. **Deputy Fergus O'Dowd** asked the Minister for Health and Children her views on the issues raised by the Irish Pharmaceutical Union (details supplied); and if she will make a statement on the matter. [23472/07]

281. **Deputy Áine Brady** asked the Minister for Health and Children if she will amend the Competition Act 2002 to facilitate discussions between the Health Service Executive and the pharmacists organisations with a view to sustaining commercially viable small pharmacies; and if she will make a statement on the matter. [23975/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 246 and 281 together.

My Department and the HSE have been reviewing the pharmaceutical supply chain, with a view to seeking value for money in the State's drugs bill in order to better fund existing and innovative therapies without compromising continuity of supply or patient safety. An HSE-led negotiating team, including officials from my Department, engaged with the Irish Pharmaceutical Healthcare Association (IPHA) and the Association of Pharmaceutical Manufacturers of Ireland (APMI), representing the proprietary and generic supplier representative bodies, and completed new agreements with these bodies in mid-2006. These agreements are in place.

As wholesale margins are not addressed in the new IPHA and APMI Agreements, it was intended to negotiate direct formal arrangements with the wholesale sector. Following completion of the manufacturer agreements, the negotiating team entered talks with the wholesaler representative body, the Pharmaceutical Distributors' Federation (PDF).

Early in discussions, PDF refused to negotiate a new margin for community supply, based on its own legal advice that this was a contractual matter between individual wholesalers and retailers. Subsequent legal advice to the HSE, confirmed by legal advice to my Department, indicated that, under section 4 of the 2002 Competition Act, PDF as an association of undertakings may not collectively negotiate fees, prices or margins on behalf of its members. Given the fact that the Irish Pharmaceutical Union (IPU) is also an association of undertakings, it is not possible for the State to negotiate with PDF or the IPU on fees or margins as such negotiations would place these bodies at risk of prosecution. Consultation with the IPU Pharmaceutical Contractors' Committee, under Clause 12 of the

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Community Pharmacy Contractor Agreement, in relation to fees, prices or margins, would also be excluded under Section 4 of the 2002 Competition Act. The question of amending the Competition Act, 2002 is a matter for the Minister for Enterprise, Trade and Employment.

In light of the legal position arising from the wholesaler legal advice, the negotiating team reconsidered how best to address the review of pharmaceutical supply. Based on the legal advice, a consultation process accompanied by independent economic analysis was considered the most appropriate means to allow for the determination of new reimbursement arrangements. The consultation process involved direct discussion with wholesaler companies and a call for public submissions, published on 20th December 2006, in response to which a total of 161 submissions (including 143 from community pharmacy contractors) were received.

Following the completion of public consultation, and informed by independent economic analysis, carried out by Indecon Economic Consultants, new reimbursement arrangements were announced by the HSE on 17th September 2007. The new price arrangements involved revised rates for community and hospital supply, as follows:—

- Community supply — reimbursement of cost of drugs and medicines to pharmacy contractors reduced from ex-factory price plus 17.66% for wholesale supply (previous mark-up), to ex-factory price plus 8% from 1st January 2008 and 7% from 1st January 2009 (new mark-up);
- Hospital supply — new interim mark-up of 5% for wholesale supply from 1st January 2008, with further discounts or efficient ordering and supply in that sector.

Community pharmacies are paid the ex-factory price of drugs and medicines, as determined under the IPHA and APMI agreements, plus a percentage mark-up to cover distribution costs by wholesalers. There is no direct arrangement between wholesalers and the HSE for community delivery, as the HSE does not buy medicines directly for the community schemes. In addition to the foregoing, community pharmacies are paid a dispensing fee per item for dispensing to GMS medical care patients, and a fee plus 50% mark-up on each item dispensed under the DPS and LTI schemes.

In its examination of the issues involved and in determining the new arrangements, the negotiating team considered a reimbursement level that reflects the market value of pharmaceutical wholesale services, and security and continuity of supply at current levels to patients. The evidence on which the decision is based, following examination of the issues, direct consultation and independent economic analysis, all indicates that the

State is currently paying a premium for the services in question. It is possible and necessary for revised arrangements to be put in place without a substantial impact on the delivery of such services.

Information available to the negotiating team indicates that small and rural pharmacies typically receive discounts of 2-3% on the existing wholesale markup, while larger urban pharmacies and chains typically receive discounts of up to 12%. Therefore, smaller and rural pharmacies would be proportionately less affected by the revised arrangements.

I would also point out that pharmacists' arrangements with wholesalers for the supply of drugs and medicines is a private commercial arrangement, and that the HSE's role is confined to setting the most appropriate reimbursement rates for pharmacies. The basis for the new reimbursement arrangements was set out in detail by the CEO, HSE on the 17th September 2007, and is available on the HSE website.

The negotiating team met with the IPU on the 3rd October to discuss implementation issues arising from the recent announcement of new wholesaler arrangements, and in particular the position of wholesalers in relation to their pricing structures under the new arrangements. I understand that clarification has been received from each of the main wholesalers on their processes for compliance with the new arrangements.

Health Repayment Scheme.

247. **Deputy James Reilly** asked the Minister for Health and Children when it is expected that a person (details supplied) in Dublin 10 will receive an offer of refund of nursing home charges; the reason the refund system is so slow in carrying out the refund process; if she has plans to improve the process; and if she will make a statement on the matter. [23474/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Services.

248. **Deputy Michael Ring** asked the Minister for Health and Children when the Health Service Executive will provide home help to a person (details supplied) in County Mayo in view of the fact that the nurse has called out to assess them and this case is urgent. [23476/07]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

249. **Deputy Peter Kelly** asked the Minister for Health and Children the number of people here with deaf blindness; and if there are policies or strategies in place to address this condition specifically. [23490/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Government policy in relation to people with a disability, is to put in place the most effective combination of legislation, policies, institutional arrangements and services to support and reinforce equal participation for people with a disability. The framework includes provision for health and personal social services for people with a disability and special educational needs arising from those disabilities. The policy framework includes:

- The National Disability Strategy;
- The Disability Act 2005
- The Education for Persons with Special Education Needs Act 2004 and the National Council for Special Education
- The Sectoral Plans for 6 Government Departments and
- The Multi Annual Investment Plan

The National Physical and Sensory Disability Database has 85 people registered as having a combination of hearing and visual disability. In addition, the database has 239 people registered with hearing and visual disability along with some other type of disability also.

It should be noted that registration on the database is voluntary in nature therefore it cannot

claim to capture all people with a particular type of disability. In addition one of the key registration criteria is that an individual must be currently in receipt of specialised health or personal social services or require them in the future (over a 5 year time period from date of registration). As such, not all people with a visual and hearing impairment would be receiving or requiring specialised services. Finally, people who are aged 66 years or over are currently not eligible to register on the database and the database does not report on people who have been registered on the database once they turn 66 years of age.

Hospital Services.

250. **Deputy Catherine Byrne** asked the Minister for Health and Children the catchment area for St. James's Hospital; the reason a person living in Chapelizod is unable to get an appointment with a consultant at St. James's even if, geographically, it is the closest hospital to their home; and if she will make a statement on the matter. [23491/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Ministerial Transport.

251. **Deputy Leo Varadkar** asked the Minister for Health and Children the amount of money awarded in domestic mileage to each individual Minister of State in her Department for each of the past four years and to date in 2007; and if she will make a statement on the matter. [23512/07]

Minister for Health and Children (Deputy Mary Harney): The amounts paid in domestic mileage to each Minister of State at my Department for each of the years 2003 to 2006 and to date in 2007 are set out in the table.

Year	Mr. Ivor Callely T.D.	Mr. Brian Lenihan T.D.	Mr. Sean Power T.D.	Mr. Tim O'Malley T.D.
	€	€	€	€
2003	23,611	15,416	Nil	23,810
2004	47,280	16,914	Nil	7,427
2005	Nil	20,000	15,198	49,002
2006	Nil	11,188	40,739	15,429
2007	Nil	24,926	45,107	50,584

Departmental Advertising.

252. **Deputy Niall Collins** asked the Minister for Health and Children if she will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by her Department. [23528/07]

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): As part of the re-structuring of the health services, the Department of Health and Children transferred responsibility for health promotion public awareness campaigns to the Health Service Executive. This Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to have the specific matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

253. **Deputy Tony Gregory** asked the Minister for Health and Children if a person (details supplied) in Dublin 7 who has a medical card must pay a fee to a public hospital for a bone scan; and if she will make a statement on the matter. [23540/07]

Minister for Health and Children (Deputy Mary Harney): Medical card holders are entitled to a full range of services including general practitioner services, prescribed drugs and medicines, all in-patient public hospital services in public wards (including consultants services), all out-patient public hospital services (including consultants services), dental, ophthalmic and aural services.

Under the Health Acts, responsibility for service provision and any associated charges are a matter for the Chief Executive Officer of the Health Service Executive. My Department has requested the Parliamentary Affairs Division of the Health Service Executive to have the matter investigated and to have a reply issue directly to the Deputy.

Medicinal Products.

254. **Deputy Paul Gogarty** asked the Minister for Health and Children if there are plans to review the permission for a drug (details supplied) here, in view of the fact that it has received a black box warning by the US Food and Drug Administration; if her attention has been drawn to the research that points to significant and potentially life threatening side effects that are in excess of any standard benefits outweigh risk argument regarding usage of this long-term reproductive system controlling substance; and if she will make a statement on the matter. [23541/07]

Minister for Health and Children (Deputy Mary Harney): In order for a product to be considered for inclusion on the list of products available on the General Medical Services and Community Drug Schemes it must meet strict criteria as set out in Article 11.2 of Council Directive 89/105/EEC.

The product must be an 'allopathic' medicinal product which is the subject of a current product authorisation granted by the Irish Medicines Board under the Medicinal Products (Licensing and Sale) Regulations, 1998 (S.I No 142 of 1998) or an authorisation granted or renewed by the European Commission in accordance with EU Council Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products. If the Deputy is aware of any information as to the efficacy of the product it would be advisable to contact the Irish Medicines Board immediately.

Pharmacy Regulations.

255. **Deputy Catherine Byrne** asked the Minister for Health and Children the plans in place to ensure that patients continue to receive methadone treatment from pharmacies in view of claims by some pharmacies that they will discontinue the provision of methadone prescriptions in the coming weeks; and if she will make a statement on the matter. [23641/07]

Minister for Health and Children (Deputy Mary Harney): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific matter investigated and to have a reply issued directly to the Deputy.

Stage Agencies.

256. **Deputy Richard Bruton** asked the Minister for Health and Children the remuneration package of each of the CEOs of State agencies reporting to her Department including pay, pension and ancillary benefits. [23731/07]

Minister for Health and Children (Deputy Mary Harney): The level of remuneration (with salary scale where appropriate) for the CEOs of state agencies under the aegis of the Department of Health and Children are provided in the table, along with pension scheme membership. A CEO on the PPC rate pays the Class A rate of PRSI contribution and makes a contribution in respect of personal superannuation benefits. A CEO on the non-PPC rate pays the Class D modified rate of PRSI.

Name of Body	Salary (w.e.f. 01/06/2007)	Pension scheme membership
An Bord Altranais	€118,791 (Non-PPC rate)	Local Government Superannuation Scheme
Crisis Pregnancy Agency	€86,332 – €106,785 (LSI2) (PPC rate)	CPA Pension Scheme
Dental Council	€82,016 – €101,446 (LSI2) (Non-PPC rate)	Local Government Superannuation Scheme
Food Safety Authority of Ireland	€143,192 (PPC rate)	FSAI Pension Scheme
Food Safety Promotion Board	€121,978 (Non-PPC rate)	FSPB Pension Scheme
Health Information and Quality Authority	€194,636 (PPC rate)	HIQA Pension Scheme
Health Insurance Authority	€92,913 – €114,581 (LSI2) (PPC rate)	HIA Pension Scheme
Health Research Board (New CEO contract currently being negotiated)	€136,034 (Non-PPC rate)	Civil Service Pension Scheme (post-holder seconded)
Health Service Executive	€360,696	VHSS scheme for seconded post and 25% of the difference between Academic Consultant Professor (Category 1) salary and CEOs basic salary paid to private scheme
Irish Blood Transfusion Service	€163,882 (PPC rate)	IBTS Pension Scheme
Irish Medicines Board	€136,034 (Non-PPC rate)	Local Government Superannuation Scheme
Mental Health Commission	€118,791 – €136,034 (Non-PPC rate)	Local Government Superannuation Scheme
National Cancer Screening Service	€133,026*	Local Government Superannuation Scheme
National Cancer Registry Board	€88,261 – €108,856 (LSI2) (Non-PPC rate)	Nominated Health Agencies Superannuation Scheme
National Council on Ageing and Older People (Acting Director)	€86,332 – €106,785 (LSI2) (PPC rate)	Nominated Health Agencies Superannuation Scheme
National Council for Professional Development of Nursing and Midwifery	€82,016 – €101,446 (LSI2) (Non-PPC rate)	Local Government Superannuation Scheme
National Social Work Qualifications Board	€86,332 – €106,785 (LSI2) (PPC rate)	Nominated Health Agencies Superannuation Scheme
National Treatment Purchase Fund (Acting CEO)	€125,000**	Civil Service Pension Scheme (post-holder seconded)
Office of Tobacco Control	€82,016 – €101,446 (LSI2) (Non-PPC rate)	Civil Service Pension Scheme (post-holder seconded)
Postgraduate Medical and Dental Board	€86,845 – €103,040 (Non-PPC rate)	Local Government Superannuation Scheme
Pre-Hospital Emergency Care Council	€82,016 – €101,446 (LSI2) (Non-PPC rate)	Local Government Superannuation Scheme
Children Acts Advisory Board (formerly Special Residential Services Board)	€143,193***	Health Service Executive pension scheme (post-holder seconded)
Women's Health Council	€86,332 – €106,785 (LSI2)(PPC rate)	Local Government Superannuation Scheme
Voluntary Health Insurance Board	€234,300	25% of salary pension contribution to private pension scheme

* Rate for post has not yet been approved by the Department of Finance.

** Rate paid to Acting CEO

*** Personal rate

Depending on the terms and conditions of individual contracts of employment, CEOs of certain state agencies may be eligible to participate in a Performance Related Award Scheme in line with the provisions and principles of the Review Body on Higher Remuneration in the Public Sector. All schemes must be approved by the Department of Finance. Where agencies participate in the Scheme, awards are made to the CEO directly by the Board of the agency concerned.

Health Services.

257. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if she will ask the CEO of the Health Service Executive to explain the reason a decision to transfer a person (details supplied) in Dublin 13 from the NRH to a new nursing home at Hamilton Park, Balrothery, County Dublin was rescinded; and the reason the HSE has withdrawn funding committed to nursing homes, especially given that this person

[Deputy Thomas P. Broughan.]

is a recovering stroke patient and that they and their family are very anxious for the commitment on their transfer to Balrothery to be fulfilled. [23743/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal 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.

Pharmacy Regulations.

258. **Deputy Catherine Byrne** asked the Minister for Health and Children the payment structure for doctors and pharmacists who dispense methadone under the methadone treatment scheme; the payment allocated for each patient; and if she will make a statement on the matter. [23756/07]

Minister for Health and Children (Deputy Mary Harney): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

259. **Deputy Deirdre Clune** asked the Minister for Health and Children the reason two dialysis units in the Cork University Hospital are not operational; and if she will make a statement on the matter. [23757/07]

260. **Deputy Deirdre Clune** asked the Minister for Health and Children the dialysis services available to patients in the Cork region; and if she will make a statement on the matter. [23758/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 259 and 260 together.

Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case/issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

261. **Deputy Michael Ring** asked the Minister for Health and Children if, in relation to the oncology services that currently exist in a hospital (details supplied) in County Mayo, these services will be removed or altered when the centre of excellence is up and running in County Galway; and if she will make a statement on the matter. [23775/07]

262. **Deputy Michael Ring** asked the Minister for Health and Children if a hospital (details supplied) in County Mayo will be targeted and lose some of its oncology services once the centre of excellence is up and running in County Galway; and if she will make a statement on the matter. [23776/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 261 and 262 together.

The decisions of the HSE in relation to four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. The HSE plans to have completed 50% of the transition to the cancer centres by the end of 2008 and 80-90% by the end of 2009. Discussions between the HSE and the networks will focus on identifying the capacity issues for the eight designated centres so that a detailed transitional plan can be put in place to facilitate the progressive, gradual and carefully managed transfer of services over the course of the next two years or so. No timeframe has been agreed for the cessation of surgery at Mayo General Hospital.

Arising from the designation of cancer centres by the HSE and in order to comply with the National Quality Assurance Standards for Symptomatic Breast Disease, the HSE has directed thirteen hospitals, with very low case volumes, to cease breast cancer services immediately, to be followed by further staged reductions in the number of hospitals providing breast cancer services from twenty-two to the eight cancer centres. A number of the thirteen hospitals had in practice already discontinued symptomatic breast services. The National Hospitals Office has already planned the redirection of this symptomatic caseload. Additional groups of hospitals, including Mayo General Hospital will be similarly directed, in line with the further development of quality assured capacity in the eight designated centres.

263. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with surgery; and if she will make a statement on the matter. [23777/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to 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 this case investigated and to have a reply issued directly to the Deputy.

Child Care Services.

264. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if her attention has been drawn to the widespread concern caused by the recent policy change in regard to the NICP community child care subvention scheme 2008 to 2010 which is seen as socially divisive by community organisations; if she will maintain the existing system pending discussion in the community child care sector; and if she will make a statement on the matter. [23789/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The main supports the Government makes available to parents to assist them with their childcare costs are Child Benefit and the Early Childcare Supplement. The latter payment, which is in recognition of the higher childcare costs of pre-school children, is the responsibility of my Office, and it alone amounts to expenditure of over €400m in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose and regardless of whether they live in urban or rural areas. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000-2006 (EOCP), which is cofunded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit childcare providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

As signalled at the launch of the National Childcare Investment Programme 2006-2010 (NCIP), the successor programme to the EOCP, a new scheme to support community childcare services with a focus on disadvantage will be introduced on 1 January 2008 and will continue

to complement the universal supports in place for all parents. The Community Childcare Subvention Scheme (CCSS) has been allocated €153 million over the next 3 years representing a 16% increase in funding over the EOCP staffing scheme. Under the new scheme, services will be grant aided according to the service they provide and the profile of the parents benefiting from their service. As part of their application for funding under the new scheme, services will be required to ask parents using their services to complete a simple declaration form which will be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) will see a €80 weekly subvention in respect of full daycare (with pro-rata reductions in respect of shorter hour services). Parents in receipt of Family Income Supplement (FIS), will see a €30 weekly subvention in respect of full daycare (with pro-rata reductions). A further subvention of €30 per week will be paid where the subvented child is a baby, in recognition of the higher costs associated with the care of children aged under 1 year. Parents who do not qualify under either of these categories will be charged the cost price for their childcare service, however, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the EOCP. These include the fact that the subvention to services will be more responsive to the level of service provided as well as the degree of parental disadvantage supported and the ceiling for funding, which existed under the previous scheme, is being removed. Account will also be taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which at present are, in some cases, inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme.

[Deputy Brendan Smith.]

The new scheme has clear advantages over its predecessor. There is an increase in the level of funding available under it, and a majority of services will benefit from the changes it introduces. Existing EOCIP staffing grant recipients who enter the new scheme will continue to be funded at their current levels until July 2008. My Office has engaged in a series of meetings with existing grant recipients to outline to them the details of the new scheme and to gather feedback from the services themselves. A meeting with representatives of the City and County Childcare Committees has also taken place.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1st July 2008. This is to ensure that existing childcare services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 will also be used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data which will be generated under the new grant application process. If appropriate, any adjustments necessary to the scheme to secure the best outcomes for childcare services and for disadvantaged parents and their children will be considered on the basis of this data and well in advance of the commencement of the new funding levels in July 2008.

Health Service Expenditure.

265. **Deputy Damien English** asked the Minister for Health and Children the amount paid by the Health Service Executive for taxis under all headings in County Meath in 2006; the amount paid to each named firm or person; and if she will make a statement on the matter. [23804/07]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

266. **Deputy Damien English** asked the Minister for Health and Children the progress to date in County Meath in providing services to people with cystic fibrosis; and if she will make a statement on the matter. [23805/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

267. **Deputy Dan Neville** asked the Minister for Health and Children when she will instruct her Department to issue payment to relatives of people who were in public nursing homes; if she is still accepting claims for the long stay charges national co-ordinating unit; the number of claims received to date; the reason for the delay in processing the claims; and if she will make a statement on the matter. [23849/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for administering the scheme in conjunction with the appointed scheme administrator KPMG/McCann Fitzgerald.

The Health Service Executive has informed my Department that over 30,000 applications have been received to date. The scheme is progressing as speedily as possible and every effort is being made to complete repayments. The HSE has indicated that the delays in making repayments under the scheme have been due to legal and technical issues. Firstly, over 13,400 estates who lodged claims to date had not extracted a grant of representation in respect of the estate of the deceased patient. In these instances the person entitled to extract the grant of representation has to be identified before an application can be processed and to date over 6,800 certificates of entitlement permitting individuals to apply for a repayment have issued.

Secondly, there has been a high incidence of claimants providing insufficient information and these claims have taken longer to process as the scheme administrator must be provided with certain information in order to ensure that the correct person and correct amount is repaid. Thirdly, it has been necessary for the scheme administrator to visit over 330 HSE facilities to scan records which form the basis for the calculation of repayments. The format in which this information is held varies widely between institutions and usually includes a mixture of paper files, handwritten files and computer files.

The closing date for receipt of applications is 31st December 2007 and the HSE has indicated that final repayments should be made by mid 2008.

Medical Aids and Appliances.

268. **Deputy Leo Varadkar** asked the Minister for Health and Children when the application for a high sided cot for a person (details supplied) in Dublin 15 will be approved; and if she will make a statement on the matter. [23866/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal 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.

Proposed Legislation.

269. **Deputy John Deasy** asked the Minister for Health and Children if, in reference to Parliamentary Question No. 268 on 9 October 2007, the legislation currently being prepared by her Department will define specific eligibility of medical card holders for chiropody services; when that legislation will be published; and if she will make a statement on the matter. [23867/07]

Minister for Health and Children (Deputy Mary Harney): My Department is currently preparing legislation to clarify and update existing legislation on eligibility for health and personal social services. The Bill will define specific health and personal services more clearly; define who should be eligible for what services; set out clear criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework. My Department is currently examining the range of services that will be defined in legislation. It is expected that the legislation will be published in 2008.

Medical Aids and Appliances.

270. **Deputy Leo Varadkar** asked the Minister for Health and Children when special shoes will be provided for a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [23868/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal 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.

271. **Deputy Joe Carey** asked the Minister for Health and Children if she will expedite the pro-

vision of a wheelchair for a person (details supplied) in County Limerick; and if she will make a statement on the matter. [23869/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal 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.

Public Health Issues.

272. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has received a copy of the report, Making Diabetes Count, What does the future hold, published by the Institute of Public Health in Ireland; her views on same; if she will implement its recommendations, in particular that a comprehensive system be developed for monitoring the prevalence of overweight and obesity and an all-Ireland approach toward population prevalence estimates and forecasts; and if she will make a statement on the matter. [23876/07]

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): I welcome this important piece of work including the population prevalence estimates. The recommendations are generally in line with work already being undertaken by an Expert Advisory Group at the Health Service Executive. The Expert Advisory Group on Diabetes was recently established by the HSE and is currently drawing up standards of care for diabetes. This process will take account of the Department of Health and Children's document 'Diabetes: Prevention and Model for Patient Care'. The group has identified as one of its priorities the development of an Integrated Care Model for the treatment of Diabetes. This model will focus on the joint participation of hospital consultants and general practitioners in the planned delivery of care for patients. Diabetic retinopathy screening, to prevent eye diseases in diabetes sufferers, is currently being rolled out in the Western region and will be expanded in 2008.

With regard to the population prevalence estimates, the Department is generally supportive of an all-Ireland approach to this issue and will be exploring this further with the Northern Ireland Minister for Health.

The HSE is currently in the process of developing a system, based on best practice, which will monitor prevalence and trends in overweight and obesity in our younger population. Relevant in this context are the findings from the Irish Health Behaviour in School-aged Children (HBSC) 2006 which show that fewer children are

[Deputy Pat The Cope Gallagher.]

eating sweets and drinking soft drinks on a regular basis when compared to the findings of the HBSC Study 2002.

Child Care Services.

273. **Deputy Joe Carey** asked the Minister for Health and Children if she will reverse the abolition of the staffing grants for community based child care providers which is being replaced by the NCIP community child care subvention scheme 2008 to 2010; and if she will make a statement on the matter. [23879/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The main supports the Government makes available to parents to assist them with their childcare costs are Child Benefit and the Early Childcare Supplement. The latter payment, which is in recognition of the higher childcare costs of pre-school children, is the responsibility of my Office, and it alone amounts to expenditure of over €400m in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose and regardless of whether they live in urban or rural areas. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000-2006 (EOCP), which is co-funded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit childcare providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to the condition that tiered fee structures were implemented by the services in question.

As signalled at the launch of the National Childcare Investment Programme 2006-2010 (NCIP), the successor programme to the EOCP, a new scheme to support community childcare services with a focus on disadvantage will be introduced on 1 January 2008 and will continue to complement the universal supports in place for all parents. The Community Childcare Subvention Scheme (CCSS) has been allocated €153 million over the next 3 years representing a 16% increase in funding over the EOCP staffing scheme. Under the new scheme, services will be grant aided according to the service they provide

and the profile of the parents benefiting from their service. As part of their application for funding under the new scheme, services will be required to ask parents using their services to complete a simple declaration form which will be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) will see a €80 weekly subvention in respect of full daycare (with pro-rata reductions in respect of shorter hour services). Parents in receipt of Family Income Supplement (FIS), will see a €30 weekly subvention in respect of full daycare (with pro-rata reductions). A further subvention of €30 per week will be paid where the subvented child is a baby, in recognition of the higher costs associated with the care of children aged under 1 year. Parents who do not qualify under either of these categories will be charged the cost price for their childcare service, however, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The scheme has been informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the EOCP. These include the fact that the subvention to services will be more responsive to the level of service provided as well as the degree of parental disadvantage supported and the ceiling for funding, which existed under the previous scheme, is being removed. Account will also be taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which at present are, in some cases, inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme.

The new scheme has clear advantages over its predecessor. There is an increase in the level of funding available under it, and a majority of services will benefit from the changes it introduces. Existing EOCP staffing grant recipients who enter the new scheme will continue to be funded at their current levels until July 2008. My Office has engaged in a series of meetings with

existing grant recipients to outline to them the details of the new scheme and to gather feedback from the services themselves. A meeting with representatives of the City and County Childcare Committees has also taken place.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1st July 2008. This is to ensure that existing childcare services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 will also be used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data which will be generated under the new grant application process. If appropriate, any adjustments necessary to the scheme to secure the best outcomes for childcare services and for disadvantaged parents and their children will be considered on the basis of this data and well in advance of the commencement of the new funding levels in July 2008.

Regulatory Impact Assessments.

274. **Deputy Denis Naughten** asked the Minister for Health and Children the number of regulatory impact assessments produced by her Department since the adoption of the policy by Government; the number of appropriate decisions made by her Department which did not include such assessments; the reason for same; and if she will make a statement on the matter. [23911/07]

Minister for Health and Children (Deputy Mary Harney): My Department has produced five Regulatory Impact Assessments (RIAs) to date. RIAs were not carried out in three instances for the following separate reasons:

- the measure involved a minor technical amendment to existing legislation;
- significant components of the RIA were dealt with in the Memorandum for Government;
- emergency legislation was involved.

Health Service Staff.

275. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of staff employed by the Health Service Executive with a breakdown by grade and programme. [23928/07]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 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.

276. **Deputy Leo Varadkar** asked the Minister for Health and Children if her attention has been drawn to the difficulty that many newly qualified physiotherapists are having finding employment in their field; the actions she is taking to remedy this situation; and if she will make a statement on the matter. [23941/07]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 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.

There has been a growing demand for, and investment in, therapy services over the last number of years. A particular priority for this Department and the Department of Education and Science has been the expansion of the supply of therapy graduates. Training places for physiotherapists have increased by 137.5% since 1997. This Department has worked closely with the HSE in the provision of clinical placements for these students which are an essential component of the physiotherapy degree programme.

I am aware that an issue has arisen whereby some 2007 physiotherapy graduates have had difficulty in obtaining employment. My Department is addressing this situation in a proactive manner and is chairing a working group with representatives from the HSE, the therapy managers and IMPACT. This group has finalised an action plan and has started to implement priority actions.

277. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of people employed by the Health Service Executive with a breakdown of the same by position and grade; and if she will make a statement on the matter. [23942/07]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 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.

278. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of people who were employed by the health boards and Eastern Regional Health Authority at the time of their abolition with a breakdown of the same by position and grade; and if she will make a statement on the matter. [23943/07]

Minister for Health and Children (Deputy Mary Harney): Under Part 10 of the Health Act 2004, the health boards were dissolved and their functions and employees transferred to the Health Service Executive. Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the 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 to the Deputy.

Health Repayment Scheme.

279. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding an application under the nursing home charges repayment scheme for a person (details supplied) in County Cork. [23968/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Departmental Correspondence.

280. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if she received correspondence of 19 September 2007 from a person (details supplied) in County Clare; if she has responded to the correspondence; if action has been taken on the complaint made; and if she will make a statement on the matter. [23974/07]

Minister for Health and Children (Deputy Mary Harney): My Department, on receipt of the correspondence referred to, requested the Health Service Executive to arrange to have the matters raised investigated and to have a reply issued directly to the person in question. My Department is advised by the Health Service Executive that the Patient Services Manager at the Mid-Western Regional Hospital has been in direct contact with the individual referred to, in relation to this matter, and that a report will issue to the person directly on completion of the investigation into this case.

Question No. 281 answered with Question No. 246.

Care of the Elderly.

282. **Deputy Seymour Crawford** asked the Minister for Health and Children if her attention has been drawn to the fact that while the Health Service Executive, or some other body, sent a booklet to all old age pensioners assuring them that home help was part of the service available to them, the HSE is now advising such people that no home help is available and only carers are available and carers are not allowed to help with domestic work; and if she will make a statement on the matter. [23992/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under

the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

283. **Deputy Thomas Byrne** asked the Minister for Health and Children the number of people availing of the National Treatment Purchase Fund from County Meath since its inception; and if she will make a statement on the matter. [24065/07]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to the operation of the National Treatment Purchase Fund, my Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

Medical Cards.

284. **Deputy Thomas Byrne** asked the Minister for Health and Children the number of people availing of general practitioner visit cards from County Meath since their inception; and if she will make a statement on the matter. [24066/07]

Minister for Health and Children (Deputy Mary Harney): The GP visit card was introduced in 2005 as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the assessment guidelines for GP visit cards and 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 arrange to address this matter and to have a reply issued directly to the Deputy.

Decentralisation Programme.

285. **Deputy Joan Burton** asked the Minister for Health and Children the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in posi-

tion in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24434/07]

286. **Deputy Joan Burton** asked the Minister for Health and Children the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if she will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if she will make a statement on the matter. [24448/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 285 and 286 together.

As the Deputy will be aware my Department is not one of the Departments scheduled for decentralisation under the Government's Decentralisation Programme. To date forty seven civil servants have transferred to decentralising Departments from my Department. Further details in respect of the transfer of these officers is available from the decentralising Departments and I understand that the Deputy has also tabled questions to the relevant Ministers.

The Health Information and Quality Authority which was formally established this year is encompassed by the Decentralisation Programme. Its headquarters is located in Cork.

Air Services.

287. **Deputy James Bannon** asked the Minister for Transport and the Marine if the Government appointed representative on the board of Aer Lingus reported to the Government prior to the announcement of the termination of the Shannon/Heathrow route; and if not, the reason for same. [23375/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): It has been widely reported that the decision to withdraw the Shannon Heathrow service was taken by the management of Aer Lingus and not by the Board. I had no contact with the Government representative on the Board prior to the announcement of the decision.

Road Network.

288. **Deputy Michael McGrath** asked the Minister for Transport and the Marine the basis used by his Department in deciding the allocations to each local authority under the non-national roads restoration programme; and if he will make a statement on the matter. [23801/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The provision and improvement of non-national roads in its area is a matter for

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each individual road authority to be funded from its own resources supplemented by State grants.

Road grants for non-national roads are allocated annually under a number of grant categories. These include grants for a pavement restoration programme. A total of €306 million was allocated for this purpose in 2007. Grants for the restoration improvement works element of the programme are allocated on the basis of the length of regional and local roads in each county and the results of a Pavement Condition Study on non-national roads which was carried out by consultants and completed in 2005. That study assessed the condition of the network, by county and nationally, and estimated the type and extent of works required to restore the network to an acceptable condition. Grants for restoration maintenance works are allocated on the basis of the length of regional and local roads in each county.

Light Rail Project.

289. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine when it is considered that construction work will commence on the Luas line BX; and if he will make a statement on the matter. [23348/07]

307. **Deputy Tony Gregory** asked the Minister for Transport and the Marine the timescale for the construction of the Luas line to Liffey junction, Dublin 7; and if he will make a comprehensive statement on all aspects of this proposal. [23896/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to answer Questions Nos. 289 and 307 together.

Dublin City Council is currently undertaking a traffic modelling exercise as part of its examination of revised traffic management arrangements in the city centre, which will be required for the delivery of the Luas city centre link (line BX), the further extension to Liffey Junction (line D) and also Metro North. In addition, the RPA is considering ways of streamlining and combining construction works on these projects in order to minimise the impact on the city centre.

Following completion of further detailed design work and subject to a satisfactory outcome to the city centre traffic management planning work, the RPA plans to submit a Railway Order application for Luas Line BX to An Bord Pleanála next year. This will influence the timing of Luas Line D, the route which will be decided having regard to the route of Line BX.

Rail Network.

290. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine when it is considered that construction work will commence on

metro north; and if he will make a statement on the matter. [23349/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The RPA is planning to commence construction work on Metro North in 2009, subject to having an enforceable Railway Order in place.

Road Safety.

291. **Deputy John O'Mahony** asked the Minister for Transport and the Marine the number of motorcyclists who have died of serious injuries in each of the years 2000 to 2006; the number who were injured as a result of making impact with wire barriers on motorways; and if he will make a statement on the matter. [23385/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) responsibility for the collection of structured information on road safety, including the publication of the annual Road Collision Facts Report, now lies with the Road Safety Authority. The most recent report is in respect 2005 and is available on the Authority's website.

Public Transport.

292. **Deputy Richard Bruton** asked the Minister for Transport and the Marine the number of additional passengers envisaged once the 170 additional buses are operational on quality bus corridors by 2008; when real time passenger information at bus stops will be implemented; and when a fully integrated ticketing system using smart cards will be operational. [23401/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Dublin Bus has informed me that the 100 additional buses (not 170) currently being brought into service have a capacity — seated and standing — of 9,400 with projected passenger carryings for a full year of 6.5 million passengers.

The position in relation to real time passenger information at bus stops is that Bus Éireann and Bus Átha Cliath are both proceeding with the introduction of automatic vehicle location technology on board buses. This technology will create the platform for the deployment of real time passenger information. Bus Átha Cliath has put forward proposals for funding for a roll-out of real time passenger information via electronic displays at bus stops. The Department is seeking further information from the company.

The position in relation to integrated ticketing is that the Integrated Ticketing Project Board has agreed a timeline for the delivery of an integrated ticketing system in the Greater Dublin Area. This involves the integrated ticketing system being launched initially on the scheduled services of

Dublin Bus, LUAS and Morton's Coaches, a private bus operator, within 27 months of the decision to proceed with the project, i.e. by end-August 2009.

Iarnród Éireann's DART and commuter rail services will be included within a further 12 months, and Bus Éireann will implement a pilot scheme on one of its commuter routes in the Greater Dublin Area. It is also envisaged the other private bus operators will also join the integrated ticketing system over this timeframe. In the meantime a number of magnetic strip integrated tickets which allow transfer between bus and DART/commuter rail, bus and LUAS, and LUAS and DART/commuter rail are currently in place.

293. **Deputy Richard Bruton** asked the Minister for Transport and the Marine his proposals for the public transport markets regarding new competitors and the schedule of delivery of these changes. [23402/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Programme for Government includes a commitment to improve bus services under Transport 21 by reforming bus licensing to facilitate the optimum provision of services by providing a level playing field for all market participants. The new licensing regime will be designed in a manner consistent with the recently adopted new EU Regulation on Public Service Obligations in the transport sector.

While it is not possible at this time to indicate a precise time as to when the legislative proposals on regulatory reform of the bus market will be published, applications and notifications from bus operators will continue to be processed under the provisions of the Road Transport Act 1932, as amended, or the notification system with reference to the Transport Act 1958, as appropriate.

Rail Services.

294. **Deputy Barry Andrews** asked the Minister for Transport and the Marine if he has been consulted by Iarnród Éireann regarding its decision to restrict access to mainline rail services on certain routes to no more than two bicycles; and if he will make a statement on the matter. [23423/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I have not been consulted by Iarnród Éireann in relation to this matter which is a day to day operational matter for the company.

Public Transport.

295. **Deputy Darragh O'Brien** asked the Minister for Transport and the Marine the progress with the granting of a licence to Dublin Bus to enable it to collect and drop off passengers in Holywell/Gorse Hill area of Kinsealy and Swords along the very successful 142 bus route from

Portmarnock/Malahide via the port tunnel into Dublin city. [23497/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): On the 18th May 2007 Dublin Bus notified my Department of its proposal to introduce a new service from Portmarnock to Palmerston Park, Rathmines via the Port Tunnel. On the 21st May, 2007 Dublin Bus was advised by my Department that it could proceed with the introduction of the service. However, a decision had to be deferred on the provision of services on the section of the route from the Swords/Malahide Road Roundabout down as far as Feltrim Hall. It was considered that the introduction of the service on this part of the route would give rise to competition with a proposed service for which a licence had been sought by a private operator.

My Department has informed Dublin Bus that it has no issues in relation to the company operating within the Holywell Estate. However, I understand that there are problems in relation to transport access within the Estate itself and that Fingal County Council is in consultation with the Estate developer in relation to the matter.

296. **Deputy Darragh O'Brien** asked the Minister for Transport and the Marine the progress of delivering new bus services to and from Swords; and the progress with the granting of a licence to expand the 41X bus service to Dublin city via the port tunnel. [23498/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): On the 22nd March, 2007, Dublin Bus notified my Department of its proposal to re-route four of its existing Route 41X services from Swords via the Port Tunnel. At that time, my Department advised the Company that the proposal was in conflict with a prior application from a private operator for a high frequency bus service from Swords via the Port Tunnel to the City Centre. Therefore, in accordance with normal Departmental procedures, Dublin Bus was advised that a decision on its proposal was being deferred until the prior application was finalised.

Consideration of the prior application has been completed and my Department has recently issued a licence to the private operator concerned in accordance with the Road Transport Act, 1932. It is a condition of all licences that the services authorised must be in operation in their entirety within four months from the date of issue of the licence. My Department is now considering the Dublin Bus proposals for the Route 41X taking into consideration the newly licensed service.

Ministerial Transport.

297. **Deputy Leo Varadkar** asked the Minister for Transport and the Marine the amount of money awarded in domestic mileage to each individual Minister of State in his Department for

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each of the past four years and to date in 2007; and if he will make a statement on the matter. [23515/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The tables provides details of the sums paid to each Minister of State by my Department for each of the past four years and to date in 2007.

Mr Jim McDaid, T.D.

Year	€
2004 Mileage	18,430.00

Mr Ivor Callely, T.D.

Year	€
2004 Mileage	12,753.00
2005 Mileage	34,430.00

Mr Pat 'The Cope' Gallagher, T.D.

Year	€
2006 Mileage	32,492.00
2007 Mileage	11,260.00

Road Safety.

298. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport and the Marine if legislation is required to give gardaí the power to carry out mandatory breath testing of drivers involved in an accident where there are no clear signs of alcohol consumption; if he will introduce such legislation; and if he will make a statement on the matter. [23517/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Current Road Traffic legislation, in respect of the roadside testing for alcohol of drivers involved in accidents, provides that a member of the Garda Síochána may require such a driver to provide a preliminary breath specimen. The discretion is provided in acknowledgement of the fact that urgent medical attention for seriously injured victims must take precedence over breath testing.

My Department is aware that the Garda authorities have issued directions to the effect that it is expected that all drivers involved in serious road traffic collisions are tested unless there are overriding medical circumstances. Following representations received from various bodies, my Department proposes to engage with the Office of the Attorney General to establish how the cur-

rent legislation can be amended to achieve roadside testing of drivers involved in serious accidents subject to overriding medical circumstances.

Departmental Advertising.

299. **Deputy Niall Collins** asked the Minister for Transport and the Marine if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23531/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department's Press Office has made contact with Limerick Community Radio 102FM and the relevant details for the radio station have been added to the Press Office circulation list.

Departmental Nomenclature.

300. **Deputy Darragh O'Brien** asked the Minister for Transport and the Marine if it is proposed to change the name of his Department in line with the announcement on the formation of Government. [23532/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): In view of the decisions that have been taken by Government to transfer certain sea fisheries and foreshore functions from the former Department of Communications, Marine and Natural Resources to the Department of Agriculture, Fisheries and Food, and to maintain the current role of the Department of Transport in relation to ports, shipping and maritime safety functions that were transferred to the Department in January 2006, a change in the name of the Department is not considered necessary.

State Agencies.

301. **Deputy Richard Bruton** asked the Minister for Transport and the Marine the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23735/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): It is the responsibility of the Boards of the relevant bodies under the aegis of my Department to agree terms and conditions (including remuneration) of their respective Chief Executives. Details of remuneration are generally published in the Annual Reports.

Public Transport.

302. **Deputy Richard Bruton** asked the Minister for Transport and the Marine the estimated number of passengers per year who will be served in respect of each of the cost benefit project

analyses indicated in his reply of 4 July 2007; the benefit to cost ratio calculated in the analysis; the internal rate of return; and the minimum acceptable ratios and rates of return which his Department would accept on such a project. [23736/07]

Project	Benefit to cost ratio	Internal rate of return	Estimated passenger numbers (per annum)
Luas Line B1 from Sandyford to Cherrywood	3.33:1	13.2%	12.2 million
Luas Line C1 from Connolly station to the Point	1.08:1	6.1%	2.95 million
Luas Line A1 to Citywest	2.02:1	12.4%	5 million
Purchase of 33 intercity railcars	1.85:1	12%	250, 000
Integrated ticketing*	1.53:1	Greater than 5%	Applicable to over an estimated 200 million passenger journeys per annum

* Appraisal of the integrated ticketing project was carried out in 2002 and updated in 2007. The updated financial analyses indicated there continues to be a positive net present value for the project before wider socio-economic benefits are taken into account.

Each of the projects was appraised in compliance with the Department of Finance's Capital Appraisal Guidelines and Value for Money criteria. In examining requests for funding for capital projects, my Department takes account of the guidance on cost benefit analysis and internal rate of return set out in the Capital Appraisal Guidelines. The minimum benefit to cost ratio which is generally compliant with the Guidelines is one greater than 1:1 and the minimum internal rate of return generally accepted is 4%.

However, the Guidelines do not preclude a Minister, under the delegated sanction arrangements set down by the Minister for Finance, from approving projects independent of the details of these Guidelines. Recognising that it is not always possible to monetise all the social and economic benefits of transport projects, it may be possible, in exceptional circumstances, to approve projects with a less favourable ratio or a lower internal rate of return, which confer these wider benefits.

Road Network.

303. **Deputy Richard Bruton** asked the Minister for Transport and the Marine the number of kilometres of road of different carriageway specification completed under Transport 21. [23737/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The NRA has informed me that since the establishment of Transport 21 on 1st November 2005, 21 national roads projects have been completed with a combined total length of 180 kms. This can be broken down as: 24 kms of motorway, 106 kms of high quality dual carriageway, and 50 kms of single carriageway.

Public Transport.

304. **Deputy Beverley Flynn** asked the Minister for Transport and the Marine the steps that have to be taken by bus operators to bring their

Minister for Transport and the Marine (Deputy Noel Dempsey): The requested details in respect of the rail projects referred to in my reply of 4 July 2007 are set out in the table.

buses up to standard before the DOE test in 2008; and if his Department will be providing grant assistance to bus operators in this regard. [23784/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the issue of bus licensing and operations is a matter for the Road Safety Authority.

Railway Stations.

305. **Deputy Damien English** asked the Minister for Transport and the Marine the plans in place to provide a new train station at Navan, County Meath or if a renovation of the existing station is planned in order to facilitate the completion of the proposed phase two of the Navan Dublin rail line; and if he will make a statement on the matter. [23806/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The re-opening of the Clonsilla to Navan line is proposed under Transport 21 in two phases: Clonsilla to Pace by 2009 and Pace to Navan by 2015. The current position is that Irish Rail submitted an application for a Railway Order for the first phase to An Bord Pleanála in September. The company is targeting a late 2008 start (subject to Railway Order) and a Spring 2010 completion. The proposed line from Clonsilla to Pace includes three stations at Hansfield, Dunboyne and a major Park and Ride at Pace.

In regard to the Pace/Navan phase, the position is that the feasibility work has commenced. A scoping survey is currently underway to survey the alignment and establish what engineering and technical issues are likely to be encountered in the subsequent work to construct and open the line. This work is expected to be completed shortly. The location of stations on the rail network is an operational matter for Irish Rail but

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the company has informed me that it is premature at this stage to make a decision on the precise location of the station at Navan.

Road Safety.

306. **Deputy David Stanton** asked the Minister for Transport and the Marine the number of persons that were injured as a result of road accidents each year since 2000 to date in 2007; and if he will make a statement on the matter. [23835/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) responsibility for the collection of structured information on road safety, including the publication of the annual Road Collision Facts Report, lies with the Road Safety Authority. The most recent report relates to 2005 and is available on the Authority's website. I understand that the statistics relating to 2006 are being analysed and authenticated in preparation for publication. The statistics for 2007 will not be analysed until next year.

Question No. 307 answered with Question No. 289.

Regulatory Impact Assessments.

308. **Deputy Denis Naughten** asked the Minister for Transport and the Marine the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23915/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Three screening regulatory impact assessments have been produced by the Department since 21 June 2005, concerning the Roads Act 2007, the proposed Dublin transport authority Bill and the Merchant Shipping (Miscellaneous Provisions) Bill 2007. Proposals to amend Directive 2002/59/EC, establishing a Community shipping vessel traffic monitoring and information system, and the recasting of EU Directive 95/21/EC of 19 June 1995 to reinforce and improve the effectiveness of Port State Control were submitted for Oireachtas scrutiny in January and February 2006. While a formal screening regulatory impact assessment was not produced at the start of the negotiations at EU Council Working Group, due to the fact that the Department was in the early stages of implementation of the RIA process, consultations with relevant stakeholders were held at that time.

Public Transport.

309. **Deputy Leo Varadkar** asked the Minister for Transport and the Marine if he will permit and fund the purchase of additional buses by Dublin Bus in 2007; and if he will make a statement on the matter. [23952/07]

310. **Deputy Leo Varadkar** asked the Minister for Transport and the Marine the number of new additional buses, not replacement buses, given to Dublin Bus in 2007 and for each of the past five years; and if he will make a statement on the matter. [23953/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 309 and 310 together.

Dublin Bus is bringing into service the balance of 100 additional buses for which Exchequer funding of €30 million was approved in September of last year. Some 50 of the buses are in service and the remainder will be in service in the coming months. A further €15.04 million has been approved towards the cost of 100 replacement buses for the Dublin Bus fleet in 2007. Some 50 of the replacement buses will be tri-axle buses which offer greater passenger carrying capacity. Some 23 additional buses were added to the Dublin Bus fleet in 2001, 20 additional buses were added to the Dublin Bus fleet in 2005 and 100 additional buses were added to the Dublin Bus fleet in 2006. This brings the Dublin Bus fleet to 1,182, up from just over 900 in 1997. The capacity of the Dublin Bus fleet, taking into account the 100 additional buses is now over 106,000 — an increase of more than 34% on the 2000 capacity. Many of the new buses purchased have a higher capacity than the smaller, single decker buses being replaced.

Light Rail Project.

311. **Deputy Michael McGrath** asked the Minister for Transport and the Marine the position regarding his plan to establish a feasibility study for a Luas or light rail system for Cork. [23969/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department recently asked the Cork local authorities to include in their current review of the Cork Area Strategic Plan a consideration of the feasibility of introducing light rail transit and/or bus rapid transit.

Air Services.

312. **Deputy Pat Breen** asked the Minister for Transport and the Marine the measures he will put in place to safeguard the Heathrow slots at Shannon, Cork and Dublin Airports; and if he will make a statement on the matter. [24063/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Arrangements to safeguard Heathrow slots are built into the Company's Memorandum and Articles of Association. The effect of these arrangements, at present, is that any disposal of Heathrow slots can be prevented by 30.4% of the votes cast at an Extraordinary General Meeting, 25.4% of the shares in the Company are held by the Minister for Finance on behalf of the State. Also, under the memorandum and articles of association, the State is entitled to appoint three directors to the board of Aer Lingus. Currently, there is only one State appointed director serving on the board and it is now proposed that two further appointments will be made.

The State appointees will seek to ensure that all future decisions of the company that have implications for wider Government, aviation or regional development policies are considered and decided at board level. This will give the State appointees the opportunity to raise the public policy implications of each decision and to ensure that the full commercial implications for the company are taken into account.

313. **Deputy Pat Breen** asked the Minister for Transport and the Marine the costs incurred to date by the Government in the privatisation of Aer Lingus; the costs paid to consultants, finance and legal officials; and if he will make a statement on the matter. [24064/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The total costs incurred by the Government in respect of the Aer Lingus IPO amounted to €6.2 million. The bulk of these costs relate to fees paid to the underwriters and financial advisors amounting to almost €4 million. Legal fees amounted to €1.4 million and additional ancillary expenses amounted to €800,000.

Decentralisation Programme.

314. **Deputy Joan Burton** asked the Minister for Transport and the Marine the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24438/07]

315. **Deputy Joan Burton** asked the Minister for Transport and the Marine the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each

set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24452/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 314 and 315 together.

Some 35 civil servants from the Department of Transport have relocated to new Departments and are due to move out of Dublin under the Government's decentralisation programme. The transfer of these staff to their decentralisation location is a matter for the new parent Departments. In addition, 6 staff have already relocated to their decentralised location in Loughrea as either Department of Transport or Road Safety Authority staff. In addition to the above 41 posts, a further 39 officers in the Department of Transport are awaiting relocation and it is expected that 4 of these will relocate before the end of 2007. All staff that have already relocated or are awaiting relocation are from Dublin locations. No public servants have been relocated by this Department.

Passport Applications.

316. **Deputy Brendan Howlin** asked the Minister for Foreign Affairs the reason the Irish Embassy in Kuala Lumpur took five weeks to deliver a passport to the Phuket consulate office in the case of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [23346/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The initial application in this case was lodged at the Honorary Consulate in Phuket and received by the Irish Embassy in Kuala Lumpur on 26 March 2007. Checking of the application by Embassy staff highlighted a number of difficulties with the application. In particular, the name of the child entered on the form differed from that on his birth certificate and Thai passport, there were discrepancies in the dates concerning witnessing of parental consent and the photograph provided did not meet the requirements specified on the form. The applicant's mother was informed through the Honorary Consulate of these difficulties and told she needed to submit a new application.

A new application was submitted through the Embassy in Kuala Lumpur to the Passport Office on 15 May and this was processed the same day. The passport was sent by diplomatic bag to the Embassy on 21 May where it was received on 23 May and sent to Phuket the same day. The passport was collected in Phuket on 25 May. The speed with which the passport was issued once the properly completed application was received highlights the quality of the passport service pro-

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vided by the Department. Honorary Consuls, such as the official in Phuket, are not full-time officials of the Department of Foreign Affairs but are honorary appointees who undertake, in addition to their normal work, to provide consular services to Irish citizens where there is no Irish Embassy. This is an invaluable service for our citizens who require assistance abroad in popular tourist destinations.

Departmental Advertising.

317. **Deputy Niall Collins** asked the Minister for Foreign Affairs if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23527/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): From time to time, the Department uses print and broadcast media for an advertising or public awareness campaign. It recognises the important role local and community radio stations can play in such campaigns. I understand that campaigns are carried out by commercial advertising agencies which advise on the best approach with regard to the subject matter and the need to reach the widest possible audience in the most cost-effective manner. The use of local and community radio stations in the Department's advertising and public awareness campaigns depends on the nature of the particular campaign and the need to achieve value for money.

I have brought the details supplied by the Deputy to the attention of the relevant sections in the Department. The Department is making increasing use of its website, *www.dfa.ie*, for public awareness campaigns. Following a recent upgrade, there is now an extensive range of information freely available to the public from that source, including on matters such as passport application procedures and travel safety overseas. In addition, a separate website maintained by the Department's Development Aid Directorate, *www.irishaid.gov.ie*, gives extensive information on Ireland's overseas development aid programme. The Department encourages local and community radio stations to raise public awareness of these valuable information resources.

State Agencies.

318. **Deputy Richard Bruton** asked the Minister for Foreign Affairs the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23730/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): Four bodies are operating under the aegis of my Department — the Advisory Board

for Development Co-operation Ireland; the Development Education Advisory Committee; the Díon Committee, which advises on support for our emigrant communities in Britain); and the Board of the Ireland-United States Commission for Educational Exchange, also known as the Fulbright Commission. While it is not a State Agency, the Fulbright Commission has an Executive Director who is on secondment from the National Museum of Ireland. The executive director's salary is €87,294, the employer's PRSI, Income Protection and Death in Service payments come to €1,721 and pension contributions come to €19,786 and the executive director's potential bonus, which is subject to performance review, is €3,112. None of the other bodies under the aegis of my Department have a CEO or equivalent, as they are serviced by officials from my Department.

Nuclear Safety.

319. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs the response of the British Foreign Secretary, Mr. David Miliband, to new evidence that there were many more cancer deaths from radioactive fall out from the Windscale/Sellafield nuclear reprocessing plant in Britain than first thought; if the British Foreign Secretary explained the conduct of the then British Prime Minister in ordering a cover-up of the disaster; the actions that were promised by the British Foreign Secretary in relation to these matters; and the further action he will take in this case. [23786/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Government's deep concern about the Sellafield plant, and its firm view that it should be closed down, is well-known to the British authorities and is subject to ongoing discussion with them. I have consistently emphasised, as Minister and as Deputy for Louth, the risk Sellafield poses to public safety and the environment. During my recent meeting with the British Foreign Secretary, Mr. David Miliband MP, which covered a wide range of bilateral and international issues, I conveyed the Government's concern about the fresh and disturbing revelations broadcast in the television programme on the 50th anniversary of the Windscale fire. The Deputy can be assured that the Government's concerns about Sellafield will continue to be actively pursued in every possible way.

Middle East Peace Process.

320. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the action he has taken to defend the human, religious and cultural rights of Christian communities in the Middle-East with particular reference to Egypt, Syria, Jordan and

the Palestinian Authority; and if he will make a statement on the matter. [23873/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Christian communities in the Middle East comprise a large number of often very ancient churches. They are for the most part comparatively small communities, geographically dispersed among the much larger Muslim societies in which they live. Along with other minority communities, they are particularly vulnerable in times of war or tension. The number of Christians across the region has fallen in recent years, due to a combination of economic, political, security and sectarian pressure. Minority Christian communities feel increasingly vulnerable to the consequences of the instability in the Middle East. I share the concern about their situation and have followed developments through our diplomatic missions and my own contacts, including the Holy See which maintains close links with many of these communities. I have raised the problems facing the Christian communities with my EU colleagues during our regular discussions on the Middle East.

The difficulties facing Palestinian Christians are a direct result of the absence of a lasting and peaceful settlement of the Israeli-Palestinian conflict. It is estimated that in 1948, Christians represented some 20%, or 350,000, of the population of the Holy Land. There are now no more than 50,000 Christians living in the Occupied Palestinian Territory. I observed the difficulties facing the Christian population of Bethlehem when I visited the town earlier this year. The promotion of a viable two-state solution which will secure the rights of all Israeli and Palestinian citizens is a foreign policy priority for the Government. A vital element in any such solution will be agreement on the status of Jerusalem, a city of central importance to the Jewish, Christian and Muslim faiths.

The position in Egypt is unusual in the Middle East, as approximately 10% of the population are members of a single large Christian church, the ancient Coptic Church. There are also a number of much smaller other Christian communities. I am aware of the increased pressure felt by Egyptian Christians in recent years, primarily as a result of the rise in fundamentalist groups strongly opposed to the Egyptian Government. The overall human rights situation in Egypt is kept closely under review within the EU. Our concerns are raised under the structures of the EU-Egypt Association Agreement, and the EU-Egypt Action Plan agreed earlier this year.

The EU has continued to raise human rights issues with the authorities in both Syria and Jordan. It is important to note, however, that there have not been widespread reports of particular difficulties experienced by Christian communities in these countries. Both Syria and Jordan are cur-

rently providing refuge to very large numbers of refugees from the conflict in Iraq, including many Iraqi Christians. The threat to Christian communities in Iraq is particularly grave, often as a result of wider sectarian tensions not specifically directed at them. Many feel that as members of widely dispersed minority communities, they have no option but to flee the country.

I am gravely concerned for the future of these communities, which have existed in Iraq almost since the beginning of the Christian era. Their security will not be assured until there is a political solution in Iraq based on national reconciliation and regional co-operation. In the meantime, there is an onus on the international community to provide humanitarian assistance to the needs of Iraqi refugees and internally displaced persons. In January, I announced an additional €3 million in assistance through UN agencies and non-governmental organisations, and we are considering what additional assistance we can provide.

On a broader level, Ireland, and its EU partners consistently champion the right to freedom of religion or belief in all relevant bilateral and multilateral contacts. We have always strongly supported resolutions at the UN on the elimination of all forms of intolerance and of discrimination on the basis of religion or belief. Most recently, in March this year, Ireland co-sponsored a resolution on religious intolerance at the UN Human Rights Council. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights both guarantee the right to freedom of thought, conscience and religion, including the right to have and adopt a religious belief. Ireland believes that constitutional and legislative systems should provide adequate and effective protection of these rights to all without distinction and that effective remedies should be made available where violations of such rights occur.

Irish Illegal Emigrants.

321. **Deputy Thomas Byrne** asked the Minister for Foreign Affairs the progress in relation to reform in US immigrant legislation; and the action being taken to address the concerns of undocumented Irish citizens in the US. [23888/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The failure of efforts by the United States Congress to pass comprehensive immigration reform legislation earlier this year was a major disappointment and a setback for the thousands of undocumented Irish people in the United States and their families in Ireland. Given the present very difficult and divided environment in Congress on immigration, it is widely considered that such comprehensive legislation is unlikely to be back before Congress in a mean-

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ingful way in advance of the next US Presidential and Congressional Elections. In the aftermath of this disappointment, I made clear my determination to actively review the situation and to explore possible alternative options, including bilateral arrangements. In the months since the collapse of the comprehensive reform bill, my Department and the Embassy in Washington have been engaged in a wide range of consultations with Congressional, Administration and Irish community figures to assess how best to proceed.

My recent visit to the United States provided me with the opportunity to discuss the situation with senior members of the Administration and with some of the key central players in Congress. In this regard, among those with whom I had meetings were the US Secretary of State, Dr. Condoleezza Rice, the Under Secretary of State for Democracy and Global Affairs, Dr. Paula Dobriansky, Senators Edward Kennedy, Charles Schumer, Patrick Leahy and Lindsay Graham, as well as the House of Representatives Friends of Ireland Group. While they emphasised the present extremely difficult environment for making progress on immigration reform in Congress, I was pleased that they were willing to work with us in exploring further possible ways of resolving the position of our undocumented citizens. This work will be pursued by the Ambassador and his staff in Washington and will be reviewed by me on an ongoing basis.

I also reviewed the situation with the Irish lobby for immigration reform and subsequently briefed it on my discussions in Washington, including the considerable challenges seen by our friends in Congress in achieving a breakthrough at this time. Finally, I had a detailed discussion on the situation with the Secretary for Homeland Security, Mr. Michael Chertoff, and had a meeting with members of our undocumented community in New York.

Regulatory Impact Assessments.

322. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23910/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): Since the introduction in June 2005 of Regulatory Impact Analysis, my Department has carried out Regulatory Impact Analysis screenings, on the British-Irish Agreement (Amendment) Act 2006, which related to the mandate and functions of the Special EU Prog-

rammes Body, and on the recently published Passports Bill 2007. The Department has sponsored two pieces of EU-related legislation since June 2005: the European Communities Act 2006, which provided for our ratification of the accession of Romania and Bulgaria to the EU, and the European Communities Act 2007, which improved and modernised the way EU legislation is transposed into Irish law. As a consequence of their nature, it was deemed that formal Regulatory Impact Analysis was not required in either case. Government approval of the Bill in 2004, which led to the Diplomatic Relations and Immunities Act 2006, preceded the introduction of regulatory impact analysis. As their scope and impact were of minor significance, a Regulatory Impact Analysis was not required for any of the four Government Orders subsequently made under this legislation.

Missing Persons.

323. **Deputy Dan Neville** asked the Minister for Foreign Affairs his Department's commitment and his embassy's contribution in relation to a person (details supplied) in County Kerry who has been missing in Paris since 9 September 2007 when he left his hotel to take a walk; his and his embassy's previous contact with the French police; and if they have agreed a continuing arrangement for the search for the Irish citizen. [23917/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): I have taken a close personal interest in this distressing case since first being made aware of it. The Taoiseach and I met the wife and son of the person referred to by the Deputy on 22 September in our Embassy in Paris. During this meeting, we assured them of our ongoing support and continued determination to provide all possible consular assistance. I understand that the family also met the Minister for Justice, Equality and Law Reform on 21 September.

Our Embassy has been in daily contact with the missing person's family since the day of his disappearance and our Ambassador has met family members on several occasions. Embassy officials remain in regular contact with the missing persons unit of the French police and have accompanied the family to all of their meetings with the police. Our Ambassador met senior officers in the unit to emphasise the importance my Department attaches to the case. At the family's request, Embassy officials also secured agreement from the police to conduct searches of particular sites and areas. The Embassy has also made regular contact with the central office for unidentified persons in French hospitals and direct contact with hospitals in the greater Paris region.

A description of the person referred to by the Deputy has been sent to every hospital in Paris and the Ambassador has written personally to 102 hospital directors with relevant information. Assistance has also been provided by my Department in raising public awareness in France about the case. The family and the Embassy prepared a poster in English and in French with the missing man's photograph and a request for assistance. Over 1,000 copies of this poster have been distributed to hospitals, Irish bars and English speaking businesses in Paris. The poster also appears prominently on the Embassy's website and was distributed on all Ryanair and Aer Lingus flights to Paris during the Rugby World Cup period.

I regret that despite these extensive efforts, there has been no indication of the whereabouts of the individual concerned. I assure the Deputy that my Department will continue to remain in close contact with the family and to provide them with all possible consular assistance.

Decentralisation Programme.

324. **Deputy Joan Burton** asked the Minister for Foreign Affairs the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24433/07]

325. **Deputy Joan Burton** asked the Minister for Foreign Affairs the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24447/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): I propose to take Questions Nos. 324 and 325 together.

Under the Government's decentralisation programme, the Development Co-operation Directorate of the Department of Foreign Affairs, which is Irish Aid's Headquarters, will decentralise to Limerick. This is scheduled to take place in early 2008 on completion and fit-out of the permanent premises in Henry Street. It will involve the relocation to Limerick of 124 posts. Good progress has been made and personnel have been assigned to, or identified for, 100 posts or approximately 81% of the 124 posts scheduled to be decentralised. An advance party involving 53 staff has already decentralised to interim office

premises in Limerick. Some 48 of them were Dublin-based applicants and the remaining five were from provincial locations. It is expected that one additional Dublin-based applicant will transfer to Limerick before the end of 2007.

The latest figures available — in July 2007 — indicate that some 184 officers from across the Civil Service have chosen Limerick as their first preference for decentralisation. However, other officers may have chosen Limerick as a lower preference i.e. anything from 2nd to 10th preference. It is in the nature of the process that the numbers involved change over time as more applications are received and as assignments are made, or as some of those who applied withdraw or amend their applications.

Work Permits.

326. **Deputy Jimmy Deenihan** asked the Minister for Enterprise, Trade and Employment the position regarding the application by a person (details supplied) for the renewal of a work permit; and if he will make a statement on the matter. [23357/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department has informed me that a work permit was issued recently in this case.

Research Funding.

327. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment if he will conduct a review of enterprise support schemes for research and development to ensure they are relevant and fully absorbed as recommended in IBEC's publication *Vision for Dublin*. [23400/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The new Strategy for Science, Technology and Innovation, which was launched in June 2006, provides the means to achieve convergence, coherence and complementarity in the national innovation system and ensure that maximum economic and social benefits are derived from the Government's commitment of €8.2 billion to the area under the National Development Plan. The Strategy envisages changes to innovation policy that will ensure it remains relevant to the needs of business and contains a number of proposals which specifically address issues which are the subject of recommendations on innovation in IBEC's *Vision for Dublin* document.

Of particular relevance are proposals to streamline and simplify research and development supports to firms, which have been undertaken under the umbrella of the strategy implementation group, Technology Ireland. The new

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streamlined schemes are at an advanced stage of development. 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, IDA Ireland and Enterprise Ireland expect to be in a position to put in place revised simplified research and development offerings from 2008. Indeed, I expect to be in a position to launch Enterprise Ireland's new scheme later this year.

A number of new schemes that specifically address the needs of business are being devised or are in a start-up phase. These include a programme for the establishment of industry led Competence Centres designed as a new and important bridge on the spectrum of taking basic research to commercialisation. This industry-led research centre scheme has attracted significant interest with 25 industry groupings responding in May to the first call for Expressions of Interest. Competence Centres will fill a gap on the continuum from often academic-led basic research to applied or company-led research while ensuring greater commercialisation opportunities.

The recently launched Innovation Voucher scheme offers companies an opportunity to explore a business opportunity or problem with a public research body, thereby facilitating knowledge transfer to their business. These new mechanisms encourage increasing innovation in a manner which is directly related to the needs of business. With regard to the need to ensure that supports for research and development are fully absorbed, the industrial development agencies work closely with clients to encourage firms to become more engaged in research and development activity and to the maximise the uptake of the supports available. A significant number of clear quantitative and qualitative goals have been set for the Strategy for Science Technology and Innovation. Progress towards the attainment of these targets will be regularly tracked and monitored by an interdepartmental committee operating under the aegis of my Department.

Industrial Development.

328. **Deputy Phil Hogan** asked the Minister for Enterprise, Trade and Employment the position regarding approval that he gave in May 2007 to a company (details supplied) to take occupancy in the IDA park in Carlow; and if he will make a statement on the matter. [23426/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Under the Industrial Development Acts, IDA Ireland is independent of the Minister of the day in the exercise of its functions relating to the purchase, disposal or leasing of property. However, ministerial consent

for the disposal or granting of a lease is required in certain circumstances. In the case of the company mentioned by the Deputy, ministerial consent under section 3(4) of the Industrial Development Act 1995 was required because it was not an IDA or Enterprise Ireland grant-aided company and therefore not a qualifying entity for the purposes of section 16 of the Industrial Development Act 1986.

On the advice of IDA Ireland, I signed the necessary order on 3 May 2007. The issuing of ministerial consent allowed the owners of the BES office facility in the IDA Park to proceed to agree terms concerning the lease of office space in the building to the company. However, in August 2007, the owners of the office facility informed IDA Ireland that negotiations with the company had not been successful and that the company's interest in the facility has terminated.

Ministerial Transport.

329. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007. [23509/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I will outline details of the mileage expenses paid to Ministers of State in my Department in respect of travel within Ireland for each of the past four years and to date in 2007. The former Minister of State, Deputy Fahey, was paid €26,872.56 in 2003, €15,461.30 in 2004 and €12,923.40 in 2005. The Minister of State, Deputy Michael Ahern, was paid €20,003.37 in 2003, €21,294.71 in 2004, €31,430.34 in 2005, €26,132.18 in 2006 and €23,713.49 to date in 2007. The Minister of State, Deputy Killeen, was paid €40,965.60 in 2005, €31,711.94 in 2006 and €21,456.50 to date in 2007. The Minister of State, Deputy Kelleher, has been paid €7,694.05 to date in 2007. The Minister of State, Deputy McGuinness, has been paid €6,078.12 to date in 2007.

Departmental Advertising.

330. **Deputy Niall Collins** asked the Minister for Enterprise, Trade and Employment if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23524/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): My Department considers the print media more suitable than the broadcast media for its scheduled advertising. In the case of public awareness campaigns undertaken by my Department, its practice is to use a

specialist advertising company chosen by public tender which advises the Department on the most appropriate media to be used, based on the main criteria of value for money and effectiveness of geographical coverage.

State Agencies.

331. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23727/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The remuneration packages of the CEOs of Agencies reporting to the Department of Enterprise, Trade and Employment are sanctioned by the Department of Finance and are in line with recommendations of the Review Body on Higher Remuneration in the Public Sector Report — No. 38, 1998. In addition, the CEO of Science Foundation Ireland is paid an allowance in the nature of pay on a personal basis, as approved by the Department of Finance in recognition of his international research experience and expertise.

Each CEO is a member of the superannuation scheme of his or her respective Agency. CEOs of Agencies are eligible to apply for performance related bonus awards of up to 20% of their annual salaries. The CEOs of each of the following Agencies under the aegis of the Department of Enterprise, Trade and Employment have the use of a car for official business: FÁS, Forfás, IDA Ireland, Enterprise Ireland, Science Foundation Ireland and Shannon Free Airport Development Company.

Employment Rights.

332. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment the number of prosecutions taken by his labour inspectors in each of the past five years; the corresponding figure to date in 2007; and if he will make a statement on the matter. [23752/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The number of prosecutions initiated by Inspection Services for each year from 2002 to 2006 and to date in 2007 is set out in the table that follows this reply. The primary role of Inspection Services, encompassed within the new National Employment Rights Authority, in the case of breaches of employment rights legislation is to seek compliance and rectification of any breaches identified, including redress for the individuals concerned and payment of any arrears due to employees. In this regard Inspection Services recovered arrears of pay amounting

to almost €1.4 million from 349 employers in 2006. Almost €2 million has been recovered to date in 2007.

In the majority of cases, breaches are rectified and associated arrears are paid without recourse to legal proceedings. The Deputy should be aware that the Rights Commissioners service of the Labour Relations Commission, which is independent of my Department, also hears complaints about breaches of certain employment rights legislation. Unions may make a complaint to the Labour Court under section 32 of the Industrial Relations Act 1946 in relation to breaches of a Registered Employment Agreement. Section 45 of the 1946 Act provides that employees may initiate proceedings in respect of any failure to comply with the minimum wage conditions of an Employment Regulation Order.

Prosecutions initiated by Inspection Services

Year	No. of Prosecutions
2002	25
2003	20
2004	14
2005	25
2006	7
2007 (to date)	16

Industrial Development.

333. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Employment the land banks owned by the IDA in all locations in County Mayo; the extent of such land banks; the extent of each such land bank unused at present; his plans for each such land bank in the coming period; and if he will make a statement on the matter. [23778/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The management of IDA Ireland's industrial property portfolio, including the purchase of land and the creation of business parks, is a day-to-day operational matter for the agency and not a matter in which I have a function. I have been informed by IDA Ireland that it owns a total of 64.3 hectares of land in County Mayo, of which 17.24 hectares are unused and being marketed. The table that follows this reply lists the location of the individual properties.

In line with the National Spatial Strategy and the National Development Plan, IDA Ireland has focused on developing quality business parks in gateway and hub locations, and in a number of county towns to meet the express needs of its clients. In County Mayo IDA Ireland has developed world class business and technology parks in Castlebar and Westport, while discussions are ongoing between the Agency and

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Mayo County Council about the acquisition of industrially zoned land on the Sligo Road in Ballina. IDA is actively marketing Mayo through its

network of overseas offices and it is continuing to work with its existing base of overseas companies in County Mayo to encourage them to grow and expand.

Table showing the location of lands owned by IDA in County Mayo

Location	Total Hectares	Hectares available
Ballina (Bunree Industrial Estate)	10.29	2.12
Ballinrobe Business Park	1.54	NIL
Ballyhaunis Business Park	2.55	NIL
Castlebar Business & Technology Park	11.18	4.33
Castlebar Business Park	5.19	NIL
Castlebar (Gorteen)	1.62	NIL
Charlestown Industrial Park	0.71	NIL
Claremorris Industrial Estate	2.87	NIL
Foxford Business Park	1.46	0.68
Killala Business Park	1.09	1.09
Knock Business Park	0.49	NIL
Westport Business and Technology Park	25.31	9.02
Total	64.30	17.24

334. **Deputy David Stanton** asked the Minister for Enterprise, Trade and Employment the companies that have received start up grants from State agencies to date in 2007; and if he will make a statement on the matter. [23834/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The provision of grant assistance for individual companies is a matter for the development agency or body concerned, and not one in which I have a direct function. Enterprise Ireland has primary responsibility for Irish companies in the manufacturing and internationally traded services sectors, and supports companies employing 10 or more people, and start-up companies which have the potential to employ 10 or more people and reach or exceed €1 million in exports over three years.

In broad terms, last year Enterprise Ireland supported the establishment of 76 new export-focused high potential companies. The 76 export-focused start-ups, all in knowledge intensive sectors, are expected to grow rapidly and to create over 1,260 new high skilled jobs and generate exports worth €110 million over the next two years. Enterprise Ireland invested €17.5 million of the total €47.5 million investment in the 76 new start-ups. There was a good regional spread among HPSU companies established in 2006. Of the 76 new companies, the majority at 41 are located in regions outside of Dublin, with 35 companies being located in Dublin.

The Enterprise Ireland's Annual high potential start-up firms showcase event will take place in the first quarter of 2008. This event showcases all high potential start-up firms created with Enterprise Ireland support in the previous year.

There has been one public high potential start-up announcement this year to date. The company concerned is Eirebloc, which is set to invest €16 million in a Macroom Facility with support from Enterprise Ireland. Some 73 New High Value Jobs are set to be created. While other enterprises are in the process of receiving start up support from Enterprise Ireland, it is not possible due to commercially sensitive reasons to list them in detail. It is anticipated that a comparable number of high potential start-up firms will receive start-up support from Enterprise Ireland in 2007, as in 2006. Details of these success stories will be publicly available in due course and highlighted in Enterprise Ireland's showcase event.

I understand from consultation with Shannon Development that ABC Nutrition Limited, which is based in the Shannon Free Zone, received a start-up grant (feasibility) of €29,945 in 2007. Companies in receipt of assistance from any of the 35 County and City Enterprise Boards are outlined in the boards' Annual Reports. The Annual Reports of the CEBs in respect of 2007 will be available in early 2008.

335. **Deputy Niall Collins** asked the Minister for Enterprise, Trade and Employment the number of business parks and industrial sites (details supplied) in County Limerick. [23863/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Responsibility for development of property solutions for enterprise promotion within County Limerick lies with Shannon Development. Details of the number and location of vacant business parks and industrial sites in County Limerick are as shown in the table.

Breakdown of Spaces in County Limerick

Location	SFADCo. Undeveloped Land	SFADCo. Buildings	Status
Abbeyfeale Enterprise Centre	9.8 acres	2 EC Units 1 Factory Bay	All buildings occupied or allocated. Greenfield Site.
Shanagolden Enterprise Centre	5.2 acres	4 EC Units	3 occupied, 1 vacant. Greenfield Site.
Newcastlewest Industrial Estate	None	5 EC Units 2 Factory Bays	1 Factory Bay vacant
Newcastlewest Business Park	17 acres	None	1 building complete, 2 buildings under construction. Completed building vacant. Ongoing business park development.
Dromcolliher Enterprise Centre	4.96 acres	None	Greenfield Site
Askeaton Enterprise Centre	4 acres	None	Greenfield Site
Askeaton	228 acres	None	Greenfield Site
Patrickswell Enterprise Centre	5.4 acres	None	Greenfield Site
Kilmallock Business Park	13 acres	3 EC Units 1 Factory Bay.	All occupied. Greenfield Site.
Kilfinnane Enterprise Centre	0.7 acres	2 EC Units 5 Workspace Units	1 Workspace unit vacant
Knocklong Enterprise Centre	1.8 acres	1 EC Unit	Occupied
Hospital Enterprise Centre	2.78 acres	2 EC Units	All occupied
Oola Enterprise Centre	1.27 acres	2 EC Units	2 units vacant
Doon Enterprise Centre	2.4 acres	2 EC Units	All occupied
Annacotty	14 acres	None	Greenfield site.
Raheen Industrial Estate	150 acres	6 Large factory Bays Food Centre — 12 Units	1 Bay vacant 7 Occupied 5 vacant (three of which are under refurbishment) 20 acres serviced — remainder unserviced

Breakdown of Spaces in Limerick City

Location	SFADCo. Undeveloped Land	SFADCo. Buildings	Status
Crossagalla Enterprise Centre	None.	4 EC Units	All Occupied
Galvone Enterprise Centre	None.	8 EC Units & 9 Workspace Units.	All 8 EC Units Occupied. 2 Workspace Units Occupied 7 vacant.
Thomondgate Enterprise Centre	None.	2 EC Units.	All Occupied
Killmallock Rd. Enterprise Centre	0.9 acres.	18 EC Units.	6 Occupied 12 Vacant.
Mungret St. Enterprise Centre	None.	1 EC Unit	Occupied.
Dock Rd — Corcanree Business Park	None.	2 Factory Bays.	1 Occupied 1 For Sale
Moyross Enterprise Centre	11.1 acres.	5 EC Units.	All Occupied
Childers Rd Enterprise Centre	None	7 EC Units.	5 Occupied 2 Vacant
Dominic St — Tait Business Centre	None.	Multi tenant facility.	Fully Occupied or allocated.
Dominic St Enterprise Centre	None	9 EC Units	2 Occupied 7 Vacant
Towlerton	20 acres.	None.	Greenfield Site
Rosbrien	47.7 acres.	None.	Greenfield Site
Roxboro Enterprise Centre	None	None	Shannon Development managed estate

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National Technology Park

Location	SFADCo. Undeveloped Land	SFADCo. Buildings	Status
International Science Centre — Block 1	None.	20,000 sq ft Multi tenant facility.	All occupied or allocated.
International Science Centre — Block 2	None.	20,000 sq ft Multi tenant facility.	All occupied or under fit-out.
International Business Centre — Block 1	None.	10,500 sq ft Multi tenant facility.	6,000 sq ft occupied balance vacant.
International Business Centre — Block 2	None.	25,000 sq ft Multi tenant facility.	All occupied or allocated.
Park House	None.	Single tenant office accommodation.	Occupied.
Factory Bay	None.	Large factory manufacturing unit of 100,000 sq ft.	Vacant.
National Technology Park — Hi-tech Units	None.	8 Small to medium sized units for 2nd generation companies.	All occupied.
Enterprise House — Incubation Centre	None.	23,000 sq ft Multi tenant incubation centre for 1st generation companies.	All occupied or under refurbishment.
Land Bank — National Technology Park	224 Acres.	All buildings as above	45.9 acres serviced remainder unserviced.
Gillogue	88 Acres.	None	Greenfield Site

336. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Employment the number of IDA visits arranged for towns (details supplied) in County Mayo in the past five years; the number of such visits that were followed up and resulted in jobs; and if he will make a statement on the matter. [23898/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. The marketing of individual areas for new or expansion foreign direct investments and jobs is a day-to-day operational matter for the Agency. While I may give general policy directives to the Agency, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others. In the period 2002 to date in 2007 IDA Ireland hosted a total of 24 site visits by potential investors to the towns of Ballinrobe, Ballina, Clare-

morris, Castlebar and Westport as set out in the attached tabular statement. One of these visits resulted in the establishment of an industry in County Mayo. There were no site visits to Ballyhaunis, Belmullet or Crossmolina in that period.

A central goal for IDA Ireland is the achievement of balanced regional development. In line with the National Spatial Strategy IDA Ireland seeks to attract Foreign Direct Investment into the gateway and hubs, as well as a small number of additional locations, throughout the West, and particularly Mayo through the linked hubs of Ballina and Castlebar, and Westport. IDA Ireland's sectoral emphasis is on attracting new knowledge intensive projects in the Medical Technologies, Life Sciences, Information Communications Technology and International Services sectors. In addition, the Agency is actively working with its existing base of overseas companies in County Mayo to encourage them to grow and expand. The Agency is also investing significantly in the provision of planned and focused property solutions in the County tailored to specific key sectoral targets. Ultimately decisions on where to locate are matters for the investing companies.

Number of Site Visits per Year

	2002	2003	2004	2005	2006	2007 (to date)
Ballinrobe	—	1	2	—	—	—
Ballina	1	3	2	—	—	—
Westport	—	—	—	1	2	1
Claremorris	—	1	—	—	—	—
Castlebar	1	2	4	1	1	1

Regulatory Impact Assessments.

337. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23907/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Since the adoption of the policy by Government to carry out Regulatory Impact Assessments on 21st June 2005, the following Regulatory Impact Assessments have been undertaken, or are currently underway, within my Department:

Regulatory Impact Assessments

1. In the pilot phase of RIA, prior to its roll out across all Departments, a screening RIA was carried out in 2005 on the Control of Exports Bill.
2. A full RIA was carried out, under the aegis of the Company Law Review Group (CLRG), as an integral part of its review in the latter half of 2005 of Section 45 of the Companies (Auditing and Accounting) Act 2003.
3. A full RIA was completed on the Safety, Health and Welfare at Work (Construction) Regulations 2006.
4. A full impact assessment was undertaken by the ESRI on the proposed increases in the National Minimum Wage contained in S.I. No. 667 of 2006 — National Minimum Wage Act 2000 (National Minimum Hourly Rate of Pay) Order 2006.
5. A full RIA was carried out in respect of The Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007.
6. In advance of the publication of the Consumer Protection Bill, a screening RIA in relation to the legislation was conducted by my Department. All the provisions of the Consumer Protection Act with the exception of sections 48 and 49 were commenced in May 2007. My Department is

currently conducting a limited regulatory impact analysis in relation to certain aspects of sections 48 and 49.

7. A Screening RIA was undertaken on Regulations to implement Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products (EUP). (SI 577 of 2007 — European Communities Ecodesign Requirements for Certain Energy-using Products Regulations 2007).
A screening RIA conducted on the proposed draft Regulations concluded that there was no need to undertake a full RIA as the purpose of the new legislation was to consolidate three existing Regulations and to establish a national framework for future implementing measures proposed by the EU Commission. These new implementing measures, which will set out the eco-design requirements for specific energy-using products, will be subject to the regulatory impact assessment process.
8. A screening RIA was carried out on the General Scheme of the Companies Consolidation and Reform Bill.
9. A full RIA is being carried out on the Services Directive, which was adopted in December 2006 and which must be transposed into national law by 29 December 2009.
10. A draft screening RIA was undertaken in the context of the negotiation of Directive 2007/36/EC of the European Parliament and of the Council (“Shareholder’s Rights Directive”).

Appropriate decisions made by my Department which did not include such assessments

1. The European Communities (Electromagnetic Compatibility) Regulations 2007 transposed into Irish legislation Directive 2004/108/EC on the approximation of the laws of the Member States relating to electromagnetic compatibility. These Regulations were not subject to a Regulatory Impact Assessment as the Directive was published in the Official Journal of the European Union in December 2004, i.e. before the Govern-

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ment Decision of June 2005. The RIA process in regard to EU legislation is intended to apply to Directives before they are agreed at EU level.

2. The European Communities (European Public Limited-Liability Company) (Employee Involvement) Regulations 2006 were signed into law on 14 December 2006 (S.I. No. 623 of 2006). They transpose Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European Company with regard to the involvement of employees. This Directive also pre-dates the Government Decision of June 2005. Furthermore, these regulations were not deemed to be significant in accordance with published guidelines on RIA. The Social Partners were consulted in advance of the regulations being finalised.
3. The European Communities (European Cooperative Society) (Employee Involvement) Regulations 2006 were signed into law on 29 May 2007 (S.I. No. 259 of 2007). They transposed Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees. This Directive also pre-dates the Government Decision of June 2005. Furthermore these regulations were not deemed to be significant in accordance with published guidelines on RIA. The Social Partners and relevant bodies were, however consulted in advance of the regulations being finalised.
4. The European Communities (Transnational Information and Consultation of Employees Act 1996) (Amendment) Regulations 2007 (S.I. No. 599 of 2007) transposed Directive 2006/109/EC of 20 November 2006: An RIA was not carried out in relation to these regulations as they were not deemed to be significant in accordance with published guidelines on RIA.
5. S.I. No. 8 of 2006. Industrial Relations Act 1990 (Code of Practice on Access to Part-Time Working) (Declaration) Order 2006: This Code of Practice was introduced in accordance with section 42 of the Industrial Relations Act 1990. That Section provides that the Labour Relations Commission shall prepare draft codes of practice concerning industrial relations for submission to the Minister, either on its own initiative or at the request of the Minister. Before submitting a draft code of practice to the Minister, the Commission must seek and consider the views

of organisations representative of employers and organisations representative of workers, and such other bodies as the Commission considers appropriate. In these circumstances, given that the draft Code of Practice had been agreed by the Social Partners, it was not considered necessary to undertake a separate RIA.

6. S.I. No. 239 of 2007) Industrial Relations Act 1990 (Code of Practice on for Protecting Persons Employed in Other People's Homes)) (Declaration) Order 2007: This Code of Practice was introduced in accordance with section 42 of the Industrial Relations Act 1990. That Section provides that the Labour Relations Commission shall prepare draft codes of practice concerning industrial relations for submission to the Minister, either on its own initiative or at the request of the Minister. Before submitting a draft code of practice to the Minister, the Commission must seek and consider the views of organisations representative of employers and organisations representative of workers, and such other bodies as the Commission considers appropriate. In these circumstances, given that the draft Code of Practice had been agreed by the Social Partners, it was not considered necessary to undertake a separate RIA.
7. Investment Funds, Companies and Miscellaneous Provisions Act 2006
While a formal RIA was not undertaken, all appropriate considerations arising were brought to the attention of Government relating to each of the provisions contained in the Act.
8. A formal RIA was not undertaken on the Competition (Amendment) Act 2006. Consideration of the issues giving rise to this Act were in train prior to the Government's decision of June 2005 relating to Regulatory Impact Analysis. On the 8th November, 2005 I published "The Restrictive Practices (Groceries) Order 1987 — A Review & Report of the Public Consultation Process" which is based on an evaluation and assessment of over 560 submissions received following a public consultation announced on 19 May 2005. The Report is also based on my own Department's research and examination of the issues involved.

Decentralisation Programme.

338. **Deputy Joan Burton** asked the Minister for Enterprise, Trade and Employment the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are

actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24431/07]

339. **Deputy Joan Burton** asked the Minister for Enterprise, Trade and Employment the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24445/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 338 and 339 together.

My Department is required to relocate 250 posts to Carlow under the Government's Decentralisation Programme and this is planned to occur by the end of 2009. In order to accommodate staff who wished to move earlier than the projected building completion date of late 2009, officials of my Department, in consultation with the Department of Finance and the OPW, as well as decentralising staff and Business Units, opened an advance office in Carlow on July 30th 2007.

The number of posts in this decentralised advance office is 98. No change is expected in this number before the end of 2007. Of the staff in place in this office, 36 were decentralised from locations outside Dublin with the remainder decentralised from Dublin. The number of posts in Business Units decentralising to Carlow is 288. As well as the 98 posts already decentralised to Carlow, my Department has 47 staff due to decentralise in the substantive move scheduled for 2009, with a further 40 Carlow-bound applicants yet to be assigned from other Departments. It is hoped to have all decentralising posts filled in sufficient time to ensure that staff are adequately trained in advance of the move to Carlow. Ninety-nine staff currently in my Department have applied to decentralise with other Departments. Of these staff, 16 are based outside of Dublin.

Ministerial Transport.

340. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23504/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): There has been no Minister of State appointed to my Department since its establishment in June 2002.

Departmental Advertising.

341. **Deputy Niall Collins** asked the Minister for Arts, Sport and Tourism if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23519/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The West Limerick Community Radio 102FM news desk is already included in the group listing of email addresses for Limerick correspondents retained by my Department's Press Office. Local press releases for the Limerick area are circulated to all addressees on this list. Advertisements placed by my Department are usually placed in national newspapers through Brindley Advertising Ltd, who hold the GSA awarded contract for print advertising services on behalf of Government Departments. My Department has not, to date, placed any advertisements on radio. But it is an area of communication that I will ask my Department to keep under review.

State Agencies.

342. **Deputy Richard Bruton** asked the Minister for Arts, Sport and Tourism the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23722/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The details of the current remuneration packages of the CEOs and Directors of the bodies under the aegis of my Department are set out below. The salaries of the CEOs and Directors of the following bodies are based on the salary scale of the Civil Service Principal Officer Grade 1. The bodies in question are the Chester Beatty Library, the National Library of Ireland, the National Museum of Ireland, the Arts Council, the Irish Museum of Modern Art, the Irish Film Board, the National Concert Hall, the Irish Sports Council and the National Sports Campus Development Authority. In addition, the incumbents are members of the relevant bodies' pension schemes except in the case of the Irish Sports Council where, with the approval of my Department and the Department of Finance, contributions are made to a private pension scheme. A bonus scheme of up to 20% of salary, subject to specific objectives being met is in place in the case of the Irish Sports Council, the Irish Film Board and the National Concert Hall.

The CEO of the Irish Film Board and the Director of the Irish Museum of Modern Art are

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provided with accommodation. The CEO of Fáilte Ireland has a salary of €161,346 and is a member of the bodies' pension scheme. In addition a performance related bonus of up to 20% of salary is in place subject to specific targets being met.

In the case of the two commercial bodies under the aegis of my Department the remuneration packages are as follows: The salary range of the CEO of Horse Racing Ireland is €141,916 to €177,391. He also has access to a fully expensed motor vehicle. The salary range of the CEO of Bord na gCon is €124,664 to €155,833 and he has a car allowance.

Under the pay arrangements approved by the Government in 1999 for the CEOs of Commercial State Bodies, (generally referred to as 'Hay' contracts) a superannuation scheme, separate from any other commercial State body schemes, applies for the period of service as Chief Executive. Such a scheme is drawn up on the basis of guidelines approved by the Government. Performance-related pay, not exceeding an overall annual limit of 25% of basic pay, is also payable to the CEOs of these bodies determined by reference to performance criteria drawn up by the Board in consultation with my Department.

The Crawford Gallery is also an agency under the aegis of my Department and the salaries of the staff, including the CEO, continue to be paid by the Vocational Education Committee. Details of the remuneration package of the CEO of Tourism Ireland, a North-South Body, are contained in Tourism Ireland's Annual Report.

Tourism Promotion.

343. **Deputy Seán Barrett** asked the Minister for Arts, Sport and Tourism if separate funds will be provided to Tourism Ireland to implement the recommendations arising from the current review of the Ireland tourism brand; and if he will make a statement on the matter. [23884/07]

344. **Deputy Seán Barrett** asked the Minister for Arts, Sport and Tourism if he has plans to increase the marketing budget for tourism in 2008 to ensure a significant increase in resources to take account of the changing tourism market and increased competition; and if he will make a statement on the matter. [23885/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I propose to take Questions Nos. 343 and 344 together.

This year saw record levels of Exchequer investment for Tourism services — a total of almost €159 million. In particular, the increased Marketing Fund of €45 million, an increase of 12.5% on the 2006 provision, enabled the Tourism Agencies to significantly step up their mar-

keting activities. Next year's budgets for Tourism will be decided in the context of the Estimates process which is, as the Deputy is aware, a matter for which the Minister for Finance has lead responsibility. Obviously in allocating resources, the Government must balance competing demands from every part of our economy and society.

As Minister with responsibility for tourism, I am committed to seeking the optimum funding, including funding for international tourism marketing and development, for the tourism sector to help ensure that the impressive performance in recent years is maintained in the years ahead. In that context, I will seek to secure an appropriate Southern funding contribution to Tourism Ireland for the implementation of its 2008 Business Plan which itself requires approval by the North South Ministerial Council.

345. **Deputy Seán Barrett** asked the Minister for Arts, Sport and Tourism his views on the problem of the continuing diminution of competitiveness in the tourism sector stemming from high Irish inflation, interest rate increases and high local authority charges and taxes; his proposals to address this continuing problem; and if he will make a statement on the matter. [23886/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): In considering the competitiveness of any industry, a key measure is the extent to which it can maintain and increase market share. The Irish tourism industry is continuing to do that, if we look at the hard data — with results so far in 2007 continuing to build on our record-breaking performance in 2006. For the first eight months of 2007, reports from the Central Statistics Office show that visitor numbers are up by over 4% on the corresponding period in 2006. The revenue associated with overseas visitors for the first half of the year is up by nearly 8%. This performance is broadly in line with industry targets for the year.

Of course, there are real challenges facing us in the marketplace. Maintaining and enhancing competitiveness is a major issue for Ireland as a whole and tourism in particular. In dealing with that issue, it is important to bear in mind that competitiveness is about more than price movements and costs. It encompasses a wide range of factors. These include productivity, exchange rate movements, taxation policy, education training and skills, public and private infrastructure and innovation. In particular, productivity means the effective use of resources and innovation to increase the value-added content of products and services.

The question of competitiveness in tourism, like any other productive sector, must be seen in that broader light. In terms of the more efficient use of resources and energy costs, I believe that

the Tourism sector will, like many other sectors, have to increasingly adopt sustainable solutions. Ireland is not promoted or sold as a 'cheap destination' but our selling proposition has to be competitive; by that I mean the combination of price, product quality and service quality. There will be less and less place for poor product and poor service.

The Tourism Agencies continue to monitor Ireland's competitiveness as a tourism destination and I will encourage them to assist the industry in responding to changing conditions through a variety of programmes in marketing, human resource development, quality enhancement, product development and productivity. Tourism is just one part, albeit a significant part, of the overall economy. There is a competitiveness challenge for the economy as a whole and that challenge will be addressed by the Government's wider competitiveness agenda.

346. **Deputy Seán Barrett** asked the Minister for Arts, Sport and Tourism if he has proposals to introduce an efficient energy in hotels programme, appropriate tax incentives and financial support for investment costs to adjust to more efficient and more sustainable methods; and if he will make a statement on the matter. [23887/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Tax incentives are a matter for the Minister for Finance. In looking at how businesses of any kind, including hotels, can make more efficient and sustainable use of resources, there are a range of players who can and do contribute. Of course, it is the business itself which is primarily responsible for its own commercial operations.

The Environmental Protection Agency, or EPA, which falls under the aegis of my colleague the Minister for the Environment, Heritage and Local Government, has among its main responsibilities the promotion of environmentally sound practices through the use of environmental audits, eco-labelling, environmental quality objectives and codes of practice on matters affecting the environment; and the promotion and co-ordination of environmental research. In that regard, I understand the EPA has programmes in place to support businesses, including hotels, in adopting more sustainable practices.

Within the tourism sector, I am advised by Fáilte Ireland that it has developed a range of business tools aimed at helping tourism enterprises become more efficient, competitive and profitable, under the name of Performance Plus. The emphasis is on saving money and improving profits but it also encourages good environmental behaviour for the benefit of the community at large. A European Eco-label for Tourist Accommodation was introduced across the Member States in 2003 by the European

Union. Commonly referred to as the "EU Flower", it sought to take a holistic approach to achieving excellence in overall environmental management, not only in energy efficiency but also for water management and waste disposal and the systems and procedures that support this. I understand that Fáilte Ireland, in close liaison with the Environmental Protection Agency, is assessing the appropriateness and associated implications, to the Irish hotel sector, of the current iteration of the Label.

Regulatory Impact Assessments.

347. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23902/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): My Department has not carried out any regulatory impact assessment since the policy was introduced. The government approved a number of specific actions to be taken in relation to the key recommendations of the Dalton Report which was an independent assessment of certain corporate governance and anti-doping issues affecting Bord Na gCon. No formal regulatory impact assessment was carried out in relation to the drafting of the legislation required to implement these specific recommendations. However, a regulatory impact assessment will be carried out at a future date in the context of the root and branch review of the Greyhound Industry Acts 1958-1993 decided upon by the government with a view to bringing legislation dealing with the greyhound industry into line with best current practice.

In the context of the establishment of an Irish Institute of Sport, Government approved the drafting of legislation as a priority to amend the Irish Sports Council Act 1999 to enable the Irish Sports Council to establish the Institute of Sport and the National Coaching and Training Centre as subsidiaries of the Irish Sports Council. A regulatory impact assessment is currently being prepared for the next stage of the legislative process.

Sport and Recreational Development.

348. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism his Department's position on Tallaght stadium; the actions he has taken to resolve the dispute; and if he will make a statement on the matter. [23933/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): In response to approaches from South Dublin County Council, the FAI and Shamrock Rovers FC, a commitment was given that funding would be provided towards the completion of Tallaght Stadium as a soccer stadium.

I understand that a local GAA club has sought a judicial review of the decision of South Dublin County Council to develop the facility as a soccer facility. It is unfortunate that the matter could not have been resolved between the parties without seeking recourse to the courts and it is my belief that the money and energy being spent by all sides on this judicial review would be far better employed in providing much needed sports facilities in the Tallaght area. My hope has been that the parties involved would resolve this matter amicably and come up with a workable solution whereby sport will be the winner. If I can be of assistance I remain happy to use my good offices to try to resolve this impasse. However as the matter is now before the courts it would be inappropriate for me to make any further comment.

Sports Capital Programme.

349. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the various ways in which local sports clubs can secure public funding both for capital and current costs; and if he will make a statement on the matter. [23934/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the sports capital programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country towards the provision of sporting facilities. The programme is advertised on an annual basis. It is open to sporting and community organisations, should they have a project which satisfies the terms and conditions of the programme, to apply when the next round of the programme is announced.

The date of the next round of the Programme has not yet been decided. As in previous years, advertisements announcing the next round of the Programme will be placed in the national press and application forms will be available at that stage. As regards current funding, I am advised by the Irish Sports Council that Local Sports Partnerships provide a small amount of funding to clubs for club development and/or coaching courses.

Decentralisation Programme.

350. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of

Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24426/07]

351. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24440/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I propose to take Questions Nos. 350 and 351 together.

Under the Central Application facility, 82 civil servants based in Dublin applied for decentralisation with my Department to Killarney. The number who have been transferred to their decentralised posts and are in position in Fossa, Killarney is 69. Of these, the number of civil servants who have transferred from Dublin is 24. No public servants in the agencies under the aegis of my Department who are scheduled to decentralise will have transferred by the end of 2007. The agencies in question are the Irish Sports Council, Fáilte Ireland and the Arts Council and the designated locations are Killarney, Mallow and Kilkenny, respectively.

While these bodies have not been identified as "early movers", the agencies have all prepared decentralisation implementation plans and the Office of Public Works is actively seeking suitable locations for them in the towns to which it is proposed they will transfer. My Department is keeping the situation under continuous review and requires the agencies to report progress on a regular basis.

Social Welfare Benefits.

352. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a single person in shared accommodation in County Meath from €70 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential units; and if he will make a statement on the matter. [23815/07]

353. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a couple in shared accommodation in County Meath from €70 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential

units; and if he will make a statement on the matter. [23816/07]

354. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a single person applicant in County Meath from its current level of €115 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential units; and if he will make a statement on the matter. [23817/07]

355. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a couple with no children in County Meath from its current level of €140 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential units; and if he will make a statement on the matter. [23818/07]

356. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a couple with one child or one-parent family with one child in County Meath from its current level of €175 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential units; and if he will make a statement on the matter. [23819/07]

357. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a couple with two children or one-parent family with two children in County Meath from €190 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential units; and if he will make a statement on the matter. [23820/07]

358. **Deputy Damien English** asked the Minister for Social and Family Affairs his plans to increase the rate of rent allowance available to a couple with three children or one-parent family with three children in County Meath from its current level of €200 per week as this no longer reflects prices in the marketplace due to the significant increases in rent for private residential units; and if he will make a statement on the matter. [23821/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 352 to 358, inclusive, together.

The purpose of rent supplement is to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source. Rent

supplement is subject to a limit on the amount of rent that an applicant for rent supplement may incur. These limits take household size into account. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation. Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, exceed the rent levels as an exceptional measure, for example:

- where there are special housing needs related to exceptional circumstances, for example, disabled persons in specially-adapted accommodation or homeless persons,
- where the tenant will be in a position to re-assume responsibility for his/her rent within a short period
- where the person concerned is entitled to an income disregard AND has sufficient income to meet his or her basic needs after paying rent, taking into account the appropriate rate of rent supplement that is otherwise payable in the case

This discretionary power ensures that individuals with particular needs can be accommodated within the scheme and specifically protects against homelessness.

In January 2007 a review of the maximum levels of rent which a person may incur and still be eligible to receive a rent supplement was completed. The purpose of the review was to inform the process of setting new limits, applicable from January 2007 until 30th June 2008. The review included consultation with the HSE, the Department of Environment, Heritage and Local Government, the Private Residential Tenancies Board and voluntary agencies working in this area. This process ensured that the new rent limits reflect realistic market conditions throughout the country, and that they will continue to enable the different categories of eligible tenant households to secure and retain suitable rented accommodation to meet their respective needs.

Arising from the review rent limits were adjusted upwards for a number of household types in 14 counties, including Meath, with effect from January 2007. Rent limits in Meath were increased for 4 different household types by amounts ranging from €10 to €25 per week. There are 854 rent supplements in payment in Co. Meath of which 427 were awarded since January 2007. These statistics show the rented

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accommodation is available within the current rent limits in Meath and elsewhere. All limits will be reviewed next year. Any revision found to be necessary will be implemented from 1 July 2008.

Departmental Correspondence.

359. **Deputy David Stanton** asked the Minister for Social and Family Affairs the circumstances in which his Department uses registered post to notify customers of his Department of various decisions and so on; and if he will make a statement on the matter. [23333/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): It is my Department's policy to issue all customer communications through the standard postal service. Other postal services e.g. registered, express and courier are only used where there is a necessary business need. Such need is determined by management of each business area.

Social Welfare Code.

360. **Deputy Deirdre Clune** asked the Minister for Social and Family Affairs if he has plans to increase the cap on rent allowance in view of the fact that rents have increased by approximately 30% to 40% and it is very difficult to find suitable accommodation within the limits set by his Department; and if he will make a statement on the matter. [23334/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The purpose of rent supplement is to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source. Rent supplement is subject to a limit on the amount of rent that an applicant for rent supplement may incur. These limits take household size into account. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation.

Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes. Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, exceed the rent levels as an exceptional measure, for example:

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There are currently over 58,600 rent supplements in payment and some 21,760 have been awarded since the current rent limits were set in January 2007. This shows that rented accommodation is available within the current limits. The limits will be reviewed next year. Any revision found to be necessary will be implemented from 1st July 2008.

Social Welfare Benefits.

361. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of people his Department has written to in order to advise them they may be eligible for the half rate carer's allowance; and if he will make a statement on the matter. [23493/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Social Welfare and Pensions Act 2007, provided for new arrangements whereby people in receipt of certain social welfare payments, who are also providing full time care and attention, would, subject to meeting means criteria, be able to retain their main welfare payment and receive another payment. It is estimated that approximately 18,000 carers will benefit from this measure at a cost of some €57 million in a full year.

My Department notified some 57,000 customers regarding the new improvements and their possible entitlement to half rate Carer's Allowance. The breakdown of the customers notified is as follows:

Number of people notified regarding half rate Carer's Allowance

In receipt of	Number notified (approx)
Carer's Allowance	29,900
Respite Care Grant	6,100
Carer's Benefit	2,000
Domiciliary Care Allowance (paid from the HSE)	19,000
Total notified	57,000

My Department also ran a media advertising campaign on radio and television to raise public awareness of half rate Carer's Allowance. The media campaign commenced on 27th December and ran for 1 week.

Departmental Advertising.

362. **Deputy Niall Collins** asked the Minister for Social and Family Affairs if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23530/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The purpose of my Department's advertising and public awareness campaigns is to ensure that all citizens are made aware of their rights and entitlements and that they are kept informed of changes and improvements in schemes and services as they occur. Each campaign is designed to meet specific requirements and is subject to a separate public procurement process. Contracts are awarded to the successful advertising company who are then responsible for placing advertisements in the appropriate media, including local and community radio stations.

Social Welfare Benefits.

363. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo did not receive jobseeker's benefit from the date they were made redundant to the date they secured alternative employment. [23704/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The person concerned applied for jobseeker's benefit on 7 September 2007. He also applied to have his claim backdated for the period 11 August 2007 to 6 September 2007. A Deciding Officer awarded him jobseeker's benefit at the weekly rate of €185.80 from 11 September

2007, but disallowed the retrospective claim on the grounds that he had not shown good reason for not making his claim on time. It is open to him to appeal this decision and a form for this purpose has issued to him.

Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

State Agencies.

364. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23733/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The State Agencies currently operating under the aegis of my Department are the Pensions Board, the Citizens Information Board (formerly Comhairle), the Family Support Agency and the Combat Poverty Agency. In addition the Pensions Ombudsman also comes under the remit of my Department.

The Chief Executive of the Pensions Board is on an annual salary of €143,194 and is a member of the Board's Superannuation Scheme. The Chief Executive of the Citizens Information Board is on an annual salary of €121,825 and is a member of the Board's Superannuation Scheme. The Chief Executive of the Family Support Agency is on an annual salary of €108,856. He is currently on secondment from the Health Service Executive (HSE) and he remains a member of the HSE Superannuation Scheme.

The salary for the post of Director in the Combat Poverty Agency is linked to the Principal Officer Higher Scale in the civil service and would normally include membership of the Agency's Superannuation Scheme. The position is currently being filled on an acting basis. The Acting Director is on a salary of €72,000 per annum, which takes account of public service pensions already in payment. The Acting Director is not a member of the Agency's Superannuation Scheme.

All of the above post holders are also eligible to be considered for a performance related bonus payment of up to a maximum of 20% of basic salary. The Pensions Ombudsman is on an annual salary of €125,042. He is a member of the Model Pension Scheme for State Sponsored Bodies. All are entitled to standard travel and subsistence allowances and recoupment of other vouched expenses incurred wholly, properly and exclusively in the performance of their duties.

Social Insurance.

365. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs his views on the

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fact that a person who pays a D stamp contribution is prohibited from paying S stamp contributions on farm earnings; his plans to rectify this situation; and if he will make a statement on the matter. [23787/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Workers are insured under the Social Welfare Acts as either employed or self-employed contributors. All workers, both employed and self-employed, are obliged to pay PRSI contributions as a percentage of their personal reckonable income. These contributions provide entitlement to a range of contingency-based payments under various social insurance schemes — including pensions.

Employments that are insurable at PRSI Class D are classified as modified employments. PRSI Class D provides social insurance coverage for permanent and pensionable employees in the public service — other than those who were recruited after 6 April, 1995, or doctors and dentists employed in the Civil Service, Gardaí, commissioned army officers and members of the Army Nursing Service. Contributors insured at PRSI Class D are not eligible for social insurance-based pensions on retirement. This reflects the reduced rate of social insurance contribution that these workers have been paying (i.e. 3.25% as opposed to employees, who, together with their employers, pay a total social insurance contribution of 14.05% under PRSI Class A — excluding levies) and the fact that modified employments are covered under Civil Service regulations for both sick pay during illness and occupational pensions. As such, social insurance protection for these payments is not required. These regulations also stipulate that modified employments cannot, by their nature, be tied to any scheme that builds additional entitlement to short-term benefits and contributory pensions.

It should also be noted that under Section 4 of the Social Welfare (Consolidation) Act, 2005, any employment specified in regulations as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood is to be an excepted employment. Such employments are insurable at Class J and consequently are covered for occupational injuries only. As a result, as mentioned by the Deputy in his question, a modified contributor is prohibited from simultaneously paying PRSI Class S contributions, or any other rate of social insurance contribution, on farm earnings. There are no plans at present to review or alter the arrangements outlined above.

Social Welfare Code.

366. **Deputy P. J. Sheehan** asked the Minister for Social and Family Affairs his plans to increase the rate of the living alone allowance paid to pensioners; the increases that have occurred in this

allowance in every year since 1995 to date in 2007; and if he will make a statement on the matter. [23833/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people who are under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The increase is intended as a contribution towards the additional costs people face when they live alone. In 1995, it was paid at the rate of £4.90 (€6.22) per week. This was increased to £6.00 (€7.62) per week in 1996 and rounded up to €7.70 per week in 2002 following the introduction of the Euro.

The priority in relation to support for pensioners has been, for many years, to increase the personal rates of pension rather than supplements like the living alone increase. The objective is to use resources to improve the position of all pensioners to the fullest extent possible rather than focusing on particular groups. This approach was continued in Budget 2007 with increases of up to €16 and €18 per week granted on personal rates.

Departmental Properties.

367. **Deputy P. J. Sheehan** asked the Minister for Social and Family Affairs if he is committed to the reopening of the social welfare branch office in Dunmanway; the steps that have been taken by his Department to ensure that the social welfare branch office in Dunmanway will be reopened; and if he will make a statement on the matter. [23878/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Due to the sad and untimely death of the Branch Manager in Dunmanway an arrangement had to be put in place immediately to ensure continuity of service to customers. The number of customers involved include approximately 230 in receipt of a jobseekers payment and a further 120 on farm assist, back to work and pre retirement allowance. These customers are being facilitated by neighbouring local offices and branch offices closest to where they live.

In keeping with normal procedures when a branch office post becomes vacant, a review of the delivery of social welfare services in the area served by the branch office is undertaken to determine the most effective way of providing these services in the future. The review in respect of Dunmanway is expected to be completed in a month or so.

Regulatory Impact Assessments.

368. **Deputy Denis Naughten** asked the Mini-

ster for Social and Family Affairs the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23913/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department has produced three Regulatory Impact Analyses (RIAs) since the Government Decision to introduce this policy. These related to the Citizens Information Bill 2006; the inclusion of trust-based Retirement Annuity Contracts under the relevant provisions of the Pensions Act; and amendments to provisions relating to the Supplementary Welfare Allowance Scheme. My Department is fully compliant with all of the requirements under the RIA process.

Social Welfare Code.

369. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the new debt management strategy promised by his Department to control overpayments and avoid future write-offs; and when his Department proposes to adopt it. [23929/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The overall goal of my Department's Debt Management Strategy is to actively pursue the recovery of debt to maximise recovery levels, with due regard to value for money and with particular emphasis on recovery from people no longer dependant on welfare payments. The objectives of the strategy are

- To maximise the recovery of overpayments
- To efficiently record, report and monitor the occurrence and recovery of overpayments
- To fulfil statutory, accounting and reporting obligations
- To conduct overpayment and debt management as efficiently as possible

One of the key elements to the strategy is the introduction of the Overpayment and Debt Management (ODM) computer system which will record all overpayments and debt recovery data and will allow for timely and efficient management of debt. The new ODM system is now in operation in a number of areas in the Department and is being rolled out on a phased basis to all other sections. It is expected that all areas will be using the new system by the second quarter of 2008.

The debt management strategy will be achieved by the introduction of a strengthened policy on overpayments and debt management in the Department and by making the organisational and procedural changes necessary to achieve this.

ational and procedural changes necessary to achieve this.

Departmental Properties.

370. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs the position regarding the establishment of a social welfare local office in Carrigaline, County Cork. [23970/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department identified a requirement for a social welfare local office in Carrigaline and requested the Office of Public Works which has responsibility for the provision of all new office accommodation for my Department to provide this. The OPW is following up on this request and it is hoped to have a new office in Carrigaline in 2008.

Social Welfare Benefits.

371. **Deputy Seymour Crawford** asked the Minister for Social and Family Affairs the number of farm families or individual farmers who were receiving farm assist on 31 December of each of the past five years; the number in receipt of same at present; the reason pressure is being put on farmers to withdraw to receive lower incomes; and if he will make a statement on the matter. [23979/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The farm assist scheme, which introduced special arrangements for farmers on low incomes, was provided for in the Social Welfare Act, 1999 and came into operation with effect from 7 April 1999. The statistics requested by the Deputy are set out in the table.

	End 2002	End 2003	End 2004	End 2005	End 2006
No. of recipients	8,498	8,703	8,601	7,880	7,500

There are currently 7,390 farm assist customers and the average weekly payment is €196.87. There has been a steady decline in uptake of the scheme. This is due to the significant increase in off-farm employment in recent years and the take up of the Rural Social Scheme which is operated by the Department of Community, Rural and Gaeltacht Affairs and which also specifically targets low-income farmers. As with all social welfare schemes, claims for farm assist are reviewed periodically and customers are required to show that they continue to satisfy all the conditions of the scheme.

The farm assist scheme has brought about a worthwhile improvement for low income farmers and particularly for those with children. It also provides increased payments to farming couples without children and to single farmers on low income. The farm assist scheme makes a valuable

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contribution to supporting those who are at the lower end of the farm income spectrum.

Decentralisation Programme.

372. **Deputy Seymour Crawford** asked the Minister for Social and Family Affairs when he will implement his Department's commitment to decentralise 85 personnel to Carrickmacross; the status of that agreement; when the personnel will be in place; and if he will make a statement on the matter. [23994/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Under the Decentralisation Programme, the Department is to relocate 85 posts to Carrickmacross. According to figures received from the Central Application Facility (CAF), through which all applications for decentralisation locations must be submitted, 64 applicants applied for Carrickmacross before the priority application date of 7 September 2004. Since this date, there have been 12 new applications.

The Commissioners for Public Works have advised that they are in discussions with Monaghan County Council to provide a building for the Department of Social and Family Affairs in Carrickmacross, which will be part of an overall town centre development. The indicative time-frame for completion of the building is mid 2009.

Social Welfare Appeals.

373. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs the position of the appeal by a person (details supplied) in County Kerry regarding their one parent family payment claim; and if he will make a statement on the matter. [23997/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made. Appeals Officers are statutorily appointed and are independent in determining appeals. I have no role in relation to such determinations.

Questions Nos. 374 and 375 withdrawn.

Proposed Legislation Programme.

376. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the high frequency of requests to householders to donate second hand goods to charities, where the requesting organisation offers no address and only a mobile phone number, leaving the suspicion that they are not true charities; if he will introduce legislation that would govern the

advertising by charities to ensure such appeals can be easily verified as genuine by the public; and if he will make a statement on the matter. [23352/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): When the Charities Bill 2007, which is currently before this House, is enacted and commenced, charitable organisations wishing to operate in Ireland will be required to register with the proposed new Charities Regulatory Authority. The Bill also provides that registered charitable organisations must state they are so registered in all public documents or such other publications as may be prescribed by regulations. It is intended that the register will be available to the public, so people will be in a position to verify whether a particular organisation is registered. The Bill further provides that a person who holds out a body that is not registered as being a charity will be guilty of an offence punishable on conviction by a fine of up to €300,000 or 5 years in prison, or both.

Institutes of Technology.

377. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the funding allocated under all headings to institutes of technology here from Údarás na Gaeltachta in each of the past five years; the level of assistance provided by Údarás na Gaeltachta to individual national universities in the past five years; and if he will make a statement on the matter. [23763/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department is in contact with Údarás na Gaeltachta in regard to the information sought by the Deputy and this will be forwarded to him as soon as possible.

Ministerial Transport.

378. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23506/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): No such payments were made by my Department in the past four years or in the current year to date.

Departmental Advertising.

379. **Deputy Niall Collins** asked the Minister for Community, Rural and Gaeltacht Affairs if he will implement a request (details supplied) for inclusion in all scheduled advertising and public

awareness campaigns by his Department. [23521/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I wish to advise the Deputy that my Department schedules advertising and public awareness campaigns only for specific targeted purposes. The particular community radio station referred to by the Deputy will be considered in this context.

Irish Language.

380. **Deputy Michael Creed** asked the Minister for Community, Rural and Gaeltacht Affairs if he will clarify the situation regarding the function of Údarás na Gaeltachta when it comes to promoting employment for persons in the Gaeltacht; if a working use of the Irish language is a prerequisite for employment in companies assisted by Údarás na Gaeltachta; and if he will make a statement on the matter. [23658/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The functions of Údarás na Gaeltachta and its powers in relation to financial assistance for industrial purposes are set out in sections 8 and 10 of the Údarás na Gaeltachta Act 1979 and the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999.

I understand from Údarás na Gaeltachta that standard grant agreements with companies being grant-aided contain provisions aimed at ensuring that native Irish speakers are employed or, if native Irish speakers are not available, that persons with fluent Irish are employed. Other language-related conditions are included as appropriate, for example, the implementation of agreed language development plans. It is recognised, however, that many companies, particularly those located in areas where the predominant language is not Irish, experience difficulties in recruiting sufficient Irish speakers with the required skills for the number of jobs available.

Advice and practical assistance are provided by an tÚdarás on an ongoing basis in order to ensure a positive attitude to the Irish language in companies. Support is provided to facilitate employees willing to improve their Irish language competence and companies are also encouraged to initiate activities within the company and in the local community to promote the use of Irish.

I understand also that preparations are at an advanced stage for a replacement programme for “Fondúireacht an Údaráis”, a scheme designed to encourage a competitive element to the promotion of language-based initiatives within companies.

State Agencies.

381. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the remuneration package of each of the CEOs

of State agencies reporting to his Department including pay, pension and ancillary benefits. [23724/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Current CEO packages of agencies within the ambit of my Department are as follows:

Western Development Commission
Annual Salary: €103,602.

The CEO of the Western Development Commission is a member of a defined benefit pension scheme.

Údarás na Gaeltachta

Annual Salary: €148,295 (which includes €7,415 paid by the CEO as a pension contribution to the Superannuation scheme operated by An tÚdarás, which is a defined benefit pension scheme).

A bonus scheme under which an annual bonus of up to 20% of salary may be paid is in operation. The CEO is also provided with a company car, which is subject to benefit in kind tax.

Foras na Gaeilge, The Ulster Scotch Agency and Waterways Ireland

The current salary details, subject to review, for the CEOs of the above three agencies is as follows:

Foras na Gaeilge: €116,362

Ulster Scotch Agency £STG49,800 (based in Belfast)

Waterways Ireland £STG88,755 (based in Fermanagh)

The CEO's of Foras na Gaeilge, the Ulster Scots Agency and Waterways Ireland are part of the North South Bodies Pension scheme. A bonus scheme, which provides for an annual bonus of up to 10% of salary applies to these posts.

Oifig an Coimisinéir Teanga

The Coimisinéir Teanga is paid at the minimum of the Assistant Secretary grade in the civil service and is employed in a pensionable capacity.

Bórd na Leabhar Gaeilge

The Stiúrthóir is graded at Higher Executive Officer level and is paid accordingly.

Pobal

I have no statutory function in relation to the remuneration package of the CEO of Pobal. However, for the sake of completeness, I understand that the annual salary of the current CEO is €136,034. The CEO is part of the 10% Employer Contribution pension scheme, which is the standard employer contribution that Pobal makes to employees pensions.

Leibhéal Dífhostaíochta.

382. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta ag comhlacht (sonraí tugtha) maidir le fostaíocht a chruthú i gCill Chártha, Contae Dhún na nGall; cén líon post atá i gceist; cén tráth ama atá i gceist; agus an ndéanfaidh sé ráiteas ina thaobh. [23861/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tuigim ó Údarás na Gaeltachta go bhfuil an comhlacht atá i gceist ag an Teachta le tús a chur lena chuid gníomhaíochtaí i gCill Chartha ag tús 2008 le 40 post, a bheidh lonnaithe i spás oifige sealadach atá cóirithe ag an Údarás dó. Tuigim chomh maith go bhfuil réamhchéimeanna tógtha ag an Údarás maidir le foirgneamh tionsclaíoch iomlán a chóiriú don gnó seo agus go bhfuiltear ar tí dul i mbun na hoibre athchóirithe sin anois. Tógfaidh an obair sin bliain nó mar sin le cur i gcríoch. Tá measta ag an Údarás go gcruthófar suas le 110 post sa chomhlacht nuair a bheidh sé faoi lánseol.

Regulatory Impact Assessments.

383. **Deputy Denis Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23904/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware under section 9(1) of the Official Languages Act 2003, I may make regulations in relation to the use of the Irish language, or the Irish and English languages together, on stationary, signage, advertisements and live and pre-recorded oral announcements.

Following the decision by Government in 2005, that Regulatory Impact Assessments should be produced by all Departments, a screening RIA was prepared by my Department in 2006 with respect to draft regulations that I intend to make under section 9(1) in relation to stationary, signage and pre-recorded oral announcements. It was considered that having regard to the content and nature of this regulation a full RIA was not appropriate. The draft regulations have since been published and approved by both Houses of the Oireachtas and I intend to make the regulations shortly.

In 2007, a screening RIA was prepared by my Department on the Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Bill 2007. Having regard to the content and nature of the Bill, a full RIA was not considered appropriate. This Bill was passed in summer 2007. I

should add that in 2003, prior to the drafting of the Charities Bill, my Department also prepared a screening RIA to determine the best approach to be taken in respect of regulating the charities sector in Ireland. The Bill is currently at Second Stage in this House.

Decentralisation Programme.

384. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24428/07]

385. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24442/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 384 and 385 together.

To date, 73 officers from my Department have transferred to an interim location in Tubbercurry, Co. Sligo. Of those, 42 officers transferred from posts in Dublin. It is planned to fill a further 30 posts in Tubbercurry early in 2008 and it is envisaged that the majority of those officers will be transferring from posts outside Dublin. 10 officers are in place in Na Forbacha, Galway, 5 of which transferred from Dublin posts. It is planned that 2 more decentralised posts will be filled in Na Forbacha by end 2007 fulfilling the Department's commitment in that location. At this stage, it is not possible to indicate whether the officers filling those posts will be Dublin or provincial based.

Pobal have filled 22 posts in Clifden, Co. Galway. The posts concerned were in respect of new business and all posts, except 1, were filled by way of local recruitment. Pobal plans to fill a further 8 posts in Clifden by end 2007 by means of local recruitment.

386. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the situation regarding proposals to decentralise the Department of Agriculture, Fisheries and Food to Portlaoise, County Laois. [23659/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Department's

Decentralisation Implementation Plan allows for a phased movement to Portlaoise, i.e. the transfer of functions and posts over a number of years. Involving over 150 posts, the 2005 & 2006 phases of decentralisation to Portlaoise are now complete and the 2007 phase is in progress. Planning and preparations are ongoing for 2008 and subsequent phases. To facilitate the Government decision on decentralisation all new activities within the Department, particularly work relating to the Single Payment Scheme, are being focused in Portlaoise. In total there has been an increase of over 200 full-time posts in Portlaoise since the programme was announced, bringing the current complement to over 400 staff.

To cater for the increase the Department has taken temporary accommodation in Portlaoise. The OPW currently estimate that construction of the new permanent headquarters will be completed by the end of 2009.

Afforestation Programme.

387. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo who planted their land in forestry between 1984 and 1988 under the western package afforestation scheme did not receive an annuity which was given to landowners who participated in the same scheme in the 1990s; and if the farmer is entitled to sell a site from the section he had planted. [23326/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I understand that the person in question received a number of afforestation grants under the Western Package Scheme between 1984 and 1988. Unlike the current afforestation scheme, no provision for payment of premiums existed under that particular scheme. In relation to selling part of the plantation, while I am not in a position to comment on whether any individual is entitled to sell a site, I can confirm that there are no additional burdens on these lands because of their forestry status. Any proposed tree felling or uprooting must, however, be undertaken in accordance with the provisions of the 1946 Forestry Act.

Disadvantaged Areas Scheme.

388. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position in relation to a person (details supplied) in County Wicklow who is waiting for payment of their disadvantaged payment; if this will be granted as a matter of urgency; and if she will make a statement on the matter. [23329/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Disadvantaged Areas Scheme was

received from the person named on 3 May 2007. Payments under the Disadvantaged Areas Scheme commenced on 20 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as further cases subsequently become clear. The application of the person named has now been fully processed and the payment of €3,434.77 is scheduled to issue to the person named today, 16 October 2007.

Advance payments under the Single Payment Scheme are scheduled to commence today; it will be recalled that the governing regulations provide for a payment date of 1 December under the SPS. However, following my approach to the EU Commissioner, agreement was forthcoming on the early payment of advances from 16 October, with balancing payments to be made from 1 December. The advance payment under the SPS is due to issue to the person named today, 16 October 2007.

Question No. 389 withdrawn.

Food Labelling.

390. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the reason regulations governing the country of origin of beef labelling for caterers are not also to be applied to all wholesale and retail outlets of beef. [23469/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The labelling of beef is governed by comprehensive EU regulations, which were introduced in 2000, and is underpinned by a full national animal identification and traceability system. The compulsory elements of these regulations require operators involved in the marketing of beef to provide country of origin information, at each stage of the marketing process, on all beef sold, up to and including retail level. These legislative requirements did not extend, however, to the point of final consumption, be that in a hotel, restaurant or catering establishment.

As part of the Government's commitment to protecting consumer interests, through the provision of information enabling the consumer to make more informed choices, regulations extending country of origin information on beef to these sectors were introduced in 2006.

Disadvantaged Areas Scheme.

391. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the 2007 area aid will be granted to a person (details supplied) in County Galway; and if she will make a statement on the matter. [23500/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme/Disadvantaged Area Scheme was received from the person named on 4 May 2007. Payments under the Disadvantaged Areas Scheme commenced on 20 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as further cases subsequently become clear. The application of the person named has now been fully processed and the DAS payment will issue shortly.

Advance payments under the Single Payment Scheme are scheduled to commence today; it will be recalled that the governing regulations provide for a payment date of 1 December under the SPS. However, following my approach to the EU Commissioner, agreement was forthcoming on the early payment of advances from 16 October, with balancing payments to be made from 1 December. The advance payment under the SPS is due to issue to the person named in the coming days.

Ministerial Transport.

392. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the amount of money awarded in domestic mileage to each individual Minister of State in her Department for each of the past four years and to date in 2007. [23503/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The following amounts were paid in respect of domestic mileage undertaken by Ministers of State at this Department over the 4 years from 2003 to 2006 and to date in 2007:

2003

Mr. Liam Aylward TD — €34,809.71

Mr. Noel Treacy TD — €33,425.24

2004

Mr. Noel Treacy TD — €29,306.73

Mr. Liam Aylward TD — €39,825.73

Mr. John Browne TD — €8,033.06

Mr. Brendan Smith TD — €5,904.50

2005

Mr. Brendan Smith TD — €28,771.04

Mr. John Browne TD — €38,109.20

2006

Mr. Brendan Smith TD — €35,778.18

Mr. John Browne TD — €8,352.95

Ms. Mary Wallace TD — €25,619.35

2007

Ms. Mary Wallace TD — €34,538.51

Mr. Brendan Smith TD — €21,355.10

Departmental Advertising.

393. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food if she will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by her Department. [23518/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The vast bulk of my Department's advertising is by way of press advertisements in the specialized farming press, with provincial newspapers and national daily newspapers also used.

Radio advertising forms a very small part of my Department's advertising. My Department will, however, consider use of the specified radio station for local public awareness campaigns as the need arises.

Wildlife Protection.

394. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food her plans to tackle the scourge of the grey squirrel; and if she will make a statement on the matter. [23666/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am very much aware of the very serious problem presented by the spread of the grey squirrel, not only to the native red squirrel but also to our increasing stock of broadleaf forests. The red squirrel's loss of territory to the grey and the economic cost of grey squirrel damage to our broadleaf trees is a major and urgent issue for our countryside today. Accordingly, I have sought expert advice on the actions that can be taken to combat this problem. My Department is supporting a 3-year pilot project on this subject called the CRISIS project (Combined Research and Investigation of Squirrels in Irish Silviculture). The project is investigating methodologies for the control of grey squirrel as well as conservation of red squirrel.

In tandem with the pilot project, the CRISIS group recently published the findings of a survey of both red and grey squirrels in the State. This survey was funded by COFORD, the National Council for Forest Research and Development, an agency of my Department. The survey provides vital baseline information on the population and distribution of both species and has served to raise public awareness of the dangers posed to our woodlands and to our native red squirrel by the spread of the grey.

The CRISIS project is due to deliver its final report next March. I look forward to receiving specific advice on the most effective controls to be used against the grey for the protection of the red squirrel and of our broadleaf estate.

State Agencies.

395. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food the remuneration package of each of the CEOs of State agencies reporting to her Department

Agency	Remuneration	Pension Scheme	Ancillary Benefits
	€		
Coillte	253,243	Yes	Performance Related Bonus Scheme Expenses incurred on behalf of the Company Health Insurance
Irish National Stud	104,668	Yes	Performance Related Bonus Scheme Expenses incurred in or about the performance of duties Accommodation Car
Teagasc	151,261	Yes	Expenses incurred in or about the performance of duties Performance Related Award Scheme Car
National Milk Agency	88,142	Yes	Expenses incurred in or about the performance of duties
Bord Bia	151,261	Yes	Bonus Scheme Expenses incurred in or about the performance of duties Car
Coford	98,407	Yes	Expenses incurred in or about the performance of his duties

including pay, pension and ancillary benefits. [23721/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The following is the information requested by the Deputy.

Grant Payments.

396. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the health and safety requirements applicants have to meet regarding approval for control for farmyard pollution grants. [23744/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The construction of agricultural buildings is subject to the requirements of the Safety, Health and Welfare at Work Act 2005, whether or not the proposed work is the subject of a grant application to my Department. A general guide to the requirements of that Act, including guidance on the appointment of project supervisors, is included in the terms and conditions of the Farm Improvement Scheme which are available on my Department's website.

Beef Imports.

397. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the amount of Brazilian beef imported into Ireland and the EU in 2006; the amount that underwent substantial transformation here; and if she will make a statement on the matter. [23745/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): During 2006, imports of Brazilian beef into Ireland amounted to 6,324 tonnes, a decline of 8 per cent on the previous year. It should be noted, however, that Ireland also imports beef from other EU Member States, and some of this may be non-EU beef already in

circulation within the Community. In this regard the EU imported a total of 331,436 tonnes of beef from Brazil last year, which was also slightly lower than the figure in 2005.

While official data is not available for the amount of beef imports which underwent substantial transformation, estimates suggest that approximately one-third was sold in its original form with the remainder being transformed into other products.

Grant Payments.

398. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if she will sanction a grant for farmyard improvements for a person (details supplied). [23746/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned is an applicant under the Farm Improvement Scheme. A decision will be made in relation to the application as soon as possible.

399. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the amount of money available from her Department for farmyard improvement grants; the number of applications received to date; the amount of moneys approved and drawn down; and if she will make a statement on the matter. [23747/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the 2007-2013 Rural Development Programme, a sum of €85 million has been allocated to the modernization

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of agricultural holdings, which includes the Farm Improvement Scheme. 5,557 applications have been received, to date, under that Scheme. I expect moneys will begin to be paid shortly as these applications are processed.

Afforestation Programme.

400. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if she will honour the commitment given by her on 4 May 2007 in Donegal that she would remove the replanting obligation on forestry owners; and if she will make a statement on the matter. [23748/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): My Department has completed a comprehensive review of the Forestry Act 1946 and draft Heads of a new Forestry Bill have been prepared. The proposed legislation will address many of the issues raised during the extensive consultation process undertaken by my Department. Change of land use, which includes the question of replanting, is one such issue and in drawing up the new Bill it is proposed to take a more flexible approach on this matter. The draft Scheme of the new Forestry Bill will be submitted to Government shortly for approval to send to the Office of the Parliamentary Counsel for drafting.

Grant Payments.

401. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the area based payment has not been granted to a person (details supplied) in County Galway; and if she will make a statement on the matter. [23780/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 12 April 2007. Payments under the Disadvantaged Areas Scheme commenced on 20 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as further cases subsequently become clear. The application of the person named has now been fully processed and the payment of €4,319.55 is scheduled to issue to the person named today, 16 October 2007.

Advance payments under the Single Payment Scheme are scheduled to commence today; it will be recalled that the governing regulations provide for a payment date of 1 December under the SPS. However, following my approach to the EU Commissioner, agreement was forthcoming on the early payment of advances from 16 October, with balancing payments to be made from 1 December. The advance payment under the SPS is due to issue to the person named today, 16 October 2007.

Bovine Diseases.

402. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has been penalised in so far as the payment of hardship money is concerned for TB reactor cattle due to the fact that they were allowed to buy in four suck calves after the first TB test identified reactor cattle; if her attention has been drawn to the fact that on their second test a total of 11 animals were identified as reactors but because the herdowner purchased animals on permit issued by her Department they are deemed to be ineligible for the hardship grant; and if she will make a statement on the matter. [23781/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the terms and condition of the TB eradication scheme, herd-owners may, in very particular circumstances, be granted permission to move animals into a restricted holding. Decisions to grant permission are taken on the basis of assessment of the holding from a disease perspective and herdowners are advised by the DVO that the movement of certain animals into the holding, at any time during the restriction, will render the herdowner ineligible for payment under the Income Supplement and Hardship Grant schemes for the remainder of the restriction period. This advice is also included in an information package provided to herdowners following restriction and the conditions governing the movement in of cattle are clearly set down in documentation (ER37), signed by the herdowner, relating to the granting of permission to move in animals.

In the case of the person concerned, the payment at issue is the Income Supplement, not the Hardship grant. The holding of this person was restricted following an annual round test carried out on 16 March 2007. Permission to move in animals was granted on 25 April and animals were moved in on 27 April. In accordance with the conditions relating to the movement in of cattle, the person in question is not eligible for the Income Supplement grant.

Single Payment Scheme.

403. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has not been informed of the decision of an appeal concerning the single payment which was lodged on 29 May 2007; and if she will make a statement on the matter. [23782/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): This appeal was received in the Agriculture Appeals Office on 29 May 2007. Following necessary preliminary consultation and the retrieval of reference documentation, the file was assigned to an Appeals

Officer on 19 September 2007. The Appeals Office will contact the appellant shortly to arrange the oral hearing that he requested.

Grant Payments.

404. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has been informed by the area based payments section that they do not have enough sheep on their holding despite the fact that they have the maximum amount they are allowed; and the reason their area based payment has not been awarded. [23847/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the Disadvantaged Area Scheme was received from the person named on 15 May 2007. The Terms and Conditions governing the Scheme require that applicants maintain a minimum stocking density on their holding of 0.15 livestock units per forage hectare declared for at least three consecutive months. However, where the holding of an applicant is identified as not meeting this minimum requirement, the person in question is invited to submit, evidence of satisfactory stocking i.e. Flock Register, Horse Passports, or details of a REPS or Commonage Framework Plan, which provides for a lower stocking level.

The person named was written to and invited to submit appropriate evidence of the number of sheep maintained on his farm. On receipt of a satisfactory response from the person named, the application will be further processed with a view to payment at an early date.

Rural Environment Protection Scheme.

405. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) has not received their REP scheme payment for 2006/2007. [23848/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named had a compliance inspection in February 2007 at which significant issues were identified. He was written to later that month outlining the issues, and given a chance to explain the circumstances before a decision was taken about imposing a penalty. The matters raised are currently under further investigation by my officials and the person named will be notified directly once this is concluded. I expect a decision to be taken by the end of this month.

Bovine Diseases.

406. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 358 of 2 October 2007, if Ireland has a legal test for tuberculosis; if she has noted the fact that under Bovine

Tuberculosis (Attestation of the State and General Provisions) Order 1989 S.I. No. 308 of 1989, article 2 thereof states that a TB reactor means an animal which, by reason of a test or otherwise, a veterinary inspector believes or suspects is affected with bovine tuberculosis or is capable of infecting other animals with bovine tuberculosis and therefore a veterinary inspector can deem an animal a reactor based on a positive result to a test or on their assumption as to infection; if in view of this she will specifically confirm if her Department has a legal test or if it is legally null and void having strict regard to the definition of a TB reactor; and if she will make a statement on the matter. [23899/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Article 6 of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 S.I. No. 308 of 1989 as amended provides that the test to be used shall be the intradermal tuberculin comparative test using PPD or HCSM bovine and avian tuberculins or a test specified in an authorisation in writing by the Minister. The results of tuberculin tests carried out by private veterinary practitioners approved by me to perform the tuberculin test or results of the gamma interferon assay which is also authorised by me as an approved test are interpreted by Veterinary Inspectors in my Department's local District Veterinary Offices.

Where taking into consideration test results, epidemiological factors, clinical symptoms and any other information known to the veterinary inspector, he or she believes or suspects an animal is affected with bovine tuberculosis or is capable of infecting other animals with bovine tuberculosis the veterinary inspector will deem that animal a positive reactor, then it will be removed from the herd and slaughtered. I am satisfied that the tests used by my Department to identify reactors are legal.

407. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 359 of 2 October 2007 on the EC requirement that the test sites on animals necks must be cleansed, if she will provide details or information as to the number of her authorised officers actually cleanse the animals necks immediately before the injection of the tuberculin; the reason it is that the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 S.I. No. 308 of 1989 under article 6(1)(f) thereof only legally requires that the test sites be clipped but fails to make legal provision for the cleansing as well; if she has noted that the actual text of article 6(1)(f) provides that each site at which tuberculin is injected shall immediately before the injection of the tuberculin, be closely clipped over an area which is not less than that enclosed by a circle of

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2.5 centimetres diameter; if, in view of the fact that there appears to be no Irish statutory requirement for the authorised officers to actually cleanse the necks, she will outline the actions which she will take to make it a legal requirement and thereby ensure compliance with the relevant community law requirements; and if she will make a statement on the matter. [23900/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The annual instructions issued by my Department to all private veterinary practitioners approved by me to perform the tuberculin test state that the selected sites should be clipped (an area not less than 2.5cm in diameter) and debris removed prior to injection. I am satisfied that the removal of debris covers the requirement to cleanse and that the reference to cleansing does not imply or intend to imply the use of disinfectant which, in the event of a positive reaction to the test, could give rise to claims that the animal response was to the disinfectant and not tuberculin.

Veterinary inspectors from my Department inspect the performance of the test regularly and are satisfied that it is done in accordance with EU requirements. My Department also provides training to private veterinary practitioners prior to their approval to test. I am therefore satisfied that the Directive requirement is given legal effect through my Department's procedures and instructions.

Regulatory Impact Assessments.

408. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the number of regulatory impact assessments produced by her Department since the adoption of the policy by Government; the number of appropriate decisions made by her Department which did not include such assessments; the reason for same; and if she will make a statement on the matter. [23901/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): To date, my Department has applied and completed one Regulatory Impact Assessment (RIA) to the proposed Forestry Bill, which is awaiting submission to Government. My Department is not aware of any area where an RIA should have been applied, but was not. My officials are aware of the need and conditions for an RIA to be carried out in line with the Cabinet decision of June 2005 in that regard.

Grant Payments.

409. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment of their 2007 single payment or dis-

advantaged area payment; and if she will make a statement on the matter. [24050/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 2 May 2007. Payments under the Disadvantaged Areas Scheme commenced on 20 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as further cases subsequently become clear. The application of the person named has now been fully processed and the DAS payment will issue shortly.

Advance payments under the Single Payment Scheme are scheduled to commence today; it will be recalled that the governing regulations provide for a payment date of 1 December under the SPS. However, following my approach to the EU Commissioner, agreement was forthcoming on the early payment of advances from 16 October, with balancing payments to be made from 1 December. The advance payment under the SPS is due to issue to the person named in the coming days.

410. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food if the owner of a farm who leased to an adjoining farmer for a number of years can claim the single payment or disadvantaged area scheme on termination of the lease in question; and if she will make a statement on the matter. [24068/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Eligibility under the Disadvantaged Areas Scheme requires, inter alia, a minimum of three forage hectares located within a designated Disadvantaged Area and a minimum stocking density for the holding of 0.15 livestock units per forage hectare, for a three-consecutive month period. Eligibility under the Single Payment Scheme requires, inter alia, that applicants hold one eligible hectare for each Entitlement claimed. A person would need to have established Entitlements in his/her own right during the 2000 to 2002-reference period, or otherwise have acquired entitlements to qualify for payment under the Single Payment Scheme.

Milk Quota.

411. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the likelihood of a super levy on milk production here for 2007/2008; and if in view of the global market for milk and an anticipated 3% quota increase in 2008, she will ensure that there will be no undue financial penalties levied on Irish dairy producers arising from over production in 2007. [24086/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The current milk

intake position shows Ireland as being 0.35% above quota for the period to September 30, 2007. The super levy penalty on excess milk production is set down under Council Regulation (EC) No 1788/2003. Member States must abide by the terms of the Regulation and I have no discretion in the matter.

Decentralisation Programme.

412. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24425/07]

413. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if she will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if she will make a statement on the matter. [24439/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 412 and 413 together.

To the end of September, some 250 civil servants have transferred to my Department's offices in Portlaoise under the decentralisation programme. It is expected that 10 to 20 more will have moved by the end of 2007. 180 of the 250 were Dublin-based and 70 were from other locations.

School Curriculum.

414. **Deputy Beverley Flynn** asked the Minister for Education and Science if she will implement the feasibility report of an organisation (details supplied) into the provision of a national policy on local music education services; and the time-frame within which this will take place. [23414/07]

Minister for Education and Science (Deputy Mary Hanafin): Among the recommendations contained in the Music Network report was that a series of Music Education Partnerships would be developed between the County/City Development Boards and the Vocational Education Committees on a phased basis. In 2004, my Department began funding a pilot programme in both Dublin City and in Donegal VECs to test approaches to delivery of the proposed model.

Resources are not available at present to expand this programme to other areas. However, the matter will be kept under review.

I believe that the arts have an important role to play in the education of the individual. Music, the visual arts and drama provide for sensory, emotional, intellectual and creative enrichment and contribute to the young person's holistic development and self esteem. Arts education (visual arts, music and drama) is one of the seven curriculum areas that comprise the primary curriculum, which was revised in 1999. At second level there are approved syllabuses for Junior Certificate in Music and Art, Craft and Design. In the senior cycle there are syllabuses in Music and Art. Modules in the Arts are also available as part of the Leaving Certificate Applied and in the Transition Year programme. In the delivery of these programmes, schools are encouraged to interact with practising artists in their own classrooms and in out of school settings.

In addition to supporting Music in the curriculum an additional allocation of the equivalent of 93 whole time teaching posts are allocated to a range of VECs to support Music education. This takes the form of individual tuition in instrumental and vocal music education, and provision of supports for choirs, orchestras and ensembles. Through this some 68,000 hours of music tuition are provided annually.

Schools Building Projects.

415. **Deputy John Deasy** asked the Minister for Education and Science the position with regard to an application for a new school building for a school (details supplied) in County Waterford bearing in mind its present overcrowded conditions; and if she will make a statement on the matter. [23353/07]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that the Department is in receipt of an application for a new school building from the management authority of the school to which the Deputy refers. This application has been assessed in accordance with the Department's published prioritisation criteria for large scale works. Progress on the proposed works will be considered in the context of the multi-annual school building and modernisation programme.

School Transport.

416. **Deputy Brendan Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that some pupils for whom school transport tickets have been purchased seldom or never actually use the school bus service and that school bus seats which are consequently vacant cannot be availed of by pupils from outside a catchment area even if they have no alternative transport to school; her views

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on introducing a system whereby spare capacity arising from non-use of the school bus system by qualified pupils who have purchased tickets can be allocated on an *ad hoc* basis to concessionary pupils who wish to avail of the school bus service; and if she will make a statement on the matter. [23370/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department is aware, since the phasing out of the three for two seating arrangement on school buses, that vacant seats, where they arise, are now more conspicuous than heretofore. My Department is obviously concerned that some parents would reserve seats for their children and then not make full use of these seats.

In circumstances where a complaint of this nature is received Bus Éireann arranges to monitor the situation. Those who are identified as using the school transport services on an irregular basis can be asked to surrender their tickets and make alternative transport arrangements, in order to allow their seats to be reallocated to other families in accordance with the terms of the school transport schemes. Bus Éireann rely on the co-operation and goodwill of parents to release seats for the benefit of others in these circumstances.

If the Deputy has precise information which may assist in identifying those who appear not to be using their seats on a regular basis, my Department will be pleased to have the matter investigated.

417. **Deputy Niall Collins** asked the Minister for Education and Science the position regarding transport to a school (details supplied) in County Limerick; and when the issue will be resolved. [23380/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Deputy will be aware from my reply to Parliamentary Question Number 124 of 11 October 2007, that subject to availability, the most that can be offered in this case is catchment boundary transport. However, the Transport Liaison Officer for Co. Limerick and Bus Éireann have advised that the transport service in question is operating to capacity. The families in question should continue to liaise with Bus Éireann regarding the availability of catchment boundary seats in the future.

Schools Building Projects.

418. **Deputy Olwyn Enright** asked the Minister for Education and Science when was the date for the completion of the tender evaluation process for a post-primary school (details supplied) in County Offaly; and if she will make a statement on the matter. [23381/07]

Minister for Education and Science (Deputy Mary Hanafin): Tenders for the first bundle of schools to be built under my Department's current Public Private Partnership programme consisting of four schools including the school in question were returned to the National Development Finance Agency (NDFA) in July 2007 and the tender evaluation process has been completed.

I am pleased to inform the Deputy that Macquarie Partnerships for Ireland have been selected as the preferred tenderer for this bundle.

Departmental Correspondence.

419. **Deputy Brendan Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that two e-mail inquiries from this Deputy to an officer of her Department (details supplied) have failed to elicit a reply in relation to the incremental credit entitlement of a person in County Wexford; if she will arrange to provide the information requested without further delay; and if she will make a statement on the matter. [23384/07]

Minister for Education and Science (Deputy Mary Hanafin): The correct e-mail address for sending correspondence to my Department is info@education.gov.ie. Staff in my Department then refer the correspondence to the person dealing with the particular query. Details of the e-mail address received from the Deputy reveal that the incorrect e-mail address was used and consequently the e-mails referred to by the Deputy were incapable of being delivered. The application referred to by the Deputy has been processed.

School Transport.

420. **Deputy Michael Ring** asked the Minister for Education and Science if the children of a person (details supplied) in County Mayo will be allowed back on the school bus service with a booster seat; if those children will be allowed to use that service with a booster seat; and if she will make a statement on the matter. [23386/07]

421. **Deputy Michael Ring** asked the Minister for Education and Science if it is possible to allow children (details supplied) in County Mayo to use a booster seat when availing of school transport, on a pilot scheme basis. [23387/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I propose to take Questions Nos. 420 and 421 together.

The Deputy will be aware from my response to Parliamentary Question No. 736, that the Road Safety Authority has informed my Department that the law in relation to the use of safety restraint systems in buses reflects the require-

ments in relation to these vehicles as set down in EU Directives 91/671/EEC and 2003/20/EC relating to the compulsory use of safety belts and child restraint systems in motor vehicles. The Directives do not require the provision of child restraint systems for children travelling on buses fitted with safety belts. Under the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006), occupants of buses who are 3 years of age or more must wear safety belts where they are fitted. All nominated buses operating within the school transport scheme are fitted with safety belts and all pupils travelling on these vehicles are obliged by law to wear the belts provided.

Schools Building Projects.

422. **Deputy Denis Naughten** asked the Minister for Education and Science if she will facilitate a meeting with representatives of a school (details supplied) in County Westmeath regarding the construction of a new school; the status of the application; the reason for the delay in facilitating a meeting; and if she will make a statement on the matter. [23393/07]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that Officials in School Planning Section will shortly be meeting representatives of the school to which the Deputy refers, in order to progress the application for a new school building.

Weight of Schoolbags.

423. **Deputy Denis Naughten** asked the Minister for Education and Science her plans to implement the recommendations of the working group report on the weight of school bags; her plans to tackle the problem of students carrying heavy school bags; and if she will make a statement on the matter. [23394/07]

Minister for Education and Science (Deputy Mary Hanafin): The Report of a working group to examine potential problems caused by the weight of schoolbags, which was presented in July, 1998, acknowledged that many of the solutions belong at local school level. One of the main recommendations of the report related to the need to heighten the awareness of the potential health hazards posed by excessively heavy schoolbags. In this regard, my Department initiated an awareness-raising campaign by disseminating the report, with an accompanying circular, to all primary and post-primary schools.

A further circular was issued in 2005, again highlighting the potential health hazard of heavy schoolbags and outlining a range of local measures that could be adopted in order to alleviate the problem. It is a matter for each individual

school to choose those measures that would be most suited to its individual needs.

My Department is aware that positive action has been taken by many schools. Actions taken at second level consist of a range of measures, including the provision of lockers, the arrangement of the timetable into double class periods, active liaison with parents and the co-ordination of homework by subject teachers.

Site Acquisitions.

424. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science if, notwithstanding the fact that a new Catholic primary school in Newbridge, County Kildare has been opened in temporary accommodation and is awaiting permanent accommodation, another primary school may be required to cater for the growing population of the town and its extensive catchment area; and if she will make a statement on the matter. [23413/07]

Minister for Education and Science (Deputy Mary Hanafin): Officials in the School Planning Section of the Department are working closely with the relevant authorities in Newbridge to determine how best to meet both the immediate and long-term educational needs of the area. The issues of site acquisition to facilitate both temporary school accommodation and permanent buildings and the need for a further school at primary level in the future, in addition to the new school established from September 2007, are being considered as part of this process.

School Transport.

425. **Deputy Billy Timmins** asked the Minister for Education and Science the position in relation to persons (details supplied) in County Wicklow; and if she will make a statement on the matter. [23420/07]

Minister of State at the Department of Education and Science (Deputy Seán 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.

The scheme is not designed to facilitate parents who choose to send their children to a post-primary centre outside of the catchment area in which they reside. However, children who are fully eligible for transport to the post-primary centre in the catchment area in which they reside, may apply for transport on a concessionary basis to a post-primary centre outside of their own catchment area — otherwise known as catchment boundary transport. These children can only be facilitated if spare seats are available on the bus after all other eligible children travelling to their local post-primary centre have been catered for.

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Such children have to make their own way to the nearest pick up point within that catchment area.

The Transport Liaison Officer for Co. Wicklow and Bus Éireann have advised that the transport service in question is operating to capacity. The families in question should continue to liaise with Bus Éireann regarding the availability of catchment boundary seats in the future.

Higher Education Grants.

426. **Deputy Brendan Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that a person (details supplied) in County Wexford has been refused a PLC maintenance grant by County Wexford VEC on the basis that they are ineligible in their own right; the basis for this decision in circumstances where the applicant's family are not available for means assessment; if she will arrange for a review of the decision to refuse a grant in this case; and if she will make a statement on the matter. [23421/07]

Minister for Education and Science (Deputy Mary Hanafin): Under the terms and conditions of the Maintenance Grants Scheme for students attending Post Leaving Certificate Courses., which is administered by the VEC on behalf of the Department, generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

A mature candidate is categorised as either an independent mature student or mature student dependent on parents. An independent mature student is defined to mean a mature student who is over 23 on or before 1 January of the year of entry or re-entry to an approved course and was not ordinarily resident at home with his/her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address. When assessing the means of students other than independent mature students, the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires that parental income be taken into account irrespective of the individual circumstances in any case where the student is not a mature student.

The condition relating to residency requires, in the case of a candidate under 23, the candidate's parents or guardians to have been resident in the administrative area of a Local Authority from 1 October of the previous year. In the case of an 'Independent Mature Candidate' the candidate himself/herself must have been resident in the administrative area of a Local Authority from 1 October of the previous year. The Scheme specifies that the Local Authorities have discretion to

waive this requirement in exceptional circumstances.

The decision on eligibility for third level grants is a matter for the relevant assessing authority — i.e. the local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required. If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department. Alternatively, as already indicated, the local authority or VEC may, itself, in exceptional circumstances, seek clarification on issues from my Department.

School Transport.

427. **Deputy Eamon Scanlon** asked the Minister for Education and Science the plans her Department has for the provision of transport for children attending a school (details supplied) in County Leitrim, from the Rossinver, Glenade, Glencar, Mullies and Lurganboy areas; and if she will make a statement on the matter. [23427/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): In general, to be eligible for school transport pupils must reside 3.2 kilometres or more from, and be attending, their nearest Gaelscoil. My Department's School Transport Section has forwarded the list of pupils, supplied by the school to Bus Éireann in order to determine their eligibility for school transport. My Department would advise the families concerned to liaise with the local Bus Éireann office regarding the outcome of their applications.

Schools Building Projects.

428. **Deputy Olwyn Enright** asked the Minister for Education and Science the progress made in discussions between her Department and Offaly VEC with regard to the audit or survey to assess the need for a new post-primary and primary school in a town (details supplied) in County Offaly; her views on the matter; and if she will make a statement on the matter. [23432/07]

Minister for Education and Science (Deputy Mary Hanafin): The survey to which the Deputy refers has been commissioned by Offaly VEC and the Department awaits further communication from the VEC on the matter.

Schools Refurbishment.

429. **Deputy Denis Naughten** asked the Minister for Education and Science the status of an appeal by a school (details supplied) in County Roscommon under the small schools scheme; and if she will make a statement on the matter. [23435/07]

Minister for Education and Science (Deputy Mary Hanafin): An application was submitted to the Department under the Small Schools Scheme 2007 by the school referred to by the Deputy. Due to the volume of applications received in the Department it was not possible to allocate funding to all proposed projects and the school referred to by the Deputy was not successful in this instance. The Department also received an appeal from the school in relation to the initial decision which was also unsuccessful.

School Transport.

430. **Deputy Finian McGrath** asked the Minister for Education and Science the arrangement she will put in place for a person (details supplied) in County Sligo so they will not have to travel by school bus for two hours and 30 minutes per day. [23446/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of the Post Primary School Transport Scheme, a pupil is eligible for school transport if s/he lives 4.8 kilometres or more from the post-primary centre in the catchment area in which s/he resides. The Transport Liaison Officer (TLO) for County Sligo has advised that the pupil referred to by the Deputy in the details supplied is eligible for school transport and is availing of a Bus Éireann public scheduled bus service to and from school. My Department has been further informed by the TLO that the combined travel and waiting times for the pupil in question are within the general guidelines of the School Transport Scheme. In the circumstances, it is not proposed to put in place alternative arrangements.

Schools Refurbishment.

431. **Deputy Enda Kenny** asked the Minister for Education and Science when the boiler unit in a school (details supplied) in County Mayo was last replaced; if her attention has been drawn to the fact that but for the continued assistance of a local competent person this unit constitutes a health hazard, it does not function efficiently and does not measure up to safety standards; and if she will make a statement on the matter. [23453/07]

Minister for Education and Science (Deputy Mary Hanafin): The Building Unit of my Department has no record of an application for funding for works to the boiler from this school under the

Emergency Works Grant Scheme. However, I have arranged for an application form to be issued to the school for completion and return.

School Accommodation.

432. **Deputy Enda Kenny** asked the Minister for Education and Science the reason an application for funding approval for a school (details supplied) in County Mayo was allowed to proceed to stage three and then abandoned; her proposals to provide new classrooms at the school in question; and if she will make a statement on the matter. [23454/07]

Minister for Education and Science (Deputy Mary Hanafin): The school referred to by the Deputy originally applied for an extension and refurbishment to provide for improved ancillary accommodation, such as a General Purpose Room, a Multi-purpose/Staff Room, a Remedial Room and a General Office. The project proposed did not include additional mainstream classrooms and having regard to competing demands on the building programme the application was not progressed further.

It is open to the school authority to make an application for funding towards additional accommodation/refurbishment under the Major Capital Programme in relation to the provision of mainstream accommodation. The application form may be downloaded from the Department's website.

Schools Building Projects.

433. **Deputy Enda Kenny** asked the Minister for Education and Science when application forms for the programme for devolved works for primary schools for 2008 will be available; the resource allocation that will be available; and if she will make a statement on the matter. [23455/07]

Minister for Education and Science (Deputy Mary Hanafin): The breakdown of the 2008 building budget between the devolved and other schemes has not yet been determined.

Pupil-Teacher Ratio.

434. **Deputy Enda Kenny** asked the Minister for Education and Science, further to Parliamentary Question No. 155 of 4 July 2007, if she will provide class size information in respect of the schools (details supplied) in County Mayo on a sub county basis; and if she will make a statement on the matter. [23456/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy is not readily available and would take an inordinate amount of administrative time to compile. As the Deputy will be aware, major improvements have been made in staffing at

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primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this. The average class size in Mayo in the last school year, at 21.3, was considerably lower than the national average. Furthermore, Mayo had the second lowest average class size in the country.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children. Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative in recent years that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 350 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

The improvements we have made in school staffing in recent years are absolutely unparalleled. The Government is committed to providing more teachers to our primary schools over the next five years. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Residential Institutions Redress Scheme.

435. **Deputy Alan Shatter** asked the Minister for Education and Science the steps she has taken to implement the arrangements made with the Roman Catholic Church regarding the transfer of property to the State in return for the State accepting liability to discharge all payments due on foot of compensation claimed by victims of sexual abuse in residential institutions; the property so acquired; the parts of the agreement that awaits implementation; and the present value of the property so acquired by the State or the

moneys realised to date from the sale of such property. [23461/07]

Minister for Education and Science (Deputy Mary Hanafin): Under the terms of the Indemnity Agreement between Church and State which was concluded in June 2002, the congregations concerned agreed to make a contribution of €128 million towards the Redress Scheme. This was broken down as follows: Cash Contributions — €41.14m; Provision of Counselling Services — €10m; and Property Transfers — €76.86m.

The cash and counselling contributions, totalling €51.14m have been received in full. Agreement in principle has been reached with the religious congregations on the transfer of 64 properties. Property transfers to the value of €66m and cash in lieu of property in the sum of €10.7m to a total value of approximately €76.7 million have also been agreed, with the balance of €160,000 yet to be settled.

In relation to the transfer of legal title of property, the Chief State Solicitors Office is liaising with individual solicitors to verify good and marketable title in each case. In the event that good and marketable title cannot be established for a particular property due to be transferred under the Agreement, the contributing congregation will be requested to make a cash payment or to provide an alternative replacement property.

Valuations have been determined for all 64 properties contributed by the religious under the Agreement, some of which were settled following independent valuation under the terms of the Agreement. Valuations are set at values applying on 5th June 2002, the date on which the Agreement was signed. The fact that property values may have increased since then does not effect the value of the property as determined by the Agreement so the issue of the present value of the properties does not arise. Properties received under the terms of the Indemnity Agreement are transferring to a variety of public bodies including the HSE and the Department of Education & Science, local authorities and a number of voluntary organisations. The benefit to the State lies in the fact that such properties can be developed and used by the bodies concerned for various health, educational and other social purposes. The current and future use of these properties is a matter for each of the transferees. In relation to properties accepted in principal by my Department these will be used to develop school provision.

436. **Deputy Alan Shatter** asked the Minister for Education and Science the sum paid out by the State to date in respect of claims taken by victims of sexual abuse in residential institutions and in particular the sums paid out directly as a result of a decision by the redress board and the High Court on appeal from the redress board; and the number of such applications to the

redress board and appeals to the High Court at present awaiting hearing. [23462/07]

Minister for Education and Science (Deputy Mary Hanafin): The Residential Institutions Redress Unit was established under Statute in 2002. Its primary function is to provide financial redress to victims of child abuse in residential institutions in order to assist them in their recovery and to enhance the quality of the remainder of their lives. I wish to advise the Deputy that the sum paid out by the State to date in respect of claims taken by victims of abuse in residential institutions is just over €720 million, made up of €714 million associated with the Redress Board and approximately €6 million associated with claims to the High Court. The Redress Board has completed the process in 9276 cases out of a total of 14546 applications received.

Under the terms of the Residential Institutions Redress Act, 2002, where a former resident is not satisfied with the level of award offered, s/he may reject the offer and submit an appeal to the Review Committee for a review of the amount of the award. The Review Committee and its members are independent in the performance of their duties. Once the Review Committee has made its offer, the former resident must then decide whether to accept or reject the offer. If the person accepts the offer, they must then undertake not to initiate any proceedings in respect of the same matter. On the other hand, if they reject the offer, then it is their statutory right to explore other legal avenues which may be open to them.

The Redress Board is independent in the performance of its functions and the appeal mechanism built into that process is in the form of an application for a review of the initial award submitted to the Review Committee. The Act itself is very specific in preserving and upholding the confidentiality aspect of the application process. To this end, where a person initiates legal proceedings against the State, it is generally not known by my Department whether that person has been through the Redress Board process and has rejected an offer made by that Board. Consequently, my Department does not have access to any statistics vis-à-vis persons who may have initiated High Court proceedings following rejection of a Redress Board award.

School Staffing.

437. **Deputy Richard Bruton** asked the Minister for Education and Science the reason she does not recognise the Montessori method as a valid system for teaching primary children; and the circumstances under which her Department would recognise a school (details supplied) in Dublin 13. [23468/07]

Minister for Education and Science (Deputy Mary Hanafin): In relation to Montessori-trained teachers, two Montessori qualifications are cur-

rently recognised for the purpose of appointment to the following posts in primary schools: resource teaching posts, special classes and special schools. The two recognised qualifications are (i) the three-year full-time course in the Association Montessori Internationale (AMI) College, Mount St. Mary's, Milltown, Dublin 14 and (ii) the HETAC accredited B.A. in Montessori Education or B.A. (Hons.) in Montessori Education in St. Nicholas Montessori College, Dún Laoghaire. Teachers with Montessori qualifications recognised by my Department are also eligible to work as substitute teachers in mainstream primary schools.

Teachers with the above recognised Montessori qualifications are granted restricted recognition to teach in special schools and in the categories of special classes in mainstream schools where Irish is not a curricular requirement. Such teachers are also eligible for posts as resource teachers (low incidence) for children with special needs in mainstream schools (Circular 02/2005). The conditions governing the recognition of qualifications are set out in Circular 25/00, "Recognition of Teacher Qualifications for the Purpose of Teaching in National Schools".

The Deputy may be aware that, with effect from 28th March, 2006, the Teaching Council is the designated authority for recognition of qualifications for the regulated profession of primary teacher. The criteria and procedures for the recognition of new primary schools were revised in 2002 based on the recommendations of a report of the Commission on School Accommodation, on which the Education Partners were represented. Applications for the recognition of new primary schools are assessed by an independent advisory board (the New Schools Advisory Committee). However, all recognised primary schools must follow the national primary school curriculum.

Pension Provisions.

438. **Deputy Michael Ring** asked the Minister for Education and Science, further to her response to Parliamentary Question No. 94 of 4 October 2007, when a person (details supplied) in County Mayo will receive their 2% pay increase due as a retired VEC teacher in County Mayo. [23475/07]

Minister for Education and Science (Deputy Mary Hanafin): County Mayo Vocational Education Committee has advised my Department that the paying authority, Mayo County Council, intends to pay the increase in pension to the pensioner concerned on 2 November 2007.

School Services Staff.

439. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the provision that can or will be made for laboratory tech-

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nicians in all second level schools; if she has received correspondence from the Irish Science Teachers Association in this connection; her plans to respond to this request; and if she will make a statement on the matter. [23486/07]

Minister for Education and Science (Deputy Mary Hanafin): I am aware of the views of the Irish Science Teachers' Association in this matter. Significant progress has been made in progressing a range of areas highlighted in the Report of the Task Force on the Physical Sciences. For example a new science curriculum has been introduced at primary level supported by a resource grant in December 2004 of €1000 per school plus €10 per pupil and a revised syllabus in Junior Certificate Science was introduced in 2003 and it was examined for the first time in June 2006. Revised syllabi in Leaving Certificate Physics, Chemistry and Biology have also been introduced and examined within the last five years. Work on the revision of the two remaining Leaving Certificate subjects — Agricultural Science and Physics and Chemistry (combined) — has also been advanced. The introduction of each of the revised syllabi has been supported by comprehensive in-service programmes for teachers.

Additional equipment grants have been provided to schools, and laboratories continue to be refurbished as part of the ongoing school building programme. In that context, €16 million was issued to schools in 2004 to support the implementation of the revised Junior Certificate Science syllabus. Investment in the Programme of Research in Third Level Institutes (PRTLTI) is continuing apace to enhance and promote world-class standards in research, innovation and development.

My Department does not allocate provision for laboratory technicians/assistants in second level schools. The recommendation made by the Task Force Report in this area, in 2002 prices, was costed at €18.8m annually. The current cost of such provision is estimated at c. €24.6m for science subjects only, but could exceed €120m annually if applied to other practical subjects. While I have made it clear that I am not yet convinced of the need for lab assistants and that I believe that their provision would lead to demands for similar assistance in other subjects with a strong practical component, the Government is committed under the Strategy for Science, Technology and Innovation to re-visit the issue.

As the Deputy will be aware, the Strategy for Science, Technology and Innovation 2006 to 2013 sets out a range of measures to further strengthen science teaching and learning and improve the uptake of senior cycle Physics and Chemistry. These include ensuring that the project based hands-on investigative approach now in place at junior cycle is extended to senior cycle, that the appropriate type of assessment is used and that

there is an emphasis on the inter-disciplinary nature of science in society.

Other aspects of the Plan include: reviewing the implementation of the primary science curriculum to ensure its effectiveness in stimulating interest and awareness in science at a very young age; strengthening teacher training in this area; reforming maths and Leaving Certificate Physics and Chemistry curricula; promotion of science initiatives in Transition Year; and the provision of information and brochures on science opportunities and careers, linking effectively with school guidance services

Taken together, the comprehensive set of measures provided for in the SSTI will build on the improvements made in recent years and ensure even greater support for science education.

Higher Education Grants.

440. **Deputy Chris Andrews** asked the Minister for Education and Science if a person (details supplied) in Dublin 15 is eligible for a higher education grant. [23499/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department funds four maintenance grant schemes for third level and further education students which are administered by the Local Authorities and the Vocational Education Committees. The Higher Education Grant Scheme operates under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. Generally speaking, students who are entering approved courses for the first time are eligible for maintenance grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

Under the nationality requirement, students must hold E.U. Nationality, or have Official Refugee Status or have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or be a person in respect of whom the Minister for Justice, Equality and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999; or have permission to remain in the State by virtue of marriage to an Irish national residing in the State, or be the child of such person, not having EU nationality; or have permission to remain in the State by virtue of marriage to a national of another EU Member State who is residing in the State and who is or has been employed, or self-employed, in the State or be the child of such a person, not having EU nationality; or be nationals of a member country of the European Economic Area (EEA) or Switzerland.

Students must meet the nationality requirement at the time of entry or re-entry to an approved course. However the Grants Schemes contain a 'change in circumstances' clause which

provides that a candidate's eligibility may be assessed or re-assessed in the event of a change in circumstances in relation to, inter alia, reckonable income, the number of dependant children, normal residence and nationality, where the candidate becomes an Irish national or the national of another EU member State.

The 'change in circumstances' provision allows candidates who acquire nationality through the naturalisation process, during the course of their studies, to apply to be assessed or re-assessed for grant assistance with effect from the academic term when the change occurs.

The decision on eligibility for third level or further education grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where for

Sean Haughey

	2003	2004	2005	2006	2007
	€	€	€	€	€
Travel	0.00	0.00	0.00	0.00	14,640.38
Total	0.00	0.00	0.00	0.00	14,640.38
Overall Total	14,640.38				

Sile de Valera

	2003	2004	2005	2006	2007
	€	€	€	€	€
Travel	18,439.08	21,359.53	21,910.45	16,022.00	8,167.45
Total	18,439.08	21,359.53	21,910.45	16,022.00	8,167.45
Overall Total	85,898.51				

Departmental Advertising.

442. **Deputy Niall Collins** asked the Minister for Education and Science if she will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by her Department. [23523/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department's advertisements are placed by Brindley Advertising Ltd in various media on the instruction of the relevant section of the Department for particular campaigns. When advertising nationally and locally my Department seeks at all times to maximise the reach or exposure of each particular campaign or initiative.

It is not feasible to include every newspaper or radio station in every campaign as this would not represent value for money. It is also the case that many new initiatives are carried in the media through news bulletins and it is open to all media

example, advice or instruction regarding a particular clause in the relevant scheme is desired.

Ministerial Transport.

441. **Deputy Leo Varadkar** asked the Minister for Education and Science the amount of money awarded in domestic mileage to each individual Minister of State in her Department for each of the past four years and to date in 2007; and if she will make a statement on the matter. [23508/07]

Minister for Education and Science (Deputy Mary Hanafin): The information sought by the Deputy is as detailed in the following table. The Ministers of State who were paid domestic mileage for each of the last four years and the current year to date are former Minister of State Síle De Valera and Minister of State Sean Haughey.

organisations to seek to be included in the email circulation for press releases from my Department.

Site Acquisitions.

443. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding the purchase of a site for a new primary school building (details supplied) in County Cork. [23642/07]

Minister for Education and Science (Deputy Mary Hanafin): The Property Management Section of the Office of Public Works which acts on behalf of my Department in relation to site acquisitions generally has been requested to source a site for a new national school in Ringaskiddy. A site has been identified and negotiations on its acquisition are ongoing. Its acquisition will be subject to Contract and to availability of funding. When a site is secured consideration will be given to the progression of the project in the con-

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text of the Schools Building and Modernisation Programme 2006-2010.

School Transport.

444. **Deputy Michael McGrath** asked the Minister for Education and Science if a child (details supplied) in County Cork is entitled to avail of her Department's school transport scheme. [23649/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of my Department's Primary School Transport Scheme, pupils who reside 3.2 kilometres or more from, and are attending, their nearest Gaelscoil are eligible for free school transport. Where it is not feasible to arrange a school transport service for eligible pupils, grant-aid may be provided to parents/guardians towards the cost of making their own transport arrangements.

My Department proposes to examine the particular circumstances of the case referred to in the question and will revert to the Deputy when enquiries have been completed.

Schools Building Projects.

445. **Deputy Charles Flanagan** asked the Minister for Education and Science the position regarding the proposed new secondary schools in Portlaoise; and if she will make a statement on the matter. [23701/07]

Minister for Education and Science (Deputy Mary Hanafin): Tenders for the first bundle of schools to be built under my Department's current Public Private Partnership programme consisting of four schools including St. Mary's CBS and Scoil Chríost Rí in Portlaoise were returned to the National Development Finance Agency (NDFIA) in July 2007 and the tender evaluation process has been completed. I am pleased to inform the Deputy that Macquarie Partnerships for Ireland have been selected as the preferred tenderer for this bundle.

State Agencies.

446. **Deputy Richard Bruton** asked the Minister for Education and Science the remuneration package of each of the CEOs of State agencies reporting to her Department including pay, pension and ancillary benefits. [23726/07]

Minister for Education and Science (Deputy Mary Hanafin): It is considered that the information sought by the Deputy constitutes personal information within the meaning of the Data Protection Acts, therefore, it is not considered appropriate to supply the information requested. However, my Department can supply general information in relation to salary scales used in the

education sector. This information is currently being compiled in my Department and will be sent to him as soon as possible.

Institutes of Technology.

447. **Deputy Enda Kenny** asked the Minister for Education and Science her proposals in respect of the provision of a third level centre for music and new media education to be located at the GMIT Galway; and if she will make a statement on the matter. [23759/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department has not been contacted by GMIT in respect of the provision of a third level centre for music and new media education. The provision of new course proposals is, in the first instance, a matter for the governing bodies and management of the institutes themselves in accordance with the provisions of the Institutes of Technology Acts 1992-2006.

448. **Deputy Enda Kenny** asked the Minister for Education and Science her views on the development of applied research and technology transfer capacity within the institutes of technology here with particular reference to the GMIT Galway; her view in respect of a national focus for the role of institutes of technology in this field in collaboration with Enterprise Ireland; and if she will make a statement on the matter. [23760/07]

Minister for Education and Science (Deputy Mary Hanafin): The Institutes of Technology sector has an important regional role with regard to research and industrial development. My Department provides research funding to the third level sector through a number of programmes. Specifically in relation to the Institute of Technology sector a dedicated programme of funding is provided under the Technological Sector Research Programme. This programme provides funding in three areas — Post-graduate R&D Skills which aims to increase the supply of highly skilled graduates for industry; Enterprise Platform Programme which provides training programmes for graduate entrepreneurs involving education/enterprise training and advice/mentoring from business and industry; and Core Research Strengths Enhancement which supports the development of research capacity in the Institutes.

In addition, Enterprise Ireland has a number of supports which are aimed at increasing the levels and quality of applied research and technology transfer. Some of these supports take special cognisance of the unique positioning and distinctive requirements of the Institute of Technology sector and are targeted specifically at these Institutes.

This specific targeting includes the Applied Research Enhancement Programme which was

created to enhance the applied research capabilities within the Institutes of Technology. The programme aims to generate regional economic activity through the creation of a strong applied research base for the Region by bringing together researchers into the Institutes of Technology. GMIT is a participant in this programme through the Shelltec project, which conducts applied research in the fields of shellfish condition, storage and transport and the GMedtech project to establish a Centre of Excellence within GMIT that will offer the regionally and nationally based medical device development community an advanced product performance testing service.

In addition both my Department and Enterprise Ireland are separately providing funding for research equipment in the Institutes of Technology to enhance their research capabilities.

449. **Deputy Enda Kenny** asked the Minister for Education and Science the scale of development land at the GMIT Galway campus; if her attention has been drawn to the fact that the demographic change in the region indicates serious lack of development capacity at the institute in the next ten years; if she has examined this situation; if she has received reports regarding the shortage of development capacity at the GMIT; and if she will make a statement on the matter. [23761/07]

Minister for Education and Science (Deputy Mary Hanafin): The Galway Mayo Institute of Technology campus (GMIT) at Galway comprises 24.3 hectares (60 acres) of land. My Department provided funding of €2.23m as recently as 2003 towards the purchase of Murrrough House and circa 20 acres of land in Galway for GMIT.

The Institute has made a number of proposals to my Department regarding the acquisition of additional land. Representatives from the Institute met recently with Department officials regarding the matter. Any firm proposals from the Institute in relation to the acquisition of land will be considered in the context of advancing projects from the capital envelope under the NDP 2007-2013 and mindful of prioritisation criteria being developed for the sector and the Institute's other priorities.

Social Inclusion.

450. **Deputy Enda Kenny** asked the Minister for Education and Science her proposals for social inclusion in higher education; and if she will make a statement on the matter. [23762/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department is managing a focused programme of investment for social inclusion in higher education. The National Access Office was established as part of the

Higher Education Authority in 2003 with the aim of co-ordinating and developing national policy and implementing funding measures facilitating greater educational access and opportunity for groups who are under-represented in higher education — those who are disadvantaged socially, economically and culturally, mature students and students with a disability. The National Access Office works with all higher education institutions and is currently in the third year of implementation of a national action plan (2005-2007) to achieve equity of access to higher education.

The access programmes of third level institutions are targeting students in the first and second level sector, adult learners returning to education, learners with a disability, members of the travelling community and ethnic minorities. In 2006 the National Office managed the allocation of over €16 million in third Level Access funding for the direct support of students through the Fund for Students with a Disability, the Student Assistance Fund and the Millennium Partnership Fund.

In 2006, a total of 2,444 students, through both individual and group applications, benefited from the Fund for Students with Disabilities. Almost 10,000 students benefited from the Student Assistance Fund in respect of the 2005/2006 academic year. A total of almost 4,000 individuals benefited from the Millennium Partnership Fund in respect of the 2005/2006 academic year.

In October 2006 I announced details of the allocation of over €42 million to third level institutions across the country under the first cycle of the Strategic Innovation Fund. The projects approved are aimed at enhancing collaboration between higher education institutions, improving teaching and learning, supporting the development of fourth level education.

There are positive indications that the combined investment of resources and measures at all levels of the education system to address social exclusion and educational disadvantage is paying dividends and increasing participation in higher education.

Schools Building Projects.

451. **Deputy Damien English** asked the Minister for Education and Science if the delivery of the proposed new school buildings for a school (details supplied) in County Meath will be advanced as a result of Kells Town Council's completion of a development plan that has zoned a site adjacent to the current school campus for use for educational purposes; and if she will make a statement on the matter. [23810/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department is examining the available options in relation to a new school site within the context of making the best educational provision for the Kells area in the long term. The relevant school authorities will be informed of

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any developments in relation to a new site. Progress on a building project for the school referred to by the Deputy will be considered as soon as a site has been acquired.

School Placement.

452. **Deputy Damien English** asked the Minister for Education and Science the number of children in County Meath who have received home tuition due to the inability to find a suitable school place for them for the year 2005 to 2007 inclusive; the breakdown of same; and if she will make a statement on the matter. [23812/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy in relation to children of primary age in receipt of home tuition awaiting school placement is as follows:

Year 2005-2006 — 1 child who would turn 5 during the school year in question and 31 children aged from 2.5 years to 4 years who were in receipt of early intervention through the home tuition scheme.

Year 2006-2007 — 1 child who would turn 5 during the school year in question and 30 children aged from 2.5 years to 4 years who were in receipt of early intervention through the home tuition scheme.

Year 2007-2008 — 5 children who will turn 5 or were older during the school year in question and 12 children aged from 2.5 years to 4 years who are in receipt of early intervention through the home tuition scheme.

The information in relation to students of post-primary age is currently being collated and will be forwarded to the Deputy shortly.

School Transport.

453. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding an application for school transport by persons (details supplied) in County Cork. [23814/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of my Department's Primary School Transport Scheme pupils who reside 3.2 kilometres or more, and are attending, their nearest suitable school, as determined by my Department, are eligible for free school transport. The pupils referred to by the Deputy, in the details supplied, are not attending their nearest school and therefore, do not meet the eligibility criteria for free school transport.

Institutes of Technology.

454. **Deputy Brian O'Shea** asked the Minister

for Education and Science the position in relation to a report (details supplied) on the submission by Waterford Institute of Technology in regard to upgrading to university status; and if she will make a statement on the matter. [23827/07]

Minister for Education and Science (Deputy Mary Hanafin): Earlier this year, Dr. Jim Port was asked to carry out a preliminary examination of the submission made by the Governing Body of Waterford Institute of Technology having regard to (i) national strategy for the development of Irish higher education; (ii) implications for regional development in the South East in the context of the National Spatial Strategy and (iii) any likely implications for the overall structure of higher education in Ireland. Dr Port's report is currently under consideration in my Department.

Irish Language.

455. **Deputy Brian O'Shea** asked the Minister for Education and Science, further to Parliamentary Question No. 401 of 9 October 2007, if she is stating that gaelscoileanna may use their learning support teachers to teach Irish to children who need such support. [23828/07]

Minister for Education and Science (Deputy Mary Hanafin): The purpose of the general allocation system which was implemented in all primary schools in September 2005 is to provide these schools with learning support/resource teachers to meet the needs of children with high-incidence special educational needs, including those children with a specific learning disability in the areas of reading, writing, reasoning or mathematics.

Learning support teachers should be used to support children who are low achievers in English reading or mathematics. The Learning Support Guidelines, published by my Department, provide guidance to schools on the criteria to be used in identifying children who may be of need for such support — priority should be given to those children who perform at or below the 10th percentile. In the gaelscoileanna context, Learning Support teachers could also, having met the needs of the low achiever pupils, provide some early intervention support to children who may have persistent difficulty in Irish despite the use of continuous differentiated teaching by the class teacher in respect of the pupil(s).

It is a matter for the individual school to use its professional judgement to identify pupils with high incidence special education and learning support needs that will receive this support and to use the resources available to them to intervene at the appropriate level with such pupils. My Department's circular SP ED 02/05 provides guidance and advice on the manner in which schools should use the resources that have been allocated to them to best effect. A copy of the circular was provided to all primary schools and

is also published on my Department's website www.education.gov.ie.

Schools Building Projects.

456. **Deputy Joe Carey** asked the Minister for Education and Science when a technical inspection report relating to a school (details supplied) in County Clare will be available; the reason for the delay in publishing the report; and if she will make a statement on the matter. [23870/07]

Minister for Education and Science (Deputy Mary Hanafin): An application for capital funding towards the provision of an extension has been received from the school authority referred to by the Deputy. An assessment of projected enrolment trends, demographic trends and housing developments in the area is currently underway in order to determine the long term projected staffing figure on which the school's accommodation needs will be based. Once the long-term projection has been determined and agreed with the school authorities a technical visit will be necessary to determine the brief for any proposed building project.

The building project will be considered in the context of the multi annual School Building and Modernisation programme.

457. **Deputy Frank Feighan** asked the Minister for Education and Science if a school (details supplied) will go to the design team with the next batch of schools; the tangible target date for completion of the project; and if she will make a statement on the matter. [23889/07]

Minister for Education and Science (Deputy Mary Hanafin): The Office of Public Works, which acts on behalf of my Department in relation to sites acquisitions, has secured a site for the provision of a new school. The building programme required to deliver the new school building will be considered in the context of the multi-annual School Building and Modernisation Programme.

Regulatory Impact Assessments.

458. **Deputy Denis Naughten** asked the Minister for Education and Science the number of regulatory impact assessments produced by her Department since the adoption of the policy by Government; the number of appropriate decisions made by her Department which did not include such assessments; the reason for same; and if she will make a statement on the matter. [23906/07]

Minister for Education and Science (Deputy Mary Hanafin): On the 21 June 2005, the Government decided that Regulatory Impact Analysis (RIA) should be introduced across all Government Departments and Offices. RIAs must be conducted on: all proposals for primary legis-

lation involving changes to the regulatory framework (subject to some exceptions); significant Statutory Instruments; and proposals for EU Directives and significant EU regulations when they are published by the European Commission.

Since that date the Department of Education and Science has conducted three screening RIAs to determine whether a full RIA was necessary. It was determined as a result of these screening RIAs that a full RIA was not necessary. In line with a commitment contained in Towards 2016, Annual Reports of Government Departments are to contain details of legislation and regulations published during the year under review and how RIA was applied in such cases.

Schools Building Projects.

459. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding the provision of new school building at a school (details supplied) in County Limerick. [23916/07]

Minister for Education and Science (Deputy Mary Hanafin): A schedule of overall accommodation for a projected long-term enrolment of 800 has been drawn up and agreed with the School Authorities for the school to which the Deputy refers. A greenfield site for the new proposed school has been identified by Limerick VEC and is at acquisition stage. Once the site issues are finalised, the project will be progressed in the context of the School Building and Modernisation Programme.

School Placement.

460. **Deputy Leo Varadkar** asked the Minister for Education and Science the way she will provide sufficient secondary school places to accommodate all of the children when they reach secondary school age (details supplied); and if she will make a statement on the matter. [23935/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department is advancing plans to make considerable additional post primary places available in the Dublin 15 area. Included in these plans is the addition of three 1,000 pupil-places post primary schools to be developed in Phibblestown, Tyrellstown and Hansfield. While this provision will very significantly increase post-primary provision for the areas concerned, the Department will, nonetheless, keep the position under review.

Site Acquisitions.

461. **Deputy Leo Varadkar** asked the Minister for Education and Science her views on whether the proposed secondary school site in Kellystown, Dublin 15 is in an appropriate location to serve the needs of children of secondary school age in

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the Castleknock and Porterstown areas; and if she will make a statement on the matter. [23936/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy may be aware, the Department works in partnership with Fingal County Council under the Fingal School Model Agreement to acquire sites for educational provision in the Dublin 15 area. A site under this Model is being actively pursued to provide additional post primary places in the Castleknock area. The exact location of the new site has yet to be determined.

State Examinations.

462. **Deputy Leo Varadkar** asked the Minister for Education and Science the number of leaving certificate students who took the examination for each subject with a breakdown of the number of each grade or sub-grades awarded for each individual subject at each level, higher, ordinary and foundation for each of the past 15 years; and if she will make a statement on the matter. [23937/07]

Minister for Education and Science (Deputy Mary Hanafin): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including organising the holding of examinations and issuing the results of examinations. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Site Acquisitions.

463. **Deputy Michael McGrath** asked the Minister for Education and Science if a site has been purchased for a new primary school (details supplied) in County Cork. [23966/07]

Minister for Education and Science (Deputy Mary Hanafin): A suitable site has been identified which comprises of three separate plots of land with three separate vendors. Agreement on price and general terms (subject to Contract) has been reached in respect of each of the three plots and draft Contracts are with the Chief State Solicitor's Office for completion of the conveyancing. As all three plots are essential in order to make a viable and suitable site for the school, my Department has instructed the Chief State Solicitors Office to finalise all outstanding matters and arrange for the signing of Contracts and closure of the sales of all three sites simultaneously. As soon as the Chief State Solicitor's Office notifies my officials that all three contracts are ready to be signed, they will be signed without delay. As soon as the site is in the ownership of the Department, a building project for Ballygarvan will be considered for progression in the context of the

School Building and Modernisation Programme 2006 — 2010 and the National Development Plan.

Schools Building Projects.

464. **Deputy Áine Brady** asked the Minister for Education and Science the projected completion date for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [23972/07]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to advise the Deputy that the process of appointing a Design Team for the school building project she refers to is at an advanced stage. Tender documents are currently being assessed by my Departments technical team. When this assessment is completed, a number of documents will be requested from the preferred consultants namely, Tax Clearance Certificate, evidence of Certified Turnover and evidence of suitable Professional Indemnity Insurance. Once these documents are checked and deemed appropriate, contracts will be signed and the architectural planning of the school project will be commenced. Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

465. **Deputy Áine Brady** asked the Minister for Education and Science when a new school (details supplied) in County Kildare will be completed; and if she will make a statement on the matter. [23973/07]

Minister for Education and Science (Deputy Mary Hanafin): The Property Management Section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has sourced a suitable site for this National School. Agreement on its acquisition has been reached subject to contract. The process to appoint a design team to the project is also underway and it is hoped that architectural planning for the school will commence as soon as this process is complete. A timeline for the progression of the project through architectural planning to the tender and contracts stages will be discussed and agreed with the design team at the early stages of design. The school authorities will be kept informed of developments in this regard.

Higher Education Grants.

466. **Deputy Michael Ring** asked the Minister for Education and Science if she will give a definite response to a third level grant application for a person (details supplied) in County Mayo. [23982/07]

Minister for Education and Science (Deputy Mary Hanafin): The decision on eligibility for third level grants and the issue of grant awards is a matter for the relevant Local Authority. The candidate must be assessed with reference to the terms and conditions of the 2006 Scheme. The Local Authorities must agree amongst themselves which assessing body the application is more relevant to having regard to where the candidate resided during the period from 1 October 2005 to the date of commencement of the Higher Diploma programme in 2006/07. Generally it is the authority in which the candidate resided for the longest period during the prescribed time that would assess the application.

Site Acquisitions.

467. **Deputy Deirdre Clune** asked the Minister for Education and Science the progress made in purchasing a site for a school (details supplied) in County Cork; and if she will make a statement on the matter. [23984/07]

Minister for Education and Science (Deputy Mary Hanafin): The site to facilitate an extension to the school referred to by the Deputy has been valued and the matter is currently being considered by the Department. The further progression of the project will be considered in the context of the multi-annual School Building and Modernisation programme.

Schools Refurbishment.

468. **Deputy Seymour Crawford** asked the Minister for Education and Science the progress of the refurbishment of a school (details supplied) in County Cavan; if it is acceptable for children to have no showers in the gymnasium area, to have roofs leaking directly down onto the work-tops in the domestic science area and a general lack of essential repairs and replacements of windows, doors, roof and so on over a long number of years; and if she will make a statement on the matter. [23989/07]

Minister for Education and Science (Deputy Mary Hanafin): The building project for the School referred to by the Deputy is at an early stage of architectural planning. My Department has recently received additional Stage 2 information and are currently reviewing it. Officials in my Department will be in further contact with the Design Team on completion of this review. Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

Schools Building Projects.

469. **Deputy Seymour Crawford** asked the Minister for Education and Science the progress regarding a school (details supplied) in County

Monaghan; her views on whether it is an urgent matter where children and staff have to use the national primary route as part of their campus and that it is a miracle that a serious accident has been avoided; and if she will make a statement on the matter. [23990/07]

Minister for Education and Science (Deputy Mary Hanafin): The building project for the school referred to by the Deputy was one of a number of schools I announced in 2006 to commence architectural planning. A Planning and Development meeting between officials from my Department, the school authorities and their Design Team was held last month to evaluate the Stage 2 submission for this project. On foot of this meeting additional Stage 2 information was requested from the Design Team. Officials from my Department will be in further contact with the school authorities on receipt of this documentation. Progression of the project to tender and construction will be considered in the context of the multi-annual School Building and Modernisation programme.

School Accommodation.

470. **Deputy Tom Sheahan** asked the Minister for Education and Science if funding is available for the provision of car parking facilities at a school (details supplied) in County Kerry. [24051/07]

Minister for Education and Science (Deputy Mary Hanafin): As part of the expansion of the Permanent Accommodation Scheme, grant-aid was allocated to the school in question to provide permanent accommodation of one classroom and one resource room. An official from my Department has been in contact with the school authorities and they were advised to submit a request for additional funding in respect of the provision of car parking facilities.

Decentralisation Programme.

471. **Deputy Joan Burton** asked the Minister for Education and Science the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24430/07]

Minister for Education and Science (Deputy Mary Hanafin): The number of civil servants based at present in my Department in Dublin who have applied to decentralise is 162. One hundred and thirty seven (137) of these applicants wish to decentralise with my Department, while 25 wish to decentralise with other organisations. To date my Department has been able to accommodate 44 officers who applied to decentralise in

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a location of their choice outside of Dublin. Fifty seven (57) officers who had been employed by my Department and who applied to decentralise have been accommodated by other organisations in the location of their choice outside of Dublin.

Of the 44 officers who have been assigned by my Department to posts outside of Dublin, 23 were assigned to posts in Dublin immediately prior to transfer. Of the 57 officers who transferred out of my Department to decentralised posts in other organisations, 18 were assigned to posts in Dublin immediately prior to transfer. The formerly Dublin based officers who have decentralised have gone to Athlone, Tullamore, Limerick, Waterford, Tubbercurry, Sligo, Navan, Portlaoise, Killarney and Longford.

472. **Deputy Joan Burton** asked the Minister for Education and Science the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if she will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if she will make a statement on the matter. [24444/07]

Minister for Education and Science (Deputy Mary Hanafin): The number of civil servants from my Department who have relocated to locations outside of Dublin under the Government's programme of decentralisation is 101. Forty one (41) of these officers were based in Dublin prior to relocation. This breakdown closely reflects the locational distribution of the main administrative grades in my Department, approximately 60% of which are located outside Dublin and approximately 40% of which are located in Dublin. Arrangements are underway at present to transfer a further 14 officers from my Department as a result of their applications to decentralise. A similar number of officers from other organisations will transfer into my Department in order to relocate to Mullingar, Athlone or Tullamore. Three of the officers to transfer out are based in Dublin at present. It is not possible to this time to predict if all of these transfers can be completed prior to the end of the year.

Ministerial Transport.

473. **Deputy Leo Varadkar** asked the Minister for Defence the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23507/07]

Minister for Defence (Deputy Willie O'Dea): No such award has been made to the Minister of State in my Department.

Departmental Advertising.

474. **Deputy Niall Collins** asked the Minister for Defence if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23522/07]

Minister for Defence (Deputy Willie O'Dea): I have arranged that the request in question will be given appropriate consideration by my Department and the Defence Forces in the context of future advertising or public awareness campaigns.

State Agencies.

475. **Deputy Richard Bruton** asked the Minister for Defence the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23725/07]

Minister for Defence (Deputy Willie O'Dea): The Director General of the Civil Defence Board is a Principal Officer on the standard scale (€82,016 — €101,446). The Secretary of Coiste an Asgard is a Higher Executive Officer who is normally paid on the standard scale (€44,314 — €55,250) and is seconded from the Department of Defence. Both are paid pensions in accordance with the provisions of the Civil Servants Pension Scheme.

Search and Rescue Service.

476. **Deputy P. J. Sheehan** asked the Minister for Defence the reasons that the Air Corps will not land in Bantry Hospital to undertake air ambulance missions; if the same reasons are preventing air sea rescue helicopters from landing in the hospital; the measures that will have to be taken before this service can be restored; and if he will make a statement on the matter. [23855/07]

Minister for Defence (Deputy Willie O'Dea): A Service Level Agreement between my Department and the Department of Health & Children for the provision of an Air Ambulance Service by the Air Corps was signed in September 2005. This Service Level Agreement was prepared by my Department and the Department of Health & Children in consultation with the Health Services Executive and the Defence Forces including the Air Corps, who are all signatories to the Agreement. Under the terms of the Service Level Agreement, the Air Corps provide aircraft and flying crews. The provision of the Service is dependent on the availability of a suitable aircraft, the availability of flying crews, and the suitability of weather conditions.

I am advised that Air Corps helicopters involved in air ambulance operations have used the helipad at Bantry Hospital. However, the area surrounding the helipad is somewhat con-

fined and in adverse weather conditions it is preferable for safety reasons to conduct the landing and take-off from Bantry Airfield, one kilometre distant. The provision of maritime Search & Rescue services within the Irish Search and Rescue Region is a matter for the Irish Coast Guard, under the aegis of the Department of Transport. I am not in a position to comment on the operational capabilities of the Irish Coast Guard.

Regulatory Impact Assessments.

477. **Deputy Denis Naughten** asked the Minister for Defence the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23905/07]

Minister for Defence (Deputy Willie O’Dea): There have been no Regulatory Impact Assessments (RIA) carried out by my Department. The Department of Defence is not a regulatory authority as commonly understood. The Defence Acts and Regulations made thereunder are for the most part, focused on the Defence Forces only and do not apply to the ordinary citizen or to business. Notwithstanding this, the Department applies the principles set out in the RIA Guidelines issued by the Department of the Taoiseach where appropriate. My Department is also represented on the RIA Network chaired by the Department of the Taoiseach. My Department has an ongoing programme of work on the simplification and reform of legislation and Regulations made under the Defence Acts. Elements of this are included in the Pay Agreement and Modernisation Agenda for the Defence Forces and the Towards 2016 Action Plan for the Department.

Defence Forces Equipment.

478. **Deputy Michael McGrath** asked the Minister for Defence the position regarding the procurement of new naval vessels for the Naval Service. [23967/07]

Minister for Defence (Deputy Willie O’Dea): The Naval Service provides the maritime element of the Defence Forces and has a general responsibility to meet contingent and actual maritime defence requirements. In the 2000 White Paper on Defence, the Government decided that the Naval Service would be based on an 8-ship flotilla and committed to a modernisation and replacement strategy to maximise the operational capacity of those 8 vessels consistent with the roles assigned to the Naval Service. The White Paper specifically provides that “New vessels will be brought on stream to replace older ones as these fall due for replacement”. Naval Service Vessels are replaced when they have come to the end of

their useful life, which is normally around 30 years. Three ships will fall due for replacement over the next 3 to 5 years — LE Emer, commissioned in 1978, LE Aoife, commissioned in 1979 and LE Aisling, commissioned in 1980.

Following a detailed examination of the needs of the Naval Service a vessel replacement strategy has been put in place to cover the period up to 2012. The vessel replacement strategy combined with a continuous process of refurbishment will ensure that the operational capability of the Naval Service is maintained at a very high level. Following Government approval in July 2007 to go to tender, notice of a competition for the purchase of replacement vessels for the Naval Service was sent to the Official Journal of the European Union on 24 August 2007.

The competition is for the purchase of two Offshore Patrol Vessels, with an option of a third and one Extended Patrol Vessel, with an option on a second. The options provide an effective value for money opportunity, at locked in prices, to provide replacements for Naval Service vessels which will reach the end of their service life in the years immediately following the current replacement programme. The competition uses a Restricted Procedure which comprises two stages — Stage 1, a Request for Proposals and Stage 2, an Invitation to Tender.

The closing date for Stage 1 — receipt of Proposals is 26 October 2007. Following evaluation of Proposals a detailed specification will issue to those invited to participate in Stage 2. The evaluation of Stage 1 Proposals and the preparation of the detailed specification for Stage 2 will be carried out between November 2007 and April 2008. Depending on the quality of the proposals received there will be a maximum of 7 companies invited to tender. This invitation to tender is expected to issue in May 2008, with tenders due in July/August. Following detailed tender evaluation it is intended to award a contract in late 2008.

The decision to proceed with the final award of contract to purchase the vessels will be subject to Government approval and agreement on funding, the full requirement for which will not be known until the tender competition has concluded. However, it is expected that the cost of the three new ships will be of the order of some €180m. The funding arrangements for this will obviously be a matter for further consideration, in consultation with my colleague the Minister for Finance in the context of the Estimates process. It is expected that the vessels will be delivered on a phased basis between 2010 and 2012. The Government is committed to continuous investment in the equipment needs of the Naval Service to enable it to carry out the roles assigned to it.

Decentralisation Programme.

479. **Deputy Joan Burton** asked the Minister for Defence the number of civil servants based in

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Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24429/07]

Minister for Defence (Deputy Willie O’Dea):

The Government Decision on decentralisation, announced by the Minister for Finance in his Budget Statement on 3 December 2003, provides for the transfer of all my Department’s Dublin based Civil Service staff to Newbridge, Co. Kildare. The number of staff to be relocated to Newbridge is 200. A total of 338 personnel have applied to decentralise to Newbridge. The vast majority of these are Dublin based applicants.

None of the 128 Newbridge bound staff currently serving in my department has transferred to that location, as the construction of the Department’s new headquarters is not expected to be completed until the first quarter of 2009. A total of 14 staff have transferred from Dublin based posts to the Civil Defence Board which decentralised to Roscrea, Co. Tipperary in 2006. A further 7 staff have transferred from Dublin based posts to my Department’s existing offices in Renmore, Co. Galway.

480. **Deputy Joan Burton** asked the Minister for Defence the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government’s decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24443/07]

Minister for Defence (Deputy Willie O’Dea):

A total of 21 staff currently serving in my Department have transferred from Dublin posts to the Civil Defence Board in Roscrea, Co. Tipperary and my Department’s offices in Renmore, Co. Galway under the Government’s Decentralisation Programme. A further 9 staff members have transferred to the Roscrea location and 6 staff members to the Galway location from other provincial locations. It is expected that by the end of 2007 a total of 40 staff will have transferred to my offices outside of Dublin under the Government’s Decentralisation Programme.

The Government Decision on decentralisation, also provides for the transfer of all of my Department’s Dublin based Civil Service staff to Newbridge, Co. Kildare. To date, 128 Newbridge bound staff are currently serving in my Department. None of these staff will have relocated to Newbridge by the end of 2007, as the construction of the Department’s new headquarters is not

expected to be completed until the first quarter of 2009.

Road Safety.

481. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when he will roll out the fixed and mobile speed cameras throughout the country via private contractors; and if he will make a statement on the matter. [23822/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):

In accordance with EU Directives, national public procurement procedures and relevant legislation, a Request for Information (RFI) for the provision and operation of safety cameras on behalf of An Garda Síochána was published on the Government’s procurement website on 24 November, 2006. Following the evaluation of the submissions received in respect of the RFI a total of six companies/consortia were short-listed in February 2007 to participate in the next stage of the process.

A detailed Request for Tender (RFT) was issued to the six short-listed candidates, with a closing date of 3 August, 2007 set for receipt of tenders. The tenders are currently being evaluated in accordance with the criteria set out in the RFT. It is expected a preferred bidder will be selected in the very near future. Contract discussions will then commence with a view to finalising a contract. It is intended that roll out of cameras will commence in early 2008.

482. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform if comprehensive investigations are being made into the causes of road accidents in every case; if reports are produced as a result of such investigations; if so, if these reports will be published; the action that will be taken as a result of such investigations; and if he will make a statement on the matter. [23836/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):

I am informed by the Garda authorities that traffic collisions are subject to a thorough investigation in accordance with Garda traffic collision investigation policy. Collisions resulting in material damage only are not investigated, except where an offence is alleged or disclosed, a State-owned vehicle is involved or the requirements of section 106 of the Road Traffic Acts 1961-2006 have not been complied with.

I am also informed that in the investigation of fatal and life-changing traffic collisions An Garda Síochána recognises that the public is entitled to the highest possible standard of service and professionalism. A Forensic Collision Investigator therefore attends at the scene of every fatal road traffic collision and every collision where infor-

mation indicates that there is a likelihood of a fatality resulting from such collision. On conclusion of the investigation, files are prepared and submitted to the Law Officers as appropriate.

I am further informed that information resulting from Garda investigations of traffic collisions is shared with appropriate agencies, including local authority engineers, with a view to proactively contributing to improving road safety and reducing the number of road traffic collisions through a preventative approach. Data in respect of all traffic collisions is also provided to the Road Safety Authority, which publishes an annual report, Road Collisions Facts. The Garda District Officer (Superintendent) has overall responsibility for the investigation of fatal traffic collisions within his or her District and s/he has access to all necessary resources, including the forensic collision investigation capability, within An Garda Síochána to do so.

Crime Levels.

483. **Deputy Cyprian Brady** asked the Minister for Justice, Equality and Law Reform the number of recorded incidents of anti-social behaviour and other crimes that have been reported to the gardaí in O'Connell St. and the immediately surrounding streets, over the past two years; and the number of arrests and charges made in that area and over that time. [23322/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was 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, 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 statistics sought by the Deputy directly to him.

Visa Applications.

484. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform if, in the case of a person (details supplied) in County Wexford who has permission to reside in Ireland, there is a mechanism whereby their parents

would be granted a visa to visit them here; and if he will make a statement on the matter. [23327/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Visa required nationals who wish to visit family members in this State may apply for a visit visa. Visit visas are issued for short term trips only. The maximum duration for which an Immigration Officer may permit the holder of a visit visa to remain in the State is 90 days. Comprehensive information on making a visit visa application is available on the website of the Irish Naturalisation and Immigration Service at www.inis.gov.ie.

Citizenship Applications.

485. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the status of the application for naturalisation by a person (details supplied) in County Wexford; when a decision will be made; and if he will make a statement on the matter. [23328/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to was received in the Citizenship Section of my Department in August 2005. Officials in that section inform me that processing of the application has commenced and the file will be submitted to me for a decision in the coming months. I will inform the Deputy of the outcome in due course.

Residency Permits.

486. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the number of applications for long-term residency that have been received by his Department each year since 2000 to date in 2007; the number of these that have subsequently been granted; the number of these for each year since 2000 that are currently awaiting decision; the number of applicants from the respected county of origin for each year; and if he will make a statement on the matter. [23332/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Long term residency was introduced by way of an administrative scheme in May 2004. 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.

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This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

The detailed information sought by the Deputy is not available in my Department and could be compiled only by the diversion of substantial staff resources from other important work. However, I can inform the Deputy that there are no cases on hand for applications for long term residency received in 2004 and 2005. There are currently 5,834 cases on hand for applications received in 2006 and 2007. I understand that applications received in July 2006 are currently being dealt with.

Garda Deployment.

487. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will put in place a safety and security plan near a location (details supplied) in Dublin 5 in order to deal with anti-social activity. [23335/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the area referred to is in Raheny Garda District and is patrolled by Garda foot and mobile patrols. Members of the local Community Policing Unit are also allocated to this area and liaise with the local community providing crime prevention and security advice. I am further informed that a number of incidents, where property has been damaged, have been reported to the Garda authorities and these incidents are under investigation. Additional Garda patrols, including patrols by the District patrol car, District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units have been directed to this area, with a view to ensuring a visible Garda presence.

Current policing policy in the area is predicated on the prevention of crime including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Visa Applications.

488. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if Irish born children have a right to have both parents living here particularly when one is a foreign

national (details supplied)); and if he will clarify the situation. [23336/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): At present there is no absolute right to reside in the state based on marriage to an Irish national or by virtue of being the parent of an Irish born child. In most cases, the first action of a foreign-resident parent of an Irish-born child wishing to come to Ireland is to submit a visa application. It is the case that the right to family life, as envisaged in Article 8 of the European Convention on Human Rights, must be balanced with the State's obligations to ensure the integrity of its immigration systems and procedures when assessing visa applications.

In the case of the application referred to by the Deputy, a "Join Spouse" visa application was received in the Visa Office, Dublin on the 30 August 2007. It was refused by the Visa Officer on 21 September 2007 for a number of reasons. The principal reason for refusal was the immigration history of the applicant, who was deported from the state in 2003. It is the general policy of my Department not to grant a visa to persons who are the subject of a deportation order.

Residency Permits.

489. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 175 of 3 April 2007, the status of the residency application for a person (details supplied) in County Clare; and if he will make a statement on the matter. [23343/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that following a review of the application for residence in the State based on EU Treaty Rights a decision has recently issued to the person concerned. The person concerned did not meet the criteria for eligibility for residence in the State in accordance with Regulation 3(2) SI 656/2006 European Communities (Free Movement of Persons) No.2, Regulations 2006. In order to avail of rights of residence in the State under the Regulations, applicants must submit evidence showing lawful residence in another EU Member State prior to arrival in Ireland. The vires of this Regulation was recently upheld in the High Court. The matter is under appeal to the Supreme Court.

Although the applicant is not eligible under the above Regulations for residence in the State, Stamp 4 conditions have been granted for a two year period to the person concerned. Stamp 4 conditions entitle the person concerned to take up employment without the need for a work permit and to set up a business without the need for

permission from the Minister for Justice, Equality and Law Reform.

Citizenship Applications.

490. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform when a decision on the application for naturalisation will be made in the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [23356/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question 203 on 3 April 2007. Officials in the Citizenship Section of my Department inform me that the documentation requested has recently been received. Further processing of the application has commenced and it is likely that the file will be submitted to me for a decision in the coming months. I will inform the Deputy of the outcome in due course.

Sexual Offences.

491. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the number of convicted sex offenders currently in prison, on temporary release and the circumstances warranting such release, who have completed their sentence and are no longer imprisoned, whose addresses are presently known to An Garda Síochána pursuant to notification under the Sex Offenders Act 2001 and are not in prison, and are under supervision by the probation and welfare service. [23388/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As at 12 October, 2007, there were 257 persons serving sentences for sex offences. No person in this category was on temporary release. The Sex Offenders Act, which commenced on 27 September 2001, sets out the obligations on persons convicted of a range of sexual offences against both children and adults. Section 9 places an obligation on Prison Governors to inform the Gardaí of the impending release of a sex offender, at least 10 days in advance, and to remind the offender of his or her obligations under the legislation prior to his release. In addition to offenders approaching release, offenders who are going to Court where there is a possibility of early release (ie. a review of sentence or an appeal of length of sentence) must also be informed of their obligations before they attend Court.

A certificate will be issued by the Courts to each offender convicted of a sexual offence, after the commencement of the Act, notifying him/her that they will be subject to the notification period. A further certificate will issue at the time of sentence where a custodial sentence is imposed.

These certificates will also issue to the Gardaí and Prison Governors. However, it will be the responsibility of the Governor to identify those offenders convicted of a sexual offence prior to the commencement of the Act who are currently in their prison in respect of that offence (i.e. serving a sentence or awaiting sentence). Notifications to the Gardaí of the impending release of a sex offender are to be sent to the Domestic Violence Sexual Assault Investigation Unit (D.S.A.I.U) at Harcourt Square, Dublin 2. Details should include, name, date of birth, any known addresses including the address at which the offender intends to reside upon release (if known), offence, sentence, institution. An up to date photograph should also be provided.

As the Deputy is aware, 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 or who have been convicted abroad of an offence comparable to one covered by the Act.

Part 4 of the Sex Offenders Act 2001 provides that it is an offence for convicted sex offenders to apply for, or to accept, work or to offer services, a necessary and regular part of which consists mainly of unsupervised access to, or contact with, children or mentally impaired persons, without informing the employer or organisation of his/her conviction for a qualifying sexual offence. It is an offence to fail to comply with the notification requirements. The penalty is imprisonment for up to 12 months or a fine of €1,900 or both. The Garda Síochána has in place a system for the monitoring of persons subject to these requirements. The Domestic Violence and Sexual Assault Unit monitor and manage the notification provisions.

The information on persons who are subject to the requirements of the Sex Offenders Act, 2001 is maintained at a central location. Only specified nominated Garda personnel have access to this

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information. There are nominated Garda Inspectors in each Garda Division who are notified by the Domestic Violence and Sexual Assault Unit when a sex offender, who is subject to the requirements of the Act, is resident in their Division. These inspectors are responsible for the monitoring of such offenders.

The Garda authorities are currently preparing to integrate the system for recording persons subject to the requirements of the Act into the PULSE system. Up to 11 October, 2007 there are 1,069 persons subject to the requirements of the Sex Offenders Act 2001. There are currently 112 sex offenders under the supervision of the Probation Service.

Sex Offender Treatment Programme.

492. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the prisons in which alleged sex offenders awaiting trial and not on bail are currently held and the numbers concerned; the prisons in which convicted sex offenders currently serving sentences are held and the numbers concerned; the numbers of convicted sex offenders currently undergoing treatment; the prisons in which such treatment is being provided; and the numbers who have agreed to or sought treatment to whom no treatment is currently available. [23389/07]

493. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the number of persons currently employed full-time and part-time by the Prison Service to provide treatment to convicted sex offenders; the qualifications of same; the prisons to which they are attached; the number of said posts currently vacant; and his proposals to recruit additional personnel to provide such treatment. [23390/07]

494. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the type of treatment provided within the Prison Service to convicted sex offenders to attempt to ensure they do not re-offend upon release; and the action taken to implement the recommendations of the joint committee on child protection made in November 2006 that there be developed a comprehensive and fully funded programme for the assessment and treatment of convicted sex offenders beginning upon conviction and continuing for as long as necessary through imprisonment and after release. [23391/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 492 to 494, inclusive, together.

The details of those on remand for offences of a sexual nature and also convicted for such

offences as on 10 October 2007 are detailed in the table.

Prison	Remand — Awaiting Trial	Sentenced
Arbour Hill	3	84
Castlerea	6	19
Cloverhill	19	0
Cork	0	5
Limerick	2	3
Midlands	1	70
Mountjoy	0	2
St. Patrick's	0	6
Wheatfield	3	68

There are three forms of direct therapeutic intervention for sex offenders currently operating within the Irish prison system. These are as follows:

- Individual counselling from the Irish Prison Service's Psychology Service and from the Probation Service;
- The Sex Offender Programme which has been in operation since 1994; and
- One-to-one interventions by visiting psychiatrists who provide support to prisoners.

Every effort is made to assist sex offenders in custody who are willing to participate at any level in their personal rehabilitation and relapse prevention. While it is not possible to quantify with absolute accuracy participation in all forms of rehabilitation, many of those in custody for sex offences have availed of one or more of the forms of intervention referred to above.

The second intervention which I have specified in my reply is the intensive offence-focused group programme. The programme is managed and delivered by members of the Irish Prison Service's Psychology Service and the Probation Service and caters for eight offenders at a time, taking 11 months to complete. The Psychology Service staff involved in the Programme have internationally recognised qualifications in psychology (e.g. Doctorate in Clinical Psychology, Masters in Counselling Psychology). The programme also requires one full-time Probation Officer with accompanying managerial input. This Probation officer is a professionally qualified social worker.

The Probation Service has recently restructured its Service delivery to prisons and formed one region 'Prisoners, Risk and Resettlement' comprising 48 staff. The staff of this region provide dedicated services to twelve prisons as well as a dedicated High Risk Offender Team. This team will be developing a "best practice" model for the Service's interventions with sex offenders.

In keeping with international best practice in this area, the programme is a structured, offence-focused programme, employing a cognitive behavioural approach with a relapse prevention component. The aim of the programme is to reduce sexual victimisation in society. In achieving this, the programme places considerable emphasis on the therapeutic process within the group and on supporting each participant in gaining the knowledge, skills, attitudes and self confidence necessary to live his life differently and more constructively in the future. The programme seeks to address the behaviour that leads to offending by all types of sex offenders.

A total of 128 sex offenders have completed the sex offender programme to date. A further eight men are about to begin undertaking the programme in Arbour Hill Prison. There is no waiting list in operation in respect of participation on the programme. The programme is voluntary and the practice is to invite all eligible sex offenders to apply for a place on the programme when a new group programme is being set up. The reasons why applicants for the programme might be considered unsuitable include: the applicant's sentence is under appeal, current serious mental health problems would militate against effective participation in the programme, the applicant is not sufficiently prepared for the intensity of the programme, denial of offence, etc. In addition, a number of offenders undergo one-to-one counselling in relation to their sexual offending.

Some individuals engage with the therapeutic services initially to seek assistance in adjusting to imprisonment or to address their mental health needs. Following such interventions, offenders are often more open to looking at their sexual offending and a concentrated period of motivational work is conducted to help them address their offending behaviour and related issues. In response to such counselling many offenders, who initially might deny responsibility for their crime or deny any need for treatment, are motivated towards some process of change. For some offenders this results in them undertaking the Sex Offender Programme, for others it results in sustained individual therapy around their offending or engagement in some other programme available in the prison system.

I am advised by the Director General of the Irish Prison Service that we cannot compel offenders to participate in the programme. While offenders can be supported and encouraged in their efforts to change and to address their offending behaviour, ultimately successful completion of any intervention programme depends on the willing participation and commitment of appropriately motivated individuals. Otherwise, the key elements of the programme concerned with supporting the offender in taking responsibility for his offending behaviour and in

developing a comprehensive plan for a non-offending lifestyle in the future will not succeed. The challenge, therefore, for the Irish Prison Service, is to use a range of channels to motivate as many offenders as possible to undertake change and to address their offending behaviour.

The number of suitably motivated offenders applying for participation on the Sex Offenders Programme has declined in recent years and this is a matter of concern. The Irish Prison Service and the Probation Service continually review their processes to determine what measures may be taken to increase the number of offenders participating on the programme. In recent years additional psychologists have been appointed to the Irish Prison Service; the Service's staffing level is currently at an all time high. These new psychologists play an important role in working with offenders to address their offending behaviour, including work with sex offenders aimed at enhancing their preparedness for possible participation on the Sex Offender Programme.

There are currently 18 psychologists appointed to the Irish Prison Service. A total of 13 psychologists are based in those establishments holding sex offenders. They provide psychological services, on request, to prisoners, including sex offenders, held in these establishments. The work undertaken with sex offenders covers mental health and/or offence-related issues. One psychologist, currently attached to Arbour Hill Prison, is in the process of leaving the Irish Prison Service to take up other employment. An advertisement has been placed this month with a view to filling this post. In addition, advertisements have also been placed for an additional psychologist to augment services to Wheatfield Prison and for a psychological assistant to augment services to Arbour Hill Prison. The Irish Prison Service is also actively exploring the possibility of enhancing service provision to this group of offenders in partnership with community based organisations who have expertise in this area.

My Department and the relevant agencies are continuing our examination of how the treatment and supervision of sex offenders can be enhanced and in that context the recommendations of the Joint Committee on Child Protection are under consideration. Under Part 5 of the Sex Offender Act 2001, the Probation Service has statutory responsibility to supervise certain sex offenders in the community. Protocols are in place within the Service to ensure effective data and risk management. These include obligations on Probation teams to notify the HSE of sex offenders who are due to be released from custody.

I should also advise the Deputy that the Probation Service are working with the Probation Board for Northern Ireland to develop an assessment instrument specifically applicable to sex offending. The introduction of an All Ireland Risk Assessment Psychometric Instrument will

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facilitate an enhanced quality of assessment and associated post-release intervention. This instrument will also form the basis for community based risk management.

In addition, community based intervention programmes are currently operated by the Probation Service in conjunction with the Granada Institute under the Lighthouse project. These group based programmes operate in Dublin and target those who have been convicted of sexual offences against children.

Residency Permits.

495. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform if, in relation to persons (details supplied) in County Wexford, his attention has been drawn to the fact that they were originally refused permission to remain in the State as they were unable to produce their passports which were held until recently released by the UK Home Office; his views on whether it is equitable that their more recent application for permission to reside in the State as the parents of an Irish born child has been refused on the basis that the application was not submitted in good time, in circumstances where they were unable through no fault of their own to make the application in good time owing to non-availability of their passports; if he will review this application for permission to reside in the State; and if he will make a statement on the matter. [23396/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to inform the Deputy that the applications in question have now been processed by my Department and permission to remain in the State will issue to the persons concerned in the very near future.

Closed Circuit Television Systems.

496. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if applications have been made to him for closed circuit television for a town (details supplied) in County Mayo. [23397/07]

497. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform the applications made for towns in County Mayo in respect of closed circuit television funding; the number of applications that have been successful; and the number that are waiting to be supplied with CCTV cameras. [23398/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 496 and 497 together.

CCTV systems have become an important and effective tool as a support to policing and public

safety and they can also act as a useful deterrent to crime and public disorder. The Community-based CCTV Scheme was launched in June 2005 in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community CCTV systems. The scheme also offers pre-development grants of up to €5,000 to enable qualifying applicants to investigate the need for CCTV in their area and to complete a detailed proposal. Pobal has been engaged to administer the scheme on behalf of my Department and it carries out thorough assessments of all applications received.

I have been informed by Pobal that no applications were received from groups in the town to which the Deputy refers. A successful application was received under the scheme from the Ballina CCTV Steering Committee for pre-development funding. Subsequently, an application for capital funding was made and this application is currently being considered by Pobal who have raised some queries with the Steering Committee. Unsuccessful applications for pre-development funding were also received from groups in Kiltimagh and Westport.

It is intended to invite applications for funding under the Community-based CCTV Scheme on a periodic basis and it will be open to any group from County Mayo to submit an application for funding at that time. Further details of the scheme and the relevant documentation are available on my Department's website, www.justice.ie, or on Pobal's website, www.pobal.ie.

Garda CCTV schemes are planned and implemented on the basis of identified operational need. I have been informed by the Garda authorities that a Garda town centre CCTV system has been sanctioned for Castlebar, County Mayo and a contract for the supply and installation of this system will be issued shortly.

498. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform the amount spent on closed circuit television cameras for the past five years on an annual basis, by town and nationwide. [23399/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Garda town centre CCTV systems are planned and implemented on the basis of identified operational need. These systems are usually located within the commercial and recreational areas of our towns and cities. I have been informed by the Garda authorities that the amount spent from the Garda Vote on Garda CCTV systems in the period 1 January 2003 to 30 September 2007 is as set out in the table.

Year	Total Spend
	€
2003	840,871
2004	1,104,737
2005	212,454
2006	1,068,488
2007 (to 30/09)	580,316
Total	3,806,866

I am also advised by the Garda authorities that the monies spent on CCTV are not currently collated on a town by town basis. To gather this information would require a disproportionate amount of time and resources. At present, Garda CCTV systems are in operation in nine cities and towns around the country and work is ongoing

Year	Area	Total Spend
		€
2006	Limerick City — Moyross Community Enterprise Centre	40,000
2007	Athy	28,582
	Corduff	71,601
	Drogheda	35,761
	Ballinasloe	28,716
	Letterkenny	29,000
	Limerick City — Moyross Community Enterprise Centre	40,000
	Limerick City — Our Lady of Lourdes	19,765
	Sligo Town	38,380
	Tralee	20,000
	Waterford City	40,000
Total		391,805

Payments under the scheme are made on a phased basis according to the development of the individual CCTV systems and, accordingly, significant further payments are due in respect of a number of the schemes listed above. In addition, funding for community based CCTV schemes which are in RAPID areas is also made available from my colleague the Minister for Community, Rural and Gaeltacht Affairs.

I am committed to the further expansion of the CCTV programme around the country and this process is ongoing. It is intended to invite applications for funding under the Community-based CCTV Scheme periodically and it is open to any group to submit an application for funding at that stage. Further details of the scheme and relevant documentation are available on either my Department's website, www.justice.ie, or on Pobal's website, www.pobal.ie.

Residency Permits.

499. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the status

on the development and installation of a further 17 systems.

The Community-based CCTV Scheme was launched in June 2005 in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The 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.

Overall, since the launch of the scheme, grant awards to local community groups have been announced for over 80 groups around the country to a total of almost €7 million. Pobal has been engaged by my Department to carry out the day-to-day administration of the scheme. I have been informed by Pobal that the amount spent on each scheme from the Garda Vote on Community-based CCTV since the launch of the scheme to 30 September 2007 is as set out in the table.

of the application for residency here from a person (details supplied) in County Clare since their entry into Ireland in July 2006. [23408/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that following a review of the application for residence in the State based on EU Treaty Rights a decision has recently issued to the person concerned. The person concerned did not meet the criteria for eligibility for residence in the State in accordance with Regulation 3(2) SI 656/2006 European Communities (Free Movement of Persons) No.2 Regulations 2006. In order to avail of rights of residence in the State under the Regulations, applicants must submit evidence showing lawful residence in another EU Member State prior to arrival in Ireland. The vires of this Regulation was recently upheld in the High Court. The matter is under appeal to the Supreme Court.

Although the applicant is not eligible under the above Regulations for residence in the State, Stamp 4 conditions have been granted for a two

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year period to the person concerned. Stamp 4 conditions entitle the person concerned to take up employment without the need for a work permit and to set up a business without the need for permission from the Minister for Justice, Equality and Law Reform.

Prison Building Programme.

500. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the position regarding the proposed new detention centre at Kilworth, County Cork; and if he will make a statement on the matter. [23410/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Government decided earlier this year to assign a site owned by the Minister of Defence to the Prison Service as the location for the development of a prison facility to replace Cork Prison and serve the Munster region. A preliminary site suitability report has been carried out on the site and this has confirmed that there are no significant constraints to the development of this site.

I can confirm also that the Prison Service Interim Board, in accordance with the Department of Finance Guidelines, has recently approved a preliminary Business Case for this project and has forwarded it to my Department for consideration.

Garda Equipment.

501. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 471 of 31 January 2007, the relevant figures for 31 December 2006 and the current figures; and if he will make a statement on the matter. [23412/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that the total number of firearms authorisation cards issued to members of the Garda Síochána (all ranks) for the year ending the 31st of December 2006 and 24th August 2007 is set out hereunder. (The last audit conducted in relation to the issue of firearm authorisation cards was the 24th August 2007).

Year	Firearms Authorisation Cards
31/12/2006	3,293
24/08/2007	3,345

For Security and Operational reasons it is not Garda Policy to disclose the number of firearms authorisation cards issued on a Divisional basis.

Human Trafficking.

502. **Deputy Beverley Flynn** asked the Minister for Justice, Equality and Law Reform the pro-

gress made in providing protection for the victims of human trafficking. [23418/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can assure the Deputy that An Garda Síochána takes a proactive approach to preventing and combating the trafficking of human beings in the first instance through a wide range of measures.

In terms of supporting victims of any such crime, I am informed by the Garda authorities that victims encountered by An Garda Síochána are managed on a case-by-case basis. A training course designed by the Garda College which focuses on trafficking in human beings commenced in 2006 and has continued through 2007. It is aimed at those members of An Garda Síochána identified as likely to encounter victims of trafficking in the course of their duties to ensure that they are aware of the complexities of this type of criminal activity and that suspected victims receive appropriate assistance from the relevant agencies within the State.

An Garda Síochána has developed a significant level of co-operation with the UK authorities in this regard. Where a victim of suspected human trafficking is a minor, relevant notifications are made to the Health Service Executive and the provisions of the Child Care Act 1991 are invoked, as appropriate. Within this jurisdiction, the Garda National Immigration Bureau continues to liaise with Government and non-Government agencies, including Ruhama and the International Organisation for Migration (IOM) to ensure the exchange of information regarding suspected trafficking in human beings.

As part of Operation Pentameter 1 a poster-campaign was launched in both Ireland and the UK to encourage victims of human trafficking to report their plight to State authorities. Operation Pentameter 2, in which Ireland is again also participating, was recently launched by the United Kingdom. One of the main objectives of this operation is to raise awareness of the scale of the problem of trafficking of human beings for the purpose of sexual exploitation, particularly among those who avail of sexual services. The undertaking of additional awareness raising initiatives in both the UK and Ireland during Operation Pentameter 2 has been discussed and plans are being formulated in that regard.

As the Deputy will be aware, I recently published the Criminal Law (Human Trafficking) Bill. This Bill offers protection under the criminal law to victims of human trafficking. Specifically, it includes a provision whereby a judge may exclude persons from the court, during proceedings in trafficking cases, where publicity might place alleged victims of trafficking and their families at risk. The Bill also guarantees the anonymity of alleged victims of trafficking unless fully or partially waived by a judge.

Conviction for an offence under this provision carries a maximum penalty of 10 years imprisonment. The Bill also allows for an alleged victim

of trafficking to give evidence through a live television link, with the leave of the court in the case of adults, from within the State or abroad. In addition, it is intended that the Immigration, Residence and Protection Bill will, subject to enactment, provide the necessary framework for addressing the immigration aspects of trafficking so as to comply with the relevant protection provisions in the Council of Europe Convention.

In particular, in the context of the treatment of victims, it is intended that a framework will be put in place whereby a victim of trafficking can be afforded an immediate period of recovery and reflection in the State and also, in circumstances where he or she wishes to participate in any criminal proceedings in the matter, a further period of residence to enable him or her to do so.

Finally, in order to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, I will also be introducing new administrative structures that will further assist trafficking victims. These new initiatives will be elaborated in the National Action Plan which will be developed over the next year. While there is no evidence of a substantial human trafficking problem in Ireland, the Government is determined that all necessary actions are taken to ensure that it does not become a significant problem in the future.

Registration of Title.

503. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform the position regarding a Land Registry application for change of name for a person (details supplied) in County Donegal. [23422/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

I would also like to refer the Deputy to a service for TDs and Senators concerning the current status of applications, such as the subject of this question, which was introduced in May 2006. The service was introduced, inter alia, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions. This service, which is operated by the Property Registration Authority, is available all year round. I can further inform the Deputy that his query has been forwarded to the Property Registration Authority for attention and direct reply via the above mentioned service.

Residency Permits.

504. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform when the application for long-term residency by a person (details supplied) in County Wexford will be finalised; and if he will make a statement on the matter. [23425/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As outlined in Parliamentary Question put down for answer on the 28th June 2007 (PQ No. 223) persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

While applications for long-term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date. An application for long term residence from the person referred to by the Deputy was received on 31st July 2006. I understand that applications received in early July 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Citizenship Applications.

505. **Deputy Eamon Scanlon** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in County Sligo; and if he will make a statement on the matter. [23428/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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 in February 2005. Officials in that Section have written to the person in question requesting further documentation in a letter dated 1 October 2007. To date, no reply has been received. The processing of the application will continue once the documentation requested has been received. I will inform the Deputy when a decision has been reached in the case.

Closed Circuit Television Systems.

506. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of endorsements given to a group (details supplied) in connection with the closed circuit television system in this community; his views on the need to extend the remit of the CCTV system to include all parts of this community; the discussions between his Department and this community group; and if he will make a statement on the matter. [23434/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Community-based CCTV Scheme was launched in June 2005 in response to the demonstrated demand from local communities across Ireland for the provision of CCTV systems, which function as an effective tool to support policing and public safety and which can also act as a useful deterrent to crime and public disorder.

The 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. 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. Pobal has been engaged to administer the Scheme on behalf of my Department. It interacts with the applicants to the scheme, provides advice and assistance and carries out thorough evaluations of every application made.

As the Deputy is aware I recently announced grant-aid funding of €100,000 for the Jobstown Community Development Group under the Community-based CCTV Scheme. As Jobstown is a RAPID area, the proposed CCTV system will benefit from the matching funding of €100,000. I have been informed by Pobal that this application was supported by a range of local community interests, in addition to the local Gardaí, the HSE and RAPID.

I am committed to the further expansion of the Community-based CCTV programme around the country and this process is ongoing. It is intended to invite applications for funding under the Community-based CCTV Scheme periodically and it is open to any group to submit an application for funding at that stage. Further details of the scheme and relevant documentation are available on either my Department's website, www.justice.ie, or on Pobal's website, www.pobal.ie.

Legal Aid Service.

507. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that persons who are dependent on social welfare payments are required to pay a fee of €50 per application to the Legal Aid Board for free legal aid; if his attention has further been drawn to the fact that community welfare officers are precluded from funding legal expenses under the supplementary welfare allowance scheme; his views on whether this effectively debars persons who are without means to pay application fees from accessing free legal aid; if he will take steps to remedy this situation; and if he will make a statement on the matter. [23448/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that the Civil Legal Aid Regulations provide that

a minimum contribution of €50 per application is payable. The Regulations also provide that the minimum contribution may be waived where the payment of the contribution would cause severe hardship to that person. I understand that in considering whether hardship exists, the Board considers each case by reference to the particular circumstances of the individual applicant.

As the Deputy will be aware, I have no role in regard to the Supplementary Welfare Allowance scheme, which is administered by the Health Service Executive on behalf of the Department of Social and Family Affairs. I am, however, informed that Community Welfare Officers are not precluded from making once off Exceptional Needs Payments for legal costs. I understand that each application is considered on its merits by the Health Service Executive based on the circumstances of the case and that an Exceptional Needs Payment would normally be considered where the Executive is of the opinion that failure to provide a payment would cause undue hardship to the applicant.

Illegal Possession of Fireworks.

508. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the steps he is taking to reduce the supply of fireworks in the run up to Halloween 2007; and if he will ensure that particular attention is paid to the importation of fireworks from Northern Ireland. [23466/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Explosives Act 1875 provides for control of the importation, manufacture, storage and sale of fireworks. The 1875 Act was amended by the Criminal Justice Act 2006 which came into effect in August, 2006. The amendments provide for new offences governing the possession of illegally imported fireworks with intent to supply. They also provide for significantly increased penalties governing the illegal importation, sale and use of fireworks.

Under the provisions, it is an offence

- for any person to possess a firework with intent to sell or supply, without a licence,
- to throw an ignited firework at any person or property, and
- to light unlicensed fireworks in a public place.

The penalty for such offences is as follows:

- a fine of up to €2,500 or 6 months imprisonment or both on summary conviction, and
- a fine of up to €10,000 or 5 years imprisonment or both on conviction on indictment

The simple possession of fireworks without a licence is also an offence for which a person may be liable to a fine of up to €10,000. An advertising campaign will be launched this week in the national and regional newspapers to highlight to

the public the dangers of fireworks and the significant penalties that exist for their illegal use.

Operation Tombola, the annual Garda operation to combat the illegal sale of fireworks, was launched in September this year. Each Assistant Commissioner, in conjunction with their senior management teams, puts initiatives in place in each Garda Division, based on information and intelligence available, to prevent and detect the sale and organised importation of fireworks, particularly in the lead up to Hallowe'en. Particular emphasis is given to the Garda Divisions in the Border regions and also to the Dublin Metropolitan Region. All operational Gardaí, together with dedicated resources specifically deployed for this Operation, are tasked with preventing and detecting such offences.

Given the new offences and increased penalties that now exist, the enforcement capability of An Garda Síochána is greatly strengthened and I expect that the Garda operations will be even more successful this year, in combatting the illegal importation, sale and use of fireworks.

Crime Levels.

509. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if he will detail on a monthly basis since 1 January 2007, the number and the location of murders in the State and provide the corresponding figures for 2006 for comparison purposes; and if he will also provide corresponding details for each of the years 1991 to 1995 for comparison purposes. [23477/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the attached tables 1 and 2 provide the number of murder offences recorded for each month or part of a month from 1 January to 11 October 2007 by Garda Division, and for the same period in 2006. Figures in respect of 2007 are provisional, operational and liable to change. Homicide offences are subject to reclassification.

The numbers of murder offences, recorded by Garda Division, for the years 1991 to 1995 are attached as table 3. To provide this information on a monthly basis from 1 January to 11 October for the years 1991 to 1995 would require a manual search of Garda divisional records which would necessitate a disproportionate expenditure of Garda time and resources.

Table 1: Number of murder offences recorded for each month from 1 January to 11 October 2007 by Garda Division

Month	Garda Division	Recorded
January	Clare	1
	DMR South	1
	DMR Western	1

Month	Garda Division	Recorded
February	DMR Northern	1
	DMR Western	1
	Tipperary	1
	Wexford/Wicklow	1
March	DMR South Central	1
	DMR Western	1
	Louth/Meath	1
	Tipperary	1
April	Cork West	1
	DMR Northern	2
	DMR Western	1
	Kerry	1
	Limerick	1
	Tipperary	1
	Wexford/Wicklow	1
May	Cork West	1
	DMR Western	1
June	Clare	1
	DMR North Central	2
	DMR Northern	1
	DMR South Central	1
	Galway West	1
July	Carlow/Kildare	2
	DMR Western	1
	Louth/Meath	2
	Tipperary	1
August	DMR Northern	1
	DMR South Central	1
	DMR Western	1
	Laois/Offaly	1
	Longford/Westmeath	1
	Louth/Meath	1
	Roscommon/Galway East	1
	Sligo/Leitrim	1
	September	DMR Northern
DMR Western		2
Limerick		1
Longford/Westmeath		1
Louth/Meath		1
Tipperary		1
October	DMR South Central	1
	DMR Southern	2
	Galway West	1
	Limerick	1

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Table 2: Number of murder offences recorded for each month from 1 January to 11 October 2006 by Garda Division

Month	Garda Division	Recorded	Month	Garda Division	Recorded
January	Carlow/Kildare	1	May	DMR Northern	1
	Cavan/Monaghan	2		DMR Western	1
	DMR North Central	1		Limerick	2
	Sligo/Leitrim	1	June	DMR Northern	2
February	Cork North	1		Galway West	1
	DMR Eastern	1		Louth/Meath	2
	DMR Northern	1	July	Cork City	1
	DMR Southern	2		Cork North	1
	DMR Western	1		DMR Northern	1
March	DMR Northern	1	August	Cork City	1
	DMR Western	1		DMR North Central	1
April	Cork City	1		DMR South Central	2
	DMR Northern	1		Kerry	1
	DMR Southern	1	September	Cork North	1
	Donegal	1		DMR Northern	1
	Tipperary	1		DMR Southern	1
	Waterford/Kilkenny	1		Limerick	1
		Tipperary		1	
		Wexford/Wicklow		1	
		October		0	

Table 3: Murder Offences recorded for the years 1991 to 1995 by Garda Division

Division	1995	1994	1993	1992	1991
Carlow/Kildare	3	0	0	0	1
Laois/Offaly	0	1	1	0	0
Longford/Westmeath	0	1	0	1	2
Louth/ Meath	1	0	0	0	0
DMR East	0	1	0	0	1
DMR North Central	2	1	0	1	3
DMR North	6	3	3	2	0
DMR South Central	0	0	1	0	0
DMR South	11	1	0	1	0
Cavan/Monaghan	0	2	5	0	3
Donegal	1	0	1	0	0
Sligo/Leitrim	0	2	1	1	1
Tipperary	1	0	0	2	0
Waterford/Kilkenny	0	1	1	0	0
Wexford	0	0	0	2	3
Cork East	6	0	1	1	0
Cork West	2	0	2	0	0
Kerry	2	2	0	1	0
Limerick	4	3	0	0	1
Clare	0	3	4	6	1
Galway West	0	1	0	5	4
Mayo	1	3	3	0	2
Roscommon/Galway East	1	0	0	2	1

Note: During the period 1991 to 1995 the Garda Divisions of Cork City and DMR West had not been established.

Deportation Orders.

510. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Clare. [23488/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question, and her son, arrived in the State on 12 July, 2002, and applied for asylum. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, she was informed by letter dated 19 August, 2004, that the Minister proposed to make a deportation order in respect of her and her son. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of deportation orders.

Representations were received on behalf of the person in question. I expect the case to be submitted to me for decision in due course.

Ministerial Transport.

511. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23513/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Domestic mileage payments made to then Minister of State Mr. Willie O'Dea T.D. in respect of the years 2003 and 2004 were €24,142 and €27,828 respectively. The amounts paid to Minister of State, Mr. Frank Fahey T.D., in respect of the years 2005, 2006 and 2007 were €31,240, €33,242 and €17,959 respectively.

Departmental Advertising.

512. **Deputy Niall Collins** asked the Minister for Justice, Equality and Law Reform if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23529/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that my Department carries out public awareness campaigns on an occasional basis only and in selecting the media to utilise will have regard to the needs of the particular campaign in question, the target audience, budget available.

Garda Stations.

513. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed at each Garda station in County Louth; if the number of gardaí stationed in areas of growing population in the county will be increased particularly in Drogheda, Dundalk, Ardee and Dunleer; the rank of each garda and the opening hours of each station; the Garda stations that were closed in the past five years in County Louth; if there are proposals to close existing stations; and if he will make a statement on the matter. [23542/07]

514. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform his plans to improve, renovate or replace Garda stations in County Louth; and if he will make a statement on the matter. [23640/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 513 and 514 together.

I have been informed by the Garda Commissioner that the personnel strength of each Garda Station in the Louth/Meath Division as at the 30 September, 2007, the latest date for which figures are readily available, was as set out in the table.

Station	Total
Ardee	9
Ashbourne	45
Athboy	6
Balbriggan	40
Ballivor	3
Blackrock	5
Carlingford	3
Castlebellingham	3
Clougherhead	1
Collon	2
Drogheda	100
Dromad	8
Duleek	2
Dunboyne	15
Dundalk	109
Dunleer	4
Dunshaughlin	21
Enfield	12
Garristown	3
Hackballscross	11
Kells	44
Kilcock	5
Laytown	13
Longwood	1
Louth	2
Lusk	4
Navan	53
Nobber	3
Oldcastle	4
Omeath	6
Rush	7
Skerries	9
Slane	4
Summerhill	2
Trim	30

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For security and operational reasons, it is not Garda policy to disclose the rank and duties of personnel on duty at any specific area or over any given period of time.

The opening hours of each Garda Station in Co. Louth are as set out in the table.

Station	24 hr	Monday to Friday	Saturday	Sunday
Ardee	No	2-3hrs daily	10am-noon	closed
Blackrock	No	10am-1pm	10am-1pm	10am-1pm
Carlingford	No	10am-1pm	10am-1pm	10am-1pm
Castlebellingham	No	10am-1pm	10am-1pm	12md-1pm
Clougherhead	No	10am-1pm	10am-1pm	12md-1pm
Collon	No	10am -1pm	10am-1pm	12md-1pm
Drogheda	Yes			
Dromad	No	10am-1pm	10am-1pm	10am-1pm
Duleek	No	10am-1pm	10am-1pm	12md-1pm
Dundalk	Yes			
Dunleer	No	10am-1pm	10am-1pm	12md-1pm
Hackballscross	Yes			
Louth	No	10am-1pm	10am-1pm	10am-1pm
Omeath	No	6pm-9pm	6pm-9pm	6pm-9pm

Opening hours of non 24 hour Garda Stations are dependent on manpower availability on a daily basis. The extension of opening hours at any Garda Station would necessitate the employment of additional personnel on indoor administrative duties and consequently a loss to outdoor operational policing.

There were no Garda Stations in County Louth closed over the past five years. There is currently no proposal to close existing Garda Stations in County Louth. I am further informed by the Garda Commissioner that plans are currently being developed for a new Area Headquarters at Dromad, Co. Louth; a site has been acquired and temporary accommodation is currently being provided there. In addition, the Garda stations at Hackballscross, Castlebellingham, Dundalk, Carlingford, Dunleer and Blackrock have been sanctioned for maintenance and upgrading works during 2007.

It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account. The situation will be kept under review by the Garda Commissioner and when additional personnel next become available the needs of the Louth/Meath Division will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

Deportation Orders.

515. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of deportation orders which have been issued by his Department in each of the past five years; the number of such orders which have been enforced by the Garda in each year concerned;

the number of such orders where the person has failed to make contact with the State authorities or where such an order has not been enforced in the respective years; the corresponding figures for asylum applicants; and if he will make a statement on the matter. [23646/07]

516. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of applications for temporary leave to remain which have been concluded in each of the past 12 months; the respective number of same which have been successful; and if he will make a statement on the matter. [23647/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 515 and 516 together.

In determining whether to make a deportation order or grant temporary leave to remain in the State, I must have regard to the eleven factors set out in Section 3 (6) of the Immigration Act, 1999, as amended, and Section 5 (Prohibition of Refoulement) of the Refugee Act, 1996, as amended. Temporary leave to remain is considered in every case regardless of whether representations are made by, or on behalf of, the persons concerned. Each case is considered in the context of its own individual circumstances and merits; and statistics are not maintained as to the duration of the consideration process in respect of each application, as no two applications are the same.

Statistics are not maintained either in a way which distinguishes between those who have made an application for leave to remain and those who have not. The total number of applications awaiting a decision for temporary Leave

to Remain is 11,068 of which 10,457 is the number of asylum cases which entered the Leave to Remain process with these cases being at different stages of processing. Moreover, it must be borne in mind that many of those who failed the asylum process, and who did not opt to return voluntarily or consent to deportation, nonetheless left the State before a decision to deport or grant leave to remain was made. It is reasonable to presume that many of those listed as awaiting a decision on Leave to Remain have in fact left the jurisdiction.

Year	Number of deportation orders made	Number of deportation orders effected
2002	2,430	521
2003	2,411	591
2004	2,915	599
2005	1,899	396
2006	1,566	302
Total	11,221	2,409

In relation to persons evading deportation, the number of such persons on the records of the Garda National Immigration Bureau is 5,630. While the whereabouts of these persons is unknown, it is believed that a large number of them have already left the State. The figures in the table refer to persons who were considered for deportation but were instead granted temporary leave to remain in the State for an initial period of one year. The majority of these would have been persons who were refused refugee status in the State.

Month	Year	Number of persons granted temporary leave to remain
October	2006	30
November	2006	34
December	2006	21
January	2007	30
February	2007	19
March	2007	24
April	2007	210
May	2007	129
June	2007	97
July	2007	96
August	2007	78
September	2007	28
Total		796

Asylum Applications.

517. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform,

further to Parliamentary Question Nos. 119 and 121 of 4 October 2007, if a person has a time limit as to when they can make their initial application; the time limit for making an application to the refugee appeals tribunal; the average time from a decision of the refugee appeal tribunal to the issue of notice of intent to deport; and if he will make a statement on the matter. [23648/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Asylum applications are considered at first instance, under the provisions of the Refugee Act 1996 (as amended), by the Office of the Refugee Applications Commissioner (ORAC). The determination process is comprehensive and includes an interview and the assessment of a claim having regard to both subjective and objective factors including the consideration of detailed country of origin information before a recommendation is made.

Section 8 of the Refugee Act, 1996 (as amended), sets out the circumstances in which an applicant can make an application for refugee status in the State. While, no time limit is specified, it is in the applicant's best interest to make an application as soon as possible on arrival in the State.

Asylum applicants can appeal negative recommendations of the Office of the Refugee Applications Commissioner to the Refugee Appeals Tribunal (RAT). The Refugee Appeals Tribunal is comprised of an independent chairperson and 30 ordinary Tribunal members at present. Section 13(4)(b) and 13(5)(a) of the Refugee Act 1996 set out the time limits for an appeal to the Refugee Appeals Tribunal, which for an appeal without an oral hearing is 10 days and for an appeal with an oral hearing is 15 days. The factors that determine if an appeal will be with or without an oral hearing are set out in Section 13(6) of the Refugee Act 1996.

Notices of intent to deport are issued under section 3(3)(a) of the Immigration Act, 1999. A person served with such a notice of intent to deport is, since the 10th October 2006, afforded four options, viz. to leave the State voluntarily; to consent to the making of a Deportation Order; to apply for Subsidiary Protection or to make representations in writing within 15 working days setting out the reasons as to why a Deportation Order should not be made and why temporary Leave To Remain in the State be granted instead.

From the date of receipt of a file by the Ministerial Decisions Unit, from either the Office of the Refugee Applications Commissioner or the Refugee Appeals Tribunal, the average time taken to the issuing of the Section 3 notice of intent to deport letter is between six and eight weeks. A significant amount of work is carried out in respect of each case prior to issuing a Section 3 notice of intent to deport letter; this includes checking that all documentation is cor-

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rect and whether the applicant has lodged any other type of application.

Citizenship Applications.

518. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform if he will clarify the situation regarding residency, entitlement to citizenship and naturalisation of the spouse of a British citizen who is a non-EU passport holder; and if he will make a statement on the matter. [23661/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled.

These conditions are that the applicant must—

- be of full age, or by way of exception, be a minor born in the State
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include—

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

Asylum Applications.

519. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of asylum applications which are successful; the principal grounds under which such applications are approved; the rate of success of such applications; and if he will make a statement on the matter. [23663/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I presume that when the Deputy refers to successful applications, he is referring to applications for asylum that resulted in a recommendation to grant refugee status. Between 1992 and 31 August 2007 there was a total of 75,156 applications for asylum in the State. The number of recommendations to grant refugee status at first instance and at appeal stage in the same period was 8,773.

Statistics are not maintained in relation to the grounds under which such applications are approved. However, these are provided for in Section 2 of the Refugee Act 1996 (as amended) which states: “‘a refugee’ means a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”

The Deputy will undoubtedly be aware at this stage that the asylum process in place in the State is comprehensive and compares well with many other countries, particularly our EU partners. This fact was acknowledged by a former UNHCR Representative to Ireland who is quoted as stating that Ireland is now a model for the new Member States of the European Union and that “we now have a system which, in many respects, is one of the best in Europe”.

State Agencies.

520. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23732/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There are seven agencies reporting to my Department which are headed by a Chief Executive Officer (Courts Service, Equality Authority, Legal Aid Board, Private Security Authority, Property Registration Authority, Garda Síochána Complaints Board and the Human Rights Commission).

The post of CEO of the Human Rights Commission is currently vacant. The table sets out the salaries of the post holders of the other agencies. They are all members of the Civil Service Pension Scheme for established or non-established staff. In addition to these posts there are also a number of other full-time Civil Service Heads of Office in the Justice and Equality Sector. These posts which include for example, the Directors General

of INIS and the Prison Service, the Equality Tribunal, Film Censor, State Pathologist and so forth, are either at Principal Officer or Assistant

Secretary level with an additional allowance in some cases.

Agency	Salary
Courts Service	Secretary General scale €201,178
Equality Authority *	Assistant Secretary scale €136,034
Legal Aid Board *	Assistant Secretary scale €136,034
Private Security Authority	Principal Officer scale (€82,016-€101,446) plus an allowance of €13,515 per annum
Property Registration Authority *	Deputy Secretary scale €160,942
Garda Síochána Complaints Board *	Assistant Secretary scale €136,034

* These post holders are covered by the Civil Service-wide scheme of performance related awards. The operation of the scheme is overseen by the Committee for Performance Awards. The funding for awards is based on 10% of the payroll for the posts covered by the scheme. Within this overall limit, payments of up to 20% can be made to individuals.

Garda Deployment.

521. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 471 of 31 January 2007, if the Garda policy of rationalisation is still enforced; and if he will make a statement on the matter. [23753/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have requested the views of the Garda Commissioner on the issue raised by the Deputy and I will be in contact with the Deputy when I have them.

Garda Operations.

522. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform if he plans to set up a permanent drugs unit in the Mayo Garda division; if so, when it will be in place; and if he will make a statement on the matter. [23788/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that a dedicated Divisional Drug Unit exists in An Garda Síochána's Mayo Division and that the allocation of resources to this unit are closely monitored and kept under constant review by the Garda authorities. In addition, all members of An Garda Síochána are tasked with the enforcement of drug-related legislation.

As the Deputy will appreciate, policing operations and the deployment of Garda resources are matters for the Garda Commissioner. It is and must remain the responsibility of Garda management to allocate personnel within the Garda organisation on a priority basis in accordance with overall policing requirements. However, I can assure the Deputy that additional Garda resources are coming on stream all the time and that these additional human resources will facilitate the Garda Commissioner in the allocation of additional manpower to areas most in need, including the fight against illegal drugs. Furthermore, I can also assure the Deputy that the

enforcement of the law relating to drugs and public order continues to be a key element in the Government's policing priorities.

European Council Meetings.

523. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if he attended the EU Justice Council on 12 and 13 June 2007; the stance he took on the Council Resolution to permit cross-border deployment of undercover officers in the fight against serious cross-border crime; the reason for the Government's position; and if he will make a statement on the matter. [23790/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The EU Justice and Home Affairs Council referred to took place before my appointment as Minister for Justice, Equality and Law Reform. The Resolution to which the Deputy has referred was concerned with the possible adoption of an EU instrument in connection with the cross-border deployment of undercover agents.

In the course of EU discussions which preceded the June Council, Ireland indicated that it regarded undercover policing as a sensitive issue and that it was likely to have difficulties with any proposal which might emerge for a binding legal instrument in this area. Taking account of the views of all Member States, the Council agreed in the Resolution that it would have work carried out to examine whether such an instrument might be necessary.

I understand that the relevant work has yet to commence and any decision to adopt an instrument would require unanimity within the Council.

Garda Deployment.

524. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gardaí allocated to Tallaght and Limerick on 1 May 2007; the number of gardaí in the respective areas devoted to community policing on the same

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date; and if he will make a statement on the matter. [23791/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Tallaght Garda District and Limerick Garda Division on 30 April, 2007 was 248 and 552 respectively. The personnel strength of Community Gardaí is only available on a quarterly basis. The personnel strength of the Community Gardaí attached to Tallaght Garda District and Limerick Garda Division on 31 March, 2007, the closest date to 30 April, was 27 and 42 respectively.

It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account. The situation will be kept under review by the Garda

Commissioner and when additional personnel next become available the needs of Tallaght Garda District and Limerick Garda Division will be fully considered by him within the overall context of the needs of Garda Districts/Divisions throughout the country.

525. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the number, rank, duties and location of gardaí located at each Garda station in County Meath for the years 2002 to date in 2007; and if he will make a statement on the matter. [23807/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda Commissioner that the personnel strength of the Louth/Meath Garda Division on 31 December, 2002 to 2006 and on 30 September, 2007, the latest date for which figures are readily available, was as set out in the table.

	31/12/02	31/12/03	31/12/04	31/12/05	31/12/06	30/09/07
<i>Louth/Meath</i>						
Drogheda	89	90	89	93	93	100
Castlebellingham	4	4	4	4	4	3
Clougherhead	3	2	2	1	2	1
Dunleer	4	4	4	4	4	4
Laytown	7	7	8	8	10	13
<i>District Dundalk</i>						
Dundalk	96	97	101	101	109	109
Carlingford	3	3	3	3	3	3
Hackballscross	14	14	13	12	11	11
Dromad	13	12	11	9	7	8
Omeath	14	14	15	10	7	6
Louth	1	2	1	2	2	2
Blackrock	4	4	4	5	5	5
<i>District: Kells</i>						
Kells	31	34	31	32	37	44
Crossakeel	1	0	0	0	0	0
Athboy	6	6	6	6	6	6
Oldcastle	4	4	4	3	4	4
Nobber	3	3	3	3	3	3
<i>District: Trim</i>						
Trim	24	25	25	23	25	30
Kilmessan	1	0	0	0	0	0
Summerhill	2	2	2	2	1	2
Longwood	0	0	0	1	2	1
Enfield	16	17	16	13	14	12
Ballivor	2	2	3	2	2	3
<i>District: Ashbourne</i>						
Ashbourne	37	37	40	37	49	45
Dunboyne	15	13	12	14	14	15
Dunshaughlin	11	11	10	9	9	21
Kilcock	6	5	5	5	5	5

	31/12/02	31/12/03	31/12/04	31/12/05	31/12/06	30/09/07
<i>District: Balbriggan</i>						
Balbriggan	35	32	34	32	32	40
Skerries	10	10	11	10	11	9
Lusk	4	4	4	4	4	4
Rush	4	5	5	6	7	7
Garristown	3	3	3	3	3	3
<i>District: Navan</i>						
Navan	47	49	46	45	48	53
Ardee	9	10	10	10	9	9
Collon	2	2	2	2	2	2
Duleek	3	4	4	3	3	2
Slane	4	4	4	4	3	4

For security and operational reasons, it is not Garda policy to disclose the rank and duties of personnel on duty at any specific area or over any given period of time.

The Deputy will appreciate that, as with any large organisation, on any given day the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc. It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account.

The situation will be kept under review by the Garda Commissioner and when additional personnel next become available the needs of the Louth/Meath Garda Division will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

Citizenship Applications.

526. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if he will re-open the file of a person (details supplied) who applied for Irish citizenship three years ago as they did not receive the correspondence sent from his Department in February 2007 which led to their file being closed. [23851/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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 in November 2003. On examination of this application, it was determined that on the date the application was made the person concerned did not satisfy the statutory residency requirement as set out in the Irish Nationality and Citizenship Act 1956, as amended. However, he subsequently did acquire the necessary residency by the time his application was reached for processing.

In this regard the Citizenship Section invited him to make a new application, in a letter that issued to the address held on file on 20 February 2006. The purpose of this letter was to ensure that

the application would not lose his place in the processing queue. However, in the letter that issued it was made clear to the applicant that the completed application form and all supporting documents were to be submitted within to the Citizenship Section within 6 months.

Officials in the Citizenship Section inform me that the applicant did not reply to this correspondence and the file was therefore deemed closed. A further letter to this effect issued to the applicant on 20 September 2007 to the same address as all previous correspondence. It is open to the individual in question to lodge a new application if and when he is in a position to meet the statutory residency requirements applicable at that time.

Residency Permits.

527. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to expedite an application for residency of a person (details supplied) as same is ongoing for a period of time and the applicant has satisfied all the necessary qualifying criteria for same; and if he will make a statement on the matter. [23854/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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

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in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date. An application for long term residence from the person referred to by the Deputy was received in July 2007. I understand that applications received in July 2006 are currently being dealt with.

Garda Deployment.

528. **Deputy Niall Collins** asked the Minister for Justice, Equality and Law Reform the number of Garda reserves (details supplied) in the Limerick Garda division. [23862/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There are currently ten attested Reserve Gardaí attached to Limerick Garda Division with four Garda Reserve students on Phase IV training who are due to be fully qualified and operational in Limerick Division by 20th October 2007. A further Garda Reserve student is on Phase II. At present all the Reserve members in the Limerick Division are attached to Henry Street Garda District. Recruitment for the Garda Reserve is ongoing and I welcome the prospect of further assignments of Garda Reserve members to the Limerick Division as additional members from the Limerick region become available.

Registration of Title.

529. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the reason there has been such a delay regarding the registration of a property (details supplied) in County Kerry. [23865/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority was established as and from 4 November, 2006. The Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

I would also like to refer the Deputy to a service for TDs and Senators concerning the current status of applications, such as the subject of this question, which was introduced in May 2006. The service was introduced, *inter alia*, to provide a speedier and more cost effective alternative to submitting Parliamentary Questions. This service, which is operated by the Property Registration Authority, is available all year round. I can further inform the Deputy that his query has been

forwarded to the Property Registration Authority for attention and direct reply via the above mentioned service.

Witness Protection Programme.

530. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of people who have been enrolled in the witness protection programme for each of the past five years; the number of people who are currently protectees of the programme; and if he will make a statement on the matter. [23871/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Witness Security Programme was developed to encourage and reassure vulnerable witnesses in serious criminal cases and is operated by An Garda Síochána. For obvious reasons, it is not the practice to comment on operational details in relation to the Programme, including in relation to details of the kind sought by the Deputy.

Sentencing Policy.

531. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if his Department has carried out studies relating to the consistency in sentencing for different criminal offences; and if he will make a statement on the matter. [23872/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Programme for Government contains a commitment to establish a Judicial Sentencing Commission to formulate sentencing guidelines. In considering the matter, I will be guided by the ongoing work of the steering committee which has been established by the Courts Service Board to plan for and provide information on sentencing. The committee, under the chair of Mrs. Justice Susan Denham of the Supreme Court, comprises a judge from the High, Circuit and District Courts and a university law lecturer with expertise in sentencing law. The project, known as the Irish Sentencing Information System (“ISIS”), involves an examination of the feasibility of providing a computerised information system on sentences and other penalties imposed for criminal offences, in order to assist judges when considering the sentence to be imposed in an individual case.

The objective of a sentencing information system is to enable a judge, by entering relevant criteria, to access information about the range of sentences and other penalties imposed for particular types of offence in previous cases. The Programme for Government also provides for a formal annual review of the stringent new mandatory sentencing regime for drug crime introduced in the Criminal Justice Act 2007.

Finally, I should add that in 2004 my Department commissioned research undertaken by

Patrick McEvoy BL into the principles applied by the courts in drug cases in determining whether or not to impose the mandatory minimum sentence of 10 years. The research is available on the website of my Department.

Residency Permits.

532. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform if, in relation to European Communities free movement of persons, No. 2, regulations 2006 requiring spouses of EU citizens to have previously resided lawfully in an EU state prior to coming here to qualify for naturalisation, there is an appeal mechanism whereby people married for a certain length of time and who are *bone fide* candidates can have their cases reviewed. [23893/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Regulation 3(2) of the Regulations referred to by the Deputy states:

These Regulations shall not apply to a family member unless the family member is lawfully resident in another Member State and is:—

(a) seeking to enter the State in the company of a Union citizen in respect of whom he or she is a family member, or

(b) seeking to join a Union citizen, in respect of whom he or she is a family member, who is lawfully present in the State.

Each application by a non-EEA family member for residence under the Regulations referred to is determined on its facts, including in relation to the criteria above. Where there is no evidence of lawful residence in another EU Member State the Regulations may be deemed not to apply to the person. Where the Regulations do not apply to a non-EEA national it would follow that a review under the Regulations is not available.

However, while no formal appeal mechanism exists, it is possible for the person concerned to submit any additional information they have showing lawful residence in another EU Member State and this will be considered. Even in respect of non-EEA family members to whom the Regulations do not apply, they will have their cases reviewed and determined under national immigration measures as to their right to remain in the State.

Regulatory Impact Assessments.

533. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23912/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My Department has completed 12 Regulatory Impact Assessments since the adoption of the Government's policy in this respect in June 2005, and a number of others are in preparation. The approach taken in assessing whether a Regulatory Impact Assessment (RIA) is necessary follows, on a case by case basis, the RIA Guidelines produced by the Department of The Taoiseach. Of particular note given my Department's remit is the fact that a RIA will not necessarily be required under the guidelines in the case of some emergency or criminal legislation, which the Deputy will appreciate has arisen on a number of occasions in my Department during the period in question.

Garda Equipment.

534. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he has had discussions with the Garda Commissioner regarding insecure Garda radio communications; if he has discussed or looked into the steps the Commissioner is taking to introduce a secure digital radio communications system; if his attention has been drawn to the fact that one of the top systems being considered is the Tetra system; and if he will make a statement on the matter. [23921/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The provision of a secure digital radio service to An Garda Síochána is already well under way. Following a procurement exercise undertaken by the Department of Finance on behalf of An Garda Síochána and other emergency services, a preferred bidder, TETRA Ireland Ltd, has been selected. The preferred bid is based on Tetra standards.

A project procurement group which includes Gardaí and officials of my Department and under the chairmanship of the Department of Finance has been established to oversee the project. Following completion of a Service Performance Evaluation and the signing of contracts by the Department of Finance, nationwide roll out will commence. I am advised that preparation and planning by the Garda authorities is already well advanced with nationwide roll out planned to commence in the first quarter of next year. The entire project is expected to be completed over a 2 year period. I can assure the Deputy that the Garda Commissioner and I are anxious that the new secure radio service will be fully rolled out as soon as possible.

Drug Trafficking.

535. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if he will provide a broad outline of the work that will be undertaken by the new Maritime Analysis and Operations Centre to be based in Portugal; the

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involvement of his Department and other State agencies in the work of this new agency; if there are plans to set up a sub office of this agency in this country along the south-west coast; and if he will make a statement on the matter. [23927/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The illegal drug trade and abuse of cocaine affects the population of every member State of the MAOC(N). It is estimated that over 300 tonnes of cocaine are trafficked into Europe each year. Intelligence suggests that the vast bulk of this is shipped into Europe via the North Atlantic and Western Africa.

In Lisbon in September, I signed the International Agreement establishing the Maritime Analysis and Operations Centre (Narcotics). Seven countries including Ireland have agreed to form the Centre and others have now expressed an interest in joining. Europol and the US Joint Inter-Agency Task Force (JIATF) will be observers at the centre.

The centre will be inter-agency, focused on intelligence exchange leading to the interdiction of large maritime and aviation drug shipments, and the severing of links between transportation networks and the shore based command and control personnel. It is designed as an international co-ordination force with access to national tasking agencies and requires participation and resources from all active members. It will be organised to maximise operational effectiveness and staffed by experienced personnel. The centre will assist in integrating the control strategies of its members in this specialist arena of maritime and aviation interdiction.

Ireland will place a Garda Drugs Liaison Officer and a Customs Liaison Officer at the Centre on a full time basis. The Naval Service will place an officer at the Centre as the need arises when it is involved in operational activity there. Participation in the Centre provides Ireland with access to a permanent facility for co-ordinating actionable intelligence relating to maritime and air drug smuggling in this geographical sector of the EU Frontier. Ireland will also have access to the pooled resources of member States. Another positive result will be increased effectiveness in protecting national and EU frontiers specifically in countering the cocaine threat, through the synchronisation and fusion of intelligence resources.

The thinking behind the Centre is that drugs law enforcement operations will be more effective if we can get a small number of liaison officers from each State working together, sharing information and intelligence while they are based in one building. Consequently, there are no plans to have sub-offices outside Lisbon.

Departmental Correspondence.

536. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if the investigations referred to in the reply to Parliamentary Question Nos. 148 and 149 of 24 April 2007 have concluded; when the reports provided to him will be made available; and if he will make a statement on the matter. [23931/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An investigation in my Department has uncovered no indication that there was any relevant correspondence between my Department and An Garda Síochána and the Department of Education in 1996. My Department has complied with a Discovery Direction dated 26 February, 2004 by the Commission to Inquire into Child Abuse (the Ryan Commission). The Discovery Direction sought documents applying to specific institutions during the period 1936 to 1975. The centre referred to by the Deputy was not one of the institutions listed.

I am informed by the Garda authorities that as a result of further searches they have located two pieces of correspondence from the Department of Education to An Garda Síochána in 1996 enclosing copies of correspondence and accounts of meetings at which allegations regarding the centre referred to by the Deputy were made. I am also informed that allegations made in the correspondence were contained in a statement made to An Garda Síochána in 1994 and were fully investigated. Changes in the boundaries of Garda Divisions since 1996 had impeded the search for this correspondence.

I am informed by the Garda authorities that investigations into allegations made in the matter referred to by the Deputy are ongoing. A large number of additional complainants have been referred to An Garda Síochána. When the investigation is completed an investigation file will be submitted to the Law Officers.

As the Deputy is aware I have no role in the investigation, prosecution or trial of alleged offences. This is a long standing principle of our system of justice. The role of the Gardaí is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the Director of Public Prosecutions (DPP). The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the DPP. The DPP, who is independent in the performance of his functions, makes his decision on the basis of the Garda findings viewed against the background of common and/or statute law. Similarly, the courts are, subject only to the Constitution and the Law, independent in the exercise of their judicial functions and the conduct of any court case is a matter entirely for the presiding Judge.

Prisoner Releases.

537. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of prisoners to whom he has granted early release; the reason for doing so with a breakdown of the offences for which they were convicted; the original sentence handed down and number of years served at the time of early release in each case; and if he will make a statement on the matter. [23944/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Irish Prison Service that due to technical difficulties, the information requested by the Deputy is not readily available. I have directed the Irish Prison Service to forward the information requested directly to the Deputy as soon as possible.

538. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of prisoners to whom he has granted temporary release since his appointment; the reason for doing so with a breakdown of the offences for which they have been convicted; and if he will make a statement on the matter. [23945/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Irish Prison Service that due to technical difficulties, the information requested by the Deputy is not readily available. I have directed the Irish Prison Service to forward the information requested directly to the Deputy as soon as possible.

Prison Discipline.

539. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of prosecutions that have been taken for possession of a mobile phone in prison; the number of convictions secured; and if he will make a statement on the matter. [23946/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In the time available, it is not possible to furnish the information requested by the Deputy concerning the number of prosecutions for possession of mobile phones in prison and the number of convictions secured.

I will furnish the information to the Deputy as soon as possible.

Prison Population.

540. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of people in prison here with a breakdown of the offences for which they have been convicted; and if he will make a statement on the matter. [23947/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Irish Prison Service that due to technical difficulties, the information requested by the Deputy is not readily available. I have directed the Irish Prison Service to forward the information requested directly to the Deputy as soon as possible.

541. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of prisoners who are Irish nationals, UK nationals, other EU national and non-EU nationals; and if he will make a statement on the matter. [23948/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Irish Prison Service that due to technical difficulties, the information requested by the Deputy is not readily available. I have directed the Irish Prison Service to forward the information requested directly to the Deputy as soon as possible.

Prison Accommodation.

542. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the cost of imprisonment for an average prisoner each year for each of the past four years in each of Ireland's prisons; the way this compares with the cost of imprisonment in the United States, Canada, New Zealand, Australia and other EU countries; and if he will make a statement on the matter. [23950/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The average cost for keeping an offender in each of the last four years are set out in the table.

Cost of Keeping a Prisoner

	2003	2004	2005	2006
	€	€	€	€
Arbour Hill	73,600	70,400	75,600	81,400
Castlerea	75,520	70,000	76,900	76,700
Cork	72,350	75,000	87,700	90,100
Cloverhill	83,300	76,100	84,800	81,600
Curragh	70,100			

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	2003	2004	2005	2006
	€	€	€	€
Dochas		82,800	86,300	87,600
Fort Mitchel	96,050			
Limerick	90,200	73,000	75,800	76,900
Loughan House	67,700	63,900	68,500	70,000
Midlands	77,300	75,900	85,300	81,900
Mountjoy	97,900	91,800	100,400	101,200
Portlaoise	232,100	225,200	240,700	247,200
Shelton Abbey	80,100	82,000	80,900	95,200
St Patricks	82,300	79,800	90,700	97,100
Training Unit	71,800	72,300	71,500	82,200
Wheatfield	75,800	71,300	81,100	84,000
Average Cost per Prisoner	87,950	83,800	90,900	91,700

* 2003 Mountjoy figure also includes the Dochas

The average cost of keeping an offender in custody is calculated by averaging out the current running costs of the prisons and places of detention against the average number of offenders in those institutions. These costs include certain items which are fixed no matter what the number of offenders in custody, e.g. utilities, staff salaries, etc. It also reallocates the cost of central services e.g. Headquarters, Prison Service Training Centre, I.T., etc. to each prison institution.

Significant factors in determining prison costs include the size and age of institutions and the regime applied to prisoners. There is no information readily available to me on the precise methodology and procedures in the preparation of figures from other jurisdictions.

543. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of prison places in each prison in each of the past ten years for each of the categories (details supplied); his plan to further increase the number of places; and if he will make a statement on the matter. [23951/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Information as requested by the Deputy is illustrated in the table. These Statistics reflect the operational capacity for each prison as at 15 October, 2007 and the same date in previous years.

Prison	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Arbour Hill	141	138	138	139	139	139	140	139	139	139
Castlerea	182	182	182	182	182	201	212	202	206	228
Cloverhill	n/a	n/a	400	406	406	454	433	433	433	431
Cork	270	270	270	270	270	271	271	263	259	272
Curragh	94	94	94	94	94	102	n/a	n/a	n/a	n/a
Mountjoy (Female)	60	60	70	70	70	81	81	83	85	85
Fort Mitchel	102	102	102	102	102	102	n/a	n/a	n/a	n/a
Limerick (Female)	12	12	12	16	16	20	20	20	20	20
Limerick (Male)	200	200	200	170	170	167	275	275	271	275
Loughan House	85	85	85	85	85	85	83	110	110	110
Midlands	n/a	n/a	n/a	350	390	456	456	447	447	474
Mountjoy	670	670	670	466	466	454	454	450	480	540
Portlaoise	231	231	231	203	203	205	188	188	188	210
Shanganah	60	60	60	60	60	n/a	n/a	n/a	n/a	n/a
Shelton Abbey	58	58	58	30	58	56	56	56	60	60
St. Patrick's	172	172	220	239	175	198	217	217	217	213
Training unit	96	96	96	94	94	79	96	96	96	96
Wheatfield	360	368	368	368	384	384	372	373	378	372
Total	2,793	2,798	3,256	3,344	3,354	3,454	3,354	3,351	3,389	3,525

Since 1998, the capacity of the prison system has increased by approximately 700 spaces, an increase of 26%. Details on the categories of prisoners accommodated in the various institutions are set out below.

Mountjoy Prison, North Circular Road, Dublin 7

Closed committal prison for males aged 18 years and over. It can accommodate 540 prisoners. It acts as the committal prison for males sentenced in the Dublin area.

Dochas Centre, North Circular Road, Dublin 7.

Closed committal prison for female prisoners aged 18 years and over. It was opened in January 2000 and accommodates approximately 90 female prisoners. It acts as the committal prison for females committed on remand or sentenced from all Courts outside the Munster area.

The Training Unit, Glengarriff Parade, North Circular Road, Dublin 7.

A semi-open institution for just under 100 male prisoners aged 18 years and over. It has been designed with lower levels of internal security. It operates a drug free environment with a strong emphasis on work and training.

Wheatfield Prison, Cloverhill Road, Clondalkin, Dublin 22.

A closed committal prison for male prisoners aged 18 years and over. It accommodates 372 prisoners and was recently designated as a committal prison for Courts in the North Leinster area.

Limerick Prison, Mulgrave Street, Limerick.

A closed committal prison for male and female prisoners aged 18 years and over. It can accommodate 275 males and 20 female prisoners.

Portlaoise Prison, Dublin Road, Portlaoise, Co. Laois.

A high security closed prison for male prisoners aged 18 years and over. The prisoners accommodated there include those linked with subversive crime and it acts as the committal prison for those sent to custody from the Special Criminal Court.

Midlands Prison, Dublin Road, Portlaoise, Co. Laois.

A closed prison opened in November 2000 with capacity for 474 male prisoners aged 18 years and over. It is designated as the committal prison for males sentenced in the South Leinster area.

St. Patrick's Institution, North Circular Road, Dublin 7.

A closed institution for male prisoners aged 16 to 21 years of age. It can accommodate 213 prisoners, both remand and sentenced persons.

Shelton Abbey, Arklow, Co. Wicklow.

An open centre for male prisoners aged 19 years and over. It has capacity for 60 prisoners who are regarded as requiring lower levels of security and are either serving short or nearing the end of long sentences.

Cork Prison, Rathmore Road, Cork City, Cork.

A closed committal prison for male prisoners aged 18 years and over. It can accommodate 272 persons.

Loughan House Open Centre, Blacklion, Co. Cavan.

An open centre for male prisoners aged 18 years and over. It can accommodate 110 prisoners who are regarded as requiring lower levels of security and are either serving short or nearing the end of long sentences.

Castlerea Prison, Harristown, Castlerea, Co. Roscommon.

A closed prison for male prisoners aged 18 years and over. It acts as the committal prison for remand and sentenced prisoners in the Ulster and Connaught regions. It can accommodate 228 prisoners, which includes up to 40 prisoners in the semi-open area known as "The Grove".

Cloverhill Prison, Cloverhill Road, Clondalkin, Dublin 22.

A closed prison for male prisoners aged 18 years and over. It was opened in October 1999 and primarily caters for remand prisoners. It has capacity for 431 prisoners and acts as the committal prison for persons sent to custody on remand in the Leinster area.

Arbour Hill Prison, Arbour Hill, Dublin 7.

A closed prison for male prisoners aged 18 years and over. Its prisoner profile is largely made up of long term sentenced prisoners and sex offenders. It can accommodate 139 prisoners.

Each of the prisons referred to above may accommodate remand prisoners at any time. A major development in the housing of remand prisoners has been the opening of the purpose built remand prison in Cloverhill. Castlerea Prison also has a purpose built remand unit where a number of remand prisoners are contained separately from the rest of the prison population. On 15 October 2007, there were 685 remand prisoners in the system, of which 63% were located in Cloverhill Prison and a further 6% located in Castlerea Prison. The remaining 31% of remand prisoners are accommodated in the other institutions, in particular the Dóchas Centre and Limerick and Cork prisons.

The prisons estate is undergoing an extensive programme of expansion at the present time. In this context, the following developments have taken place or are planned in the near future: over 40 extra spaces will shortly be available at

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the open centre at Shelton Abbey; a further 60 spaces will shortly be available at the open centre at Loughan House; the new C Block in Portlaoise Prison will provide 138 spaces, with these cells expected to be available in 2008; the new remand wing in Castlereagh prison will provide an extra 64 spaces, expected to be available in mid 2008; and a new wing under construction in Wheatfield will increase capacity by 144 spaces, expected to be available in 2009.

In the longer term, the Deputy will be aware of my intention to construct major new prison complexes in North County Dublin and Munster. The new facilities will offer significant improvements in the areas of work training, education and medical services as well as providing predominantly single cell accommodation with in-cell sanitation facilities. These are major undertakings involving replacement of close to 40% of the entire prison estate. They will take a number of years to complete but it is my intention that they will proceed as quickly as possible.

Citizenship Applications.

544. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will add to the staffing levels dealing with applications for naturalisation in his Department where the waiting list is approximately 12,400 and applications dating from the beginning of 2005 are only now being processed; the number of staff dealing with these applications; and if he will make a statement on the matter. [23980/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am advised by the Citizenship Section of my Department that the number of applications for naturalisation which have yet to be processed to a conclusion is approximately 17,000. The processing time is, on average, 30 months and this is primarily due to the significant increase in the volume of applications received in the last number of years. The table shows the total number of applications received in the years 2000 to date. These figures illustrate a significant upward trend and with almost 6,000 applications received to date in 2007, this upward trend looks set to continue for the foreseeable future.

Year	Applications for naturalisation received
2000	1,004
2001	1,431
2002	3,574
2003	3,580
2004	4,074
2005	4,523
2006	7,030
2007 (as at 13 October, 2007)	5,966

There are 46 staff currently assigned to the Citizenship Section of my Department. The numbers of staff assigned to the Section are kept under regular review having regard to the overall workload of the Irish Naturalisation and Immigration Service.

Garda Operations.

545. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform the number of civilians employed by the Garda in 1997; the number employed at present; the number that could be utilised to allow gardaí to be better used on the beat; when this number of personnel will be reached; and if he will make a statement on the matter. [23993/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that the information requested in relation to the number of civilians employed by the Garda Síochána in 1997 is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought.

The number of full time and part time civilian staff assigned to the Garda Síochána as at the 12 October 2007 was 2,242. Approximately 250 Clerical Officers have been recruited and assigned positions within An Garda Síochána since the 1 January 2007. These have been allocated to the Dublin Metropolitan Region, Garda Headquarters and Specialised Units.

The Government has authorised the Garda Commissioner to recruit a further 350 civilians to release trained members of the Force for front-line duty. This recruitment campaign is well underway and interviews are currently being held by the Public Appointments Service to recruit these Clerical Officers. These persons will be allocated to Divisions outside the Dublin Metropolitan Region.

The civilianisation of middle and senior positions in the Garda Síochána has commenced. Currently, there is a Chief Administrative Officer, Director of Finance, Head of Internal Audit, HR Manager, Housing Officer, Transport Manager and a civilian of Principal Officer grade in the Information Technology section. A Civilian Director of Communications will take up her post this month. Recruitment for the following positions will start in the coming weeks: — Director of Information and Communications Technology, Director of Change Management, Head of Legal Affairs and Executive Director of Human Resources. This will be in addition to the recruitment of a number of civilian crime analysts.

A dedicated Human Resource Directorate has been established in the Garda Síochána to serve the needs of the civilian, administrative, professional, technical and industrial staff in the

Garda Síochána and to promote an extensive programme of civilianisation.

Expansion in civilian support within An Garda Síochána also includes the following developments. The Garda Information Service Centre (GISC) in Castlebar is now fully operational. It has a staffing complement of 170 personnel. An additional 17 civilian staff will commence employment by the end of this month. An additional 12 Civil Service personnel commenced work at the Garda Central Vetting Unit in Thurles in September 2007, bringing the total personnel strength up to 50. An additional 26 personnel will be appointed in the coming weeks. There is recruitment underway for 12 Administrative Officer posts. Some 31 new civilian posts in the Garda Telecommunications area are currently being filled.

Sanction has been granted for the creation of 76 supervisory/management posts at Staff Officer, Executive Officer and Higher Executive Officer level to be located around the country on a Regional and Divisional basis. Promotion competitions for these posts are currently under way. Approval has been received for the appointment of a new Head of Procurement and a Multimedia Technician to work in the Garda Press and Public Relations Office and the Public Appointment Service will shortly be advertising these posts.

I am assured by the Commissioner that the Garda Síochána is committed to developing the civilian support function within the Garda Síochána to the level of best international practice and that he will continue to work to drive the civilianisation programme forward.

European Funding.

546. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform the position regarding outstanding payments due to a group (details supplied) in County Kerry from the European Refugee Fund; and if he will make a statement on the matter. [23995/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The group referred to by the Deputy was allocated funding of €160,420, amounting to 50% of a total project cost of €320,840 which was programmed for payment over the years 2006 and 2007. Monies from the European Refugee Fund are issued each year in a series of payments subject to the application of the various rules of eligibility of expenditure issued by the European Commission, which are very detailed and complex. On examination of the financial returns submitted in respect of 2006 the group was found to be entitled to a reduced overall allocation of €55,807,13 which has been paid.

The group has also been paid a total of €64,168 (inclusive of a payment of €24,063 which was paid yesterday) in respect of 2007 and is due a final payment of €16,042 which will be paid early next

year. These payments are subject to verification and may be amended when the financial returns for 2007 are examined, if the expenditure concerned does not comply with the various rules of eligibility of expenditure issued by the European Commission.

I am supportive of the role of voluntary bodies in providing services to refugees and asylum seekers, and the relevant European Commission rules concerning the administration of the European Refugee Fund are applied to the maximum possible benefit of such organisations. In this regard a meeting has been arranged for 16 November between the Reception and Integration Agency and representatives of the group.

Citizenship Applications.

547. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when passports will be returned to persons (details supplied) in County Kildare; and if he will make a statement on the matter. [24049/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question 171 on 27 September 2007. Officials in the Citizenship Section of my Department inform me that, having checked the applicants' files, only photocopies of their passports were received with their applications for citizenship.

Garda Deployment.

548. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform his views on the policing of County Meath and in particular the numbers of gardaí required to be based in Laytown and Duleek stations to serve the growing population of this part of County Meath. [24067/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda Commissioner that the personnel strength of Laytown Garda Station on 30 September, 2007, the latest date for which figures are readily available, was 13. The personnel strength of Duleek Garda Station on 30 September 2007 was 2.

It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account. Garda Management state that the next allocation of Probationer Gardaí will take place on the 23 November 2007. The needs of the Louth/Meath Division, which includes Laytown and Duleek Garda Stations, will be considered in this allocation within the overall context of the needs of Garda Districts/Divisions throughout the country.

Decentralisation Programme.

549. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24435/07]

550. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24449/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 549 and 550 together.

Under my Department's Decentralisation Programme, just over 900 civil service posts are scheduled to transfer to seven locations around the country. So far, two hundred and two people have been transferred from Dublin based posts. One hundred and thirty have transferred to Longford, 18 to Portlinton, nine to Thurles, six to Tipperary town, six to Roscrea and 33 to Roscommon. By the end of 2007, it is estimated that a further 80 civil servants will have relocated out of Dublin and just over 200 provincially based officers will also have moved to the above locations. In total, this represents around 50% of the overall number of posts scheduled to move under my Department's Programme.

Planning Issues.

551. **Deputy Seán Barrett** asked the Minister for the Environment, Heritage and Local Government if there are requirements for the provision of wheelchair toilet facilities and wheelchair access to buildings such as hotels and pubs, similar to the requirements in Part 3 of the Disability Act 2005, which requires the provision of these facilities in public buildings; and if he will make a statement on the matter. [23368/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Part 3 of the Disability Act, 2005 requires public buildings — defined as a building, or that part of a building, to which members of the public generally have access and which is occupied, managed or controlled by a public body — to be brought into compliance with the provisions of Part M (Access for People with Disabilities) of the

national Building Regulations before the end of 2015.

Part M requires that, if sanitary conveniences are provided, adequate provision should be made for people with disabilities. Part M also requires that adequate provision should be made to enable people with disabilities safely and independently to access and use a building. Technical Guidance Document M (TGD-M) provides guidance on how to comply with these requirements.

With regard to non-domestic buildings, Part M applies to all new buildings constructed on or after 1 June 1992, and extensions to or material alterations of existing buildings. However, when hotels, cinemas, educational establishments and similar places of assembly are being extended, if the existing entrance is not accessible to wheelchair users, an alternative entrance should be provided which is accessible to wheelchair users and which will enable them to gain independent access to the extension.

The Building Regulations came into force on 1 June 1992 and have been updated on a periodic basis. They do not, however, apply retrospectively except insofar as the Disability Act 2005 applies the provisions of Part M of the Regulations to publicly owned buildings to which the public have access.

Local Authority Housing.

552. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government his plans to provide funding for community housing for a person (details supplied) in County Westmeath; his further plans to provide funding for community housing for the intellectually disabled in the Moate and Athlone area of County Westmeath. [23451/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Capital funding is available through my Department's Capital Assistance Scheme to approved voluntary housing bodies to provide accommodation to meet special housing needs, such as the elderly, homeless or persons with disabilities. My Department's involvement with the scheme relates primarily to the provision of funds for individual projects. The administration of the scheme, and the certification that particular projects comply with the terms of the scheme, are the responsibility of the appropriate local authority.

An application for funding under my Department's Capital Assistance Scheme for 17 units of special needs accommodation, to be provided by Sophia Housing Association at Moate, was received from Westmeath County Council in November, 2005. Additional information was subsequently requested from the council on a number of occasions, and the application will be further considered on receipt of the necessary information.

Further applications for the provision of special needs housing in the areas referred to will be considered in the context of need and the funding available.

Housing Aid for the Elderly.

553. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government his plans to increase funding for housing aid for the elderly; and if he will make a statement on the matter. [23774/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The Task Force on Special Housing Aid for the Elderly, which operates under the aegis of my Department, agreed an initial allocation of €12 million to the Health Service Executive for the operation of the scheme in 2007. The Task Force met again last week to review progress and considered the making of a further allocation to the HSE to meet the ongoing high level of demand. The HSE will be advised of the outcome of this matter very shortly.

Water and Sewerage Schemes.

554. **Deputy James Reilly** asked the Minister for the Environment, Heritage and Local Government if he will review the grant for group drainage schemes which currently appears to be a maximum of €2,000 per household; and if he will make a statement on the matter. [23321/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): The Department is funding a pilot programme, proposed by the National Rural Water Monitoring Committee, to test a range of new, small-scale wastewater collection and treatment systems under Irish conditions. The objective of the pilot programme is to evaluate new approaches to meeting the wastewater collection and treatment needs of rural communities and to examine the potential role for group sewerage schemes in extending collection systems to households outside the catchment of new or existing sewerage networks.

Construction of the pilot projects is now substantially complete with commissioning expected this month. Monitoring of the performance of the new infrastructure by the National Rural Water Monitoring Committee will begin immediately after that. The Committee has been asked to report to me on results as they become available. I intend to review the grants for group sewerage schemes in light of the outcome of the pilot programme.

Local Authority Housing.

555. **Deputy Cyprian Brady** asked the Minister for the Environment, Heritage and Local

Government the steps he is taking to speed up the funding of precinct improvement projects in the Dublin City Council area, particularly those that have reached an advanced stage of planning and have been promised to residents for a number of years (details supplied). [23323/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I refer to the reply to Question Nos. 167 and 168 of 11 October 2007. The position is unchanged.

Water and Sewerage Schemes.

556. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the amount of funding allocated to each sewerage scheme (details supplied) in County Mayo. [23341/07]

568. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the scale of expansion of the Charlestown sewerage scheme under the serviced land initiative; and if he will make a statement on the matter. [23482/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 556 and 568 together.

The Mayo Towns and Villages Sewerage Scheme, which includes Charlestown, Cross, The Neale, Ballyheane and Crossboyne is included in my Department’s Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008 at an estimated cost of €6.25m. An earlier wastewater proposal to service 80 houses in Charlestown under the Serviced Land Initiative was approved in 2001. I understand that Mayo County Council is reviewing the Serviced Land Initiative proposal for Charlestown in light of the inclusion of the town in the Mayo Towns and Villages Sewerage Scheme.

557. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the status of the provision of a sewerage treatment plant for Doolin, County Clare; if there is a shortfall in funding for this project; if so, if his Department will fund the shortfall; and if he will make a statement on the matter. [23342/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Ballyvaughan, Corofin and Doolin Sewerage Scheme is included in my Department’s Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008. I approved grant assistance of up to €6.025m for the project in August 2007 following examination of Clare County Council’s Water Services Pricing Policy and Economic Review Reports for the project. It

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is now a matter for Clare County Council to finalise the design in light of the funding available from my Department.

Local Authority Housing.

558. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government the level of capital provision for each year since 2000 to date in 2007 and the percentage of that money drawn down in each year for the construction or purchase of local authority stock; and if he will make a statement on the matter. [23344/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Data in relation to financial allocations to Kildare County Council and Athy Town Council for the construction and purchase of social housing in each of the years 2000 to 2007, and their expenditure for such purposes from 1 January 2000 to 30 September 2007, are set out in the tables.

Kildare County Council

Year	Allocation	Expenditure	%
2000	12,062,512	9,653,565	80
2001	17,776,333	17,491,397	98
2002	27,000,000	23,975,100	89
2003	19,000,000	10,245,200	54
2004	19,000,000	14,003,786	74
2005	26,000,000	29,527,329	114
2006	36,000,000	32,206,139	89
2007	45,000,000	33,745,741	75

Athy Town Council

Year	Allocation	Expenditure	%
2000	1,904,607	1,611,298	85
2001	2,539,476	2,525,561	99
2002	700,000	1,073,500	153
2003	300,000	1,255,500	419
2004	1,000,000	887,900	89
2005	2,000,000	3,806,312	190
2006	2,500,000	1,848,407	74
2007	3,000,000	1,164,000	39

Water and Sewerage Schemes.

559. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the constraints on development that exist in many parts of County Kildare arising from the lack of waste water treatment capacity and that proposed works at Osberstown and Leixlip are urgently

required but will not, when completed, meet the growing demand in the county; if a solution to Kildare's waste water treatment problems will be brought forward in the context of the greater Dublin strategic drainage study; and if he will make a statement on the matter. [23345/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A comprehensive range of new water services infrastructure, estimated to cost in excess of €207m, has been approved for County Kildare in my Department's Water Services Investment Programme 2007-2009 published in September 2007. The Programme, which includes details of each scheme for which funding is being provided, is available in the Oireachtas Library. The schemes included are derived from the proposals identified by the elected members in the assessment of needs produced by Kildare County Council in response to my Department's request to all local authorities in 2006 to review and prioritise their proposals for new capital works in their areas.

The Upper and Lower Liffey Valley Sewerage Schemes, in addition to expanding the Osberstown and Leixlip Wastewater Treatment Plants, will upgrade and improve wastewater services in many other towns in Kildare. In January 2007, my Department approved Kildare County Council's contract documents for sewer network upgrading in Celbridge, Kilcock, Leixlip and Maynooth under the Lower Liffey Valley Scheme. Related works in Straffan were completed last year. My Department has also authorised the Council to prepare contract documents for the expansion of the Leixlip wastewater treatment plant.

In December 2006, my Department gave approval to Kildare County Council to prepare contract documents for the expansion of the Osberstown plant under the Upper Liffey Valley Scheme. In August 2007, I gave approval for the preparation of contract documents for the upgrading of the collection networks in Clane, Johnstown, Kilcullen, Kill, Naas, Newbridge, Prosperous and Sallins as part of the same scheme.

Among the recommendations of the Greater Dublin Strategic Drainage Study is that wastewater flows from the west and north-west of the Greater Dublin Area (including parts of Kildare) would be connected to a new orbital sewer and transferred to a new wastewater treatment plant at Portrane in Fingal. As part of a Strategic Environmental Assessment of the Study recommendations, an Environmental Report recently published by Fingal County Council is open for public comment until the end of November. Following completion of the public consultation phase, the Strategic Environmental Assessment will be finalised and published.

560. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local

Government the position regarding the proposed sewerage scheme for the Glenties, County Donegal. [23395/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 177 of 27 September 2007.

Local Authority Funding.

561. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the formula used to distribute the local government fund to local authorities; and if he will amend this formula to make it more transparent and to make it reward local effort to raise matching finance as outlined in IBEC's publication, Vision for Dublin. [23403/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I assume the question refers to general purpose grants from the Local Government Fund. Some €948m in general purpose grants has been allocated to local authorities for 2007, an increase of 8% over the record amount provided in 2006 and an increase of 116% over the level of grant provided in 1999 when the Fund was established. These grants contribute towards meeting the cost to local authorities of providing an acceptable level of day-to-day services to their customers. The increase in the funding provided through these and other grants has reduced, over the last decade, the proportion of total local authority income provided through commercial rates from some 16% to 12.5%. In recent years, local authorities have been specifically requested by my Department to minimise increases in rates on valuation with a view to maintaining local competitiveness.

Local authorities' cost and income bases vary significantly from one another and calculating an appropriate distribution of general purpose grants is complex. For purposes of allocations, a range of factors is taken into account, including each local authority's expenditure on, and income from, each service, the overall amount of funding available for the grants and the need to provide each local authority with a baseline allocation that will support its financial stability.

The current system for distributing these grants, which has considerable flexibility in taking account of changes in local authorities' requirements and resources, has been in operation for a number of years. In light of factors such as significant changes in local authorities' expenditure and income patterns and the introduction of a new costing system, it is intended, in partnership with the authorities, to review the method by which these grants are distributed.

I consider that the general purpose allocations from the Local Government Fund notified to local authorities for 2007, together with the

income available to them from other sources, will enable all local authorities to provide an acceptable level of services for their customers.

Waste Management.

562. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government his plans to resolve the conflict of interest that arises from local authorities having responsibility for planning, regulation and service provision in areas such as waste management in order to open up competition and reduce costs. [23405/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Programme for Government, the Government has committed to undertaking an international review of waste management plans, practices and procedures and to acting on its conclusions. As I announced last week I have already directed my Department to commission such a review, to commence as soon as possible and to conclude within one year.

This review will involve comprehensive research on the waste sector in Ireland and will cover a wide range of issues to help identify how best to proceed with further efforts to reduce waste levels, improve recycling rates and deliver cost-effective waste management solutions for businesses and householders. Included in its scope will be an examination of the legal and institutional arrangements which apply to waste management, including the role of local authorities.

Planning Issues.

563. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 518 of 2 October 2007, if the transitional BER exemptions for dwellings for which planning permission was applied on or before 31 December 2006 where the new dwellings involved are substantially completed on or before 30 June 2008 means that buildings will not have to supply a BER certificate; and if he will make a statement on the matter. [23447/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As indicated in the reply to Question No. 518 of 2 October 2007, a transitional BER exemption applies to new dwellings for which planning permission was applied on or before 31 December 2006, where the new dwellings concerned are substantially completed on or before 30 June 2008. However, from 1 January 2009, if any of these dwellings are being offered for sale or letting, a BER Certificate must be provided.

Water and Sewerage Schemes.

564. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government when the Newport sewerage scheme will be enabled to commence under the rural towns and villages initiative; and if he will make a statement on the matter. [23478/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): The Newport Sewerage Scheme is approved for funding in the Department's Water Services Investment Programme 2007-2009 under the Rural Towns and Villages Initiative. The Department is awaiting submission of Mayo County Council's revised Preliminary Report for the scheme. Following approval of the Preliminary Report, the Council will be in a position to draw up Contract Documents with a view to tenders being invited as quickly as possible.

565. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the extent of the financial commitment for the Ballina regional water supply scheme treatment plant upgrade H; when the scheme will actually commence; and if he will make a statement on the matter. [23479/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Ballina Regional Water Supply Scheme (Treatment Plant Upgrade) is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to advance through planning, at an estimated cost of €6m. My Department is awaiting submission of Mayo County Council's brief for the appointment of consultants to prepare a Preliminary Report for the scheme.

566. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government when the strategic study in respect of the Cong water supply scheme will commence; the duration of the study; when the study will be acted upon; and if he will make a statement on the matter. [23480/07]

567. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government when the feasibility study on the east Mayo regional water supply scheme from Lough Conn will commence; the expected duration of the study; the criteria set out in respect of the study; and if he will make a statement on the matter. [23481/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 566 and 567 together.

The Cong Water Supply Strategic Study and the Lough Conn — East Mayo Regional Water Supply Feasibility Study are approved for funding in my Department's Water Services Investment Programme 2007-2009. My Department is awaiting Mayo County Council's proposals for both studies.

Question No. 568 answered with Question No. 556.

569. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the commencement date of the Mayo sludge management H scheme; when it is expected that this will start in 2009; the extent of capacity of the scheme; and if he will make a statement on the matter. [23483/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Mayo Sludge Management Scheme is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2009. My Department is awaiting submission of Mayo County Council's infrastructural proposals for dealing with sludge from the county's wastewater treatment plants. These proposals are the subject of an ongoing Environment Impact Assessment.

570. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government when the Belmullet sewerage scheme will commence in 2009; the scale, scope and capacity of the scheme; the duration of the scheme involved; and if he will make a statement on the matter. [23484/07]

571. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government when the Foxford sewerage scheme will commence in 2009; the scale, scope and capacity of the scheme; the duration of the scheme involved; and if he will make a statement on the matter. [23485/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 570 and 571 together.

The Belmullet and Foxford Sewerage Scheme, which is being advanced as a joint Design/Build/Operate project, is included in my Department's Water Services Investment Programme 2007-2009 to start construction in 2009, at an estimated cost of €21.4m. It is not possible at this stage to give a more precise date for construction.

My Department approved Mayo County Council's Preliminary Reports for the scheme in February 2007. The Council's brief for the appointment of consultants to prepare Tender Documents for the Wastewater Treatment Plants

is being examined in my Department and is being dealt with as quickly as possible. Any further details relating to the design or capacity of the scheme may be obtained from the Council.

Ministerial Transport.

572. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local

Minister of State	2003	2004	2005	2006	2007
	€	€	€	€	€
Pat 'The Cope' Gallagher T.D.	45,301	31,512			
Noel Ahern T.D.	15,931	11,660	17,579	19,432	19,313
Batt O'Keeffe T.D.		9,430	41,633	50,502	27,496
Tony Killeen T.D.					12,241

Departmental Advertising.

573. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23525/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In undertaking radio advertising and public awareness campaigns, my Department always endeavours to make use of the most appropriate and relevant forms of national, local and community media, thus ensuring that information is targeted at the most relevant audience, and consideration will be given to this radio station in future campaigns.

Outdoor Events.

574. **Deputy Tony Gregory** asked the Minister for the Environment, Heritage and Local Government if a hunt (details supplied) have been granted at any time a wildlife dealer's licence. [23538/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has not granted the Ward Union Hunt a Wildlife Dealers licence at any time.

State Agencies.

575. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23728/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Information relating to the matters raised in the Question is being compiled in my Department

Government the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23510/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested is set out in the table.

and will be forwarded to the Deputy as soon as possible.

Water Quality.

576. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if his Department or the EPA has evaluated the threat to drinking water quality arising from the lack of adequate treatment capacity for sewage in local authorities; if data is available on this on a county basis; the way this threat compares with others including industry; and the sanctions that are available to his Department in respect of each sector. [23749/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department coordinates and finances a major programme of investment in new and improved water services infrastructure to meet identified needs including, where appropriate, the lack of adequate wastewater treatment facilities in particular areas. Details of approved schemes are set out in the Water Services Investment Programme 2007-2009 which I published in September 2007 and which is available in the Oireachtas Library.

The schemes included in this €5.8bn Programme are mainly derived from regular assessments of needs undertaken by local authorities, at my Department's request, as an input to the overall strategy for meeting identified water services requirements. The most recent of these assessments was carried out in 2006. In undertaking their assessments, local authorities are required to have regard to specific criteria, including relevant EPA assessments, and national and EU environmental and public health statutory requirements and standards. In this context authorities are required to take into account threats to water quality from whatever source they arise. Details of their assessments are available from each County and City Council.

I recently made the Waste Water Discharge (Authorisation) Regulations 2007 (S.I No. 684 of

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2007), which provide for the authorisation of local authority wastewater discharges by the EPA. The Regulations require discharges from agglomerations with population equivalents greater than 500 to be licensed on a phased basis related to the size of the agglomeration. Penalties applying to offences under the Regulations are a fine of up to €5,000 on summary conviction and up to €500,000 on conviction on indictment.

Housing Grants.

577. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local Government his Department's approach and policy in respect of applications that were already on hand for the old disabled person's grant, essential repairs grant and housing aid for the elderly grant schemes in various Health Service Executive and local authority offices around the country that had not yet been dealt with or approved arising from the introduction of the revised housing adaptation grant schemes for older people and people with a disability; if applicants will be required to fill in new applications based on the new grant scheme or if the old applications to the old schemes will continue to be processed in 2008 and in future years; and if he will make a statement on the matter. [23750/07]

589. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the changes in policy, criteria and conditions that are shortly to be implemented by local authorities in respect of the disabled person's grant scheme and the essential repairs grant scheme; if the new arrangements will involve a means test for applicants; and if he will make a statement on the matter. [23897/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): I propose to take Questions Nos. 577 and 589 together.

Details of the revised housing adaptation grant schemes for older people and people with a disability were announced earlier this year as part of the Government's new housing policy statement *Delivering Homes, Sustaining Communities*. Three new schemes are to be introduced, a Housing Adaptation Grant for People with a Disability, a Mobility Aids Grant Scheme, and a scheme of Housing Aid for Older People.

The Housing Adaptation Grant for People with a Disability will assist in the provision/adaptation of accommodation to meet the needs of people with a disability. The grant will be increased from the current effective maximum of €20,320 to a maximum of €30,000, which may cover up to 95% of the cost of works. Prioritisation of eligibility will be on the basis of medical and financial need with 95% of the approved cost of work available to those with

annual household incomes of less than €30,000, tapering to 30% for those with annual household incomes of €54,001 to €65,000.

The Mobility Aids Grant Scheme will provide grants to cover a basic suite of works to address mobility problems, primarily but not exclusively, associated with ageing. It will fast track grant aid to people on lower incomes (maximum annual household income threshold €30,000). The maximum grant available will be €6,000 and may cover 100% of the cost of works.

The new Housing Aid for Older People scheme will provide targeted support to improve conditions in the existing housing of older people, and amalgamates the provisions of the existing Essential Repairs and Special Housing Aid for the Elderly Schemes. The maximum grant available will be €10,500 and may cover 100% of the cost of works for applicants with an annual household income of less than €30,000, tapering to 30% for those with annual household incomes of €54,001 to €65,000.

All Disabled Persons and Essential Repairs Grant applications received by local authorities prior to 1 November 2007 will be processed under the terms and conditions of the local authority's current Disabled Persons and Essential Repairs Grant schemes. The Department will continue to fund two-thirds of the cost of all works processed under these schemes, with the remaining one-third contribution being funded from the revenue resources of the local authority, until all applications under the schemes have been processed. In the case of the Special Housing Aid for the Elderly Scheme, applications for grant aid will be accepted by the Health Service Executive until 31 March 2008 and these applications will be processed by the Health Service Executive under the existing terms and conditions governing the scheme.

Applicants who have applied under the existing Disabled Persons, Essential Repairs and Special Housing Aid for the Elderly Grant Schemes will not be required to submit new applications. It is, however, open to such applicants to withdraw their applications under the existing grant schemes and re-apply under the new framework of grants, which will become operational on 1 November 2007, if they so wish.

Planning Issues.

578. **Deputy Seamus Kirk** asked the Minister for the Environment, Heritage and Local Government his views on reviewing planning legislation generally with the object of creating a more cohesive schools provision strategy where there is significant housing development in particular areas; and if he will make a statement on the matter. [23751/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Planning and Development Act 2000,

a development plan must set out an overall strategy for the proper planning and sustainable development of the area concerned. Development Plan Guidelines for Planning Authorities, published on 8 June 2007, provide that the development objectives that must be included in the plan include objectives for the provision, or facilitation of the provision of services for the community including, in particular, schools, crèches and other education and childcare facilities.

My Department's recent work with the Department of Education and Science ensures that the new Guidelines take more significant and inclusive account of school planning, addressing the inter-relationship between land use and schools, and sets the context for forward planning and engagement by local authorities with the Department of Education and Science. In this regard, the guidelines create a clear linkage between the objective for the provision of schools with the current guidelines used by the Department of Education and Science in relation to school accommodation. Planning authorities are advised to secure the maximum degree of co-ordination with the Department of Education and Science in relation to school provision before land is zoned or re-zoned for substantial residential development.

Section 8 of the Planning and Development Amendment Act, 2002 provides that a local area plan must be consistent with the objectives of the development plan and may include (a) objectives for the zoning of land for the use solely or primarily of particular areas for particular purposes, and (b) such other objectives, in such detail as may be determined by the planning authority, for the proper planning and sustainable development of the area to which the local area plan applies, including detail on community facilities and amenities. Furthermore, in the case where a Strategic Development Zone (SDZ) has been designated by Government in accordance with Section 166 of the Planning and Development Act, 2000, the planning authority is required to prepare a planning scheme which, inter alia, provides for an integrated approach to the provision of essential community infrastructure, such as schools and child care facilities. This approach has been applied to good effect in relation to the Adamstown SDZ in South Dublin.

My Department is also facilitating work underway between the Department of Education and Science and the County and City Managers Association, in finalising a new protocol to ensure the timely acquisition of sites in newly developing and fast growth areas. Implementation of such a protocol is vital as it offers a practical mechanism that will integrate development planning and schools planning.

My Department is continuing to explore appropriate options under the planning policy and legislative framework, in consultation with the

Department of Education and Science and planning authorities, to ensure that the planning process facilitates the strategic provision of school facilities.

Site Investigations.

579. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 416 of 13 June 2006, if the conclusions of the site investigation were reported to Government and deliberations have been completed; the future plans for the Irish ISPAT site; and if he will make a statement on the matter. [23754/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has considered the detailed reports on the site investigation which have been finalised. In the interim consideration has been given to the establishment of a group led by the Department of Enterprise, Trade and Employment to examine the potential future use of the site. Following further consultation between the Departments I will be reporting to Government on the implications of the site investigations. My Department continues to have oversight of the management of the site on a care and maintenance basis and including the conclusion of necessary interim remedial works.

Services for the Homeless.

580. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government if an application (details supplied) has been received in his office; if said application is being considered; and if he will make a statement on the matter. [23779/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): My Department recoups to local authorities 90% of their approved current expenditure on the provision of accommodation and related services for homeless persons in accordance with the provisions of Section 10 of the Housing Act 1988. Much of this expenditure is operationalised through projects managed by voluntary bodies.

My Department has received a proposal from Donegal County Council for Section 10 funding of a tenancy sustainment support service by a voluntary body. However, this service was to target existing local authority tenants rather than persons who are currently homeless. My Department has written to the Council advising that Section 10 funding for any tenancy sustainment service would normally be primarily directed at services targeting people who are currently homeless and living in emergency accommodation and in the process of being moved to independent living. In order to determine fully the need for such a

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service, the Council was advised to undertake a full evaluation of the number of homeless persons requiring such a service, including data on the number of persons who have become homeless as a result of losing their tenancy.

My Department has indicated to the County Council that other sources of funding such as the Sustainable Communities Fund or the Housing Management Initiative may be appropriate alternative sources of funding for a tenancy sustainment service for existing local authority tenants, as was proposed by the Council.

Social and Affordable Housing.

581. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the statutory instrument that allows a local authority to specify minimum annual salaries as part of its application process for affordable housing as opposed to general stress test measures; and if he will make a statement on the matter. [23797/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Eligibility generally for the affordable housing schemes is determined on the basis that applicants are in need of housing and cannot afford to purchase a house on the open market. In the case of the shared ownership and 1999 affordable housing schemes, single applicants are eligible where their income in the previous tax year was €40,000 or under. In the case of a two income household, the income limit is based on the formula that $2\frac{1}{2}$ times the main income plus once the secondary income does not exceed €100,000. These maximum limits are set out in articles 31 and 32A of the Housing Regulations 1980, as amended.

Those with incomes greater than the limits mentioned above may be eligible for affordable housing under Part V of the Planning and Development Acts 2000-2006 or the Affordable Housing Initiative. Eligibility for these purposes is determined on the basis that a person’s income is insufficient to meet the mortgage repayments on a house suitable to their needs, by virtue of the fact that the mortgage payments on such accommodation would exceed 35% of the person’s income after tax and PRSI.

There is no minimum income qualifying requirement set under any of the affordable housing schemes. However, in approving an affordable home purchase, local authorities are bound to consider the ability of applicants to make the necessary mortgage payments and satisfy themselves that the borrower’s income is sufficient to meet the financial commitments involved. In that context, local authorities may set indicative minimum income levels which they consider are required, taking account of the repayments which

fall to be met on the particular affordable homes being offered for sale.

582. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the action he is taking to reduce the cost of affordable housing to local authorities and to applicants. [23798/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Affordable housing is made available at below market prices through a range of delivery mechanisms which have been put in place. These include the provision of direct subsidies by my Department to local authorities in respect of individual schemes, the provision of land by the State and local authorities at below market value, and the capacity, through Part V of the Planning and Development Acts 2000 to 2006, to acquire land at “existing use” value. The Shared Ownership Scheme provides a further avenue through which home ownership can be made more affordable. In addition, the Mortgage Allowance and Rent Subsidy schemes are available to assist lower-income households access shared ownership and affordable housing by providing an annual subvention towards repayment costs.

Apart from the individual delivery mechanisms and supports provided by the Government, a number of other measures have been introduced which are of considerable benefit to the purchasers of affordable homes. In particular, the purchase process is being streamlined by the introduction of arrangements for the direct selling of affordable homes by developers to approved nominees of the local authority. In addition, the agreement on arrangements under which a number of financial institutions are now offering mortgage finance for affordable homes provides for improved competition and greater choice for prospective purchasers.

583. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding a proposed local authority social and affordable housing development (details supplied) in County Cork. [23802/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): My Department has recently received proposals in relation to this project. Given the scale of the development proposed, further discussions between my Department and the Council will be necessary before any decision can be made in this matter.

Water Quality.

584. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local

Government the position regarding the implementation of the water framework directive and the setting up of the river basin districts project; if he is satisfied with Ireland's progress in respect of all inland water bodies being of good ecological status by 2015; and if he will make a statement on the matter. [23838/07]

585. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the analysis that has been carried out following the acceptance of the nitrate, phosphate and dangerous chemical directives and the implementation of the compromises in respect of these directives; his views on the consequent improvement in water quality of the implementation of these directives; if he will refer specifically to the loss of biodiversity in this regard; and if he will make a statement on the matter. [23839/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 584 and 585 together.

Statutory responsibility for protection and improvement of water quality is assigned primarily to local authorities acting under the general supervision of the EPA.

Measures for the protection and improvement of water quality are being progressed on a systematic basis, particularly within the context of the Water Framework Directive. I expect that we will see significant improvements in the quality of our freshwaters and coastal waters over the coming years with consequent improvements in aquatic ecosystems and water-dependent terrestrial ecosystems. The recent EPA report "Water Quality in Ireland 2006: Key Indicators of the Aquatic Environment" indicates that, with the type of pollution occurring in Ireland, chiefly nutrient enrichment, there is a relatively short recovery time for aquatic ecosystems and thus the objective of good quality status for all water bodies should be achievable.

The Water Framework Directive generally provides that there must be no deterioration in the status of any waters and that all waters achieve at least "good status" by 2015. A comprehensive programme of activities is currently underway by my Department, the EPA, local authorities and other relevant bodies for full implementation of the Directive. This is being supported by river basin district projects, led by local authorities, together with a wide range of research and other projects funded under the National Development Plan. My Department has committed 100% funding amounting to some €63 million for most of these activities. INTERREG funding is also being applied in relation to cross-border projects. To date, all implementation deadlines set by the Directive have been achieved on time by Ireland.

In June 2007, an overview report was issued for each River Basin District outlining the significant water management issues that have been identified and the possible measures to be taken. These reports will assist the participation of interested parties in the process of developing, by June 2008, draft River Basin Management Plans which will set out the specific environmental objectives to be achieved during the first 6-year plan period (2009 -15) together with the programme of measures which will be required to deliver on these objectives. The River Basin Management Plans will be adopted by June 2009.

The achievement of improvements in water quality is, and will be, significantly supported by the ongoing investment under the Water Services Investment Programme and by implementation of the Nitrates Action Programme, which are key elements within the overall programme of measures under the Water Framework Directive. Some €2 billion has been invested since 2000 on the provision of new and upgraded waste water services under my Department's Water Services Investment Programme. Significant funding is also being provided by my colleague the Minister for Agriculture, Fisheries and Food under the Farm Waste Management Scheme to support investment by farmers to meet the requirements of the Nitrates Action Programme. Measures are also being developed to strengthen the protection of water quality against pollution from other sources. For example, Regulations were made in November 2006 and September 2007 in relation to the licensing of, respectively, aerial fertilization of forestry and discharges from local authority wastewater treatment plants.

Litter Pollution.

586. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his views on a compulsory financial deposit on all drink cans, mineral bottles, sweet and ice-cream wrapping, cigarette boxes, fast food wrapping and so on with a view of solving the escalating problem of irresponsible dispersal of litter; and if he will make a statement on the matter. [23845/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products which they have placed on the market at end-of-life. Under the Directive, Ireland was required to achieve a 25% recovery rate of packaging waste by 1 July 2001, increasing to a 50% recovery rate by 31 December 2005. Practical implementation of the Directive in Ireland is organised mainly through a collective industry-based compliance scheme operated by

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Repak Limited which is working successfully. The Environmental Protection Agency (EPA) has reported in its National Waste Report 2005 — published in January 2007 — that packaging waste recovery increased to 59.9% in that year, indicating that Ireland continues to exceed the current target recovery rate of 50% set by the Packaging Directive. This compares with a recovery rate of 14.8% in 1998.

I fully recognise that despite progress on recycling we need to continue to improve our performance. The Programme for Government commits us to establishing new ambitious waste management targets for maximum prevention, reuse and recycling with a view to ensuring that we match the best performance in the EU with the objective that only 10% or less is consigned to landfill as opposed to the current rate of 66%. The Programme also provides for a comprehensive review of waste management planning, which I have directed my Department to initiate. This review will ensure that our waste management plans reflect best international practice and that we have the policies and infrastructure to meet ambitious environmental objectives.

While I do not consider that it would be practical to apply deposits to some of the products suggested in the Question, e.g. sweet and ice-cream wrappings, the review will look at the desirability of other producer responsibility schemes, including deposit and refund for beverage containers. In the interim, I have recently challenged industry to develop appropriate measures to address packaging waste litter, in particular in relation to beverage containers. At present, the arrangements for recovering packaging waste from consumers and householders consist principally of segregated collections for dry recyclables and an extensive network of bring banks and civic amenity sites. My Department will continue to discuss these issues in the context of finalising a four-year strategy for the packaging waste sector which is currently being developed under the aegis of the National Strategy Group on Packaging Waste Recycling which is representative of the relevant public and private sector stakeholders.

Other measures to tackle littering are being adopted. I recently announced an increase in the on-the-spot litter fine from €125 to €150 with effect from the end of September 2007. In 2006, my Department entered into a negotiated agreement with the chewing gum industry for a programme, funded entirely by industry, to tackle chewing gum litter. This initiative is on going and to date has included a range of public awareness campaigns and education programmes to raise understanding of the impact of gum litter and encourage proper gum disposal.

Following negotiations between my Department and the banking sector, an agreement was launched in January 2007 to reduce ATM advice slip litter pollution. The agreement contains

measures including changes in the software on ATM machines to help reduce the number of receipts generated, provision of an on-screen message reminding customers to dispose of their advice slips responsibly and sign-up by the banks to a suite of good housekeeping measures to deal with litter around their branches. Negotiations with the fast food industry are ongoing, with IBEC, who have established a “food on the go” working group, acting as the umbrella body for the industry. At this stage, my Department is seeking a specific set of costed proposals from relevant parties that could form the basis for a multi-annual agreement.

Wildlife Protection.

587. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government the details of the five year management plan for deer in the Wicklow hills 2005 to 2010. [23857/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Minister’s direct responsibility in relation to deer management in the Wicklow hills relates solely to the Wicklow Mountains National Park area. The primary aims of the Wicklow Mountains National Park Management Plan, which was published in 2005, are to develop and maintain the highest standards of conservation management and to facilitate appropriate educational, recreational, and community interests and activities in the park, consistent with conservation requirements. Under the Plan annual assessments are made of deer populations and deer are culled as required to ensure that sustainable grazing regimes are maintained.

Special Areas of Conservation.

588. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the position in relation to the area known as Ballinagare Bog, County Roscommon and the continuation of its use for domestic turf cutting up to 2014 at least; the derogation which is available to other such bogs; if, in view of the change in land prices he will consider a review of the compensation offered; and if he will make a statement on the matter. [23891/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Cutting turf on designated Special Areas of Conservation (SACs), including Ballinagare Bog (SAC 000592), is strictly limited in order to protect this internationally important type of habitat. A derogation was agreed in 1999 to allow turf cutting for domestic use only on less sensitive areas of bogs designated as SACs for a period of up to ten years — that is, until the end of 2008.

A generous compensation package is available for anybody who agrees to end turf cutting on designated bogs. My Department will purchase freehold on designated raised bogs at €3,500 for the first acre or part thereof and €3,000 for each subsequent acre. Alternatively, the Department will purchase turbary rights on designated bogs at €2,975 for the first acre or part thereof and €2,550 for each subsequent acre. There are no plans to increase the level of compensation on offer.

Question No. 589 answered with Question No. 577.

Regulatory Impact Assessments.

590. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assess-

ments; the reason for same; and if he will make a statement on the matter. [23908/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Details of Regulatory Impact Assessments (RIAs) conducted by my Department since 21 June 2005 are presented in the table. Following the Government decision of 21 June 2005, a Regulatory Impact Analysis (RIA) must be applied to:(i) all proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions);(ii) significant Statutory Instruments;(iii) proposals for EU Directives and significant EU regulations when they are published by the European Commission.

Information is also provided in the table on all items, relevant to the above requirements, undertaken by my Department since 21 June 2005. Where an RIA was not conducted, the reasons for same are outlined. As the Deputy will note, where an RIA was not applied, the decision to approve drafting of the relevant legislation was undertaken, for the most part, prior to the adoption of the Government policy regarding RIA in June 2005.

Table — Regulatory Impact Assessments, Department of the Environment, Heritage and Local Government, since 21 June 2005

Date	Legislation	RIA	Reason for not applying RIA
05/07/2005	Draft Waste Management (Facility Permit and Registration) Regulations	No	Review process predated the Government decision of 21 June 2005.
05/07/2005	Draft Waste Management (Collection Permit) Regulations	No	Review process predated the Government decision of 21 June 2005.
05/07/2005	Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005	No	Regulations were prepared and agreed with stakeholders prior to Government decision of 21 June 2005
05/07/2005	Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005	No	Regulations were prepared and agreed with stakeholders prior to Government decision of 21 June 2005
09/07/2005	Electoral (Amendment) Act 2005	No	Government approval for Heads of Bill received prior to 21 June 2005.
21/12/2005	Building Regulations (Amendment) Regulations 2005	No	Amendment of Part L of the Building Regulations and part Transposition of Energy Performance of Buildings Directive (2002/91/EC). RIA not necessary as Part L Consultation Documents were published in 2004. Directive 2002/91/EC adopted in 2002.
08/03/2006	Part B (Fire Safety) of the Building Regulations	No	Consultation Documents published in 2003
31/05/2006	Waste Management (End-of-Life Vehicles) Regulations 2006	Yes	N/A
09/06/2006	Building Societies (Amendment) Bill 2006	No	Government approval for Heads of Bill received prior to 21 June 2005.
16/07/2006	Planning and Development (Strategic Infrastructure) Act 2006	No	Government approval for Heads of Bill received prior to 21 June 2005.
18/07/2006	European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2006.	No	Regulations followed on from significant consultations with stakeholders, ongoing since 2001.
13/09/2006	Nuclear Test Ban Bill	No	RIA not applicable
05/12/2006	Designated Land (Housing Development) Bill 2006	No	The content of the Bill is under consideration and a RIA will be undertaken once a final decision on content has been taken.
08/12/2006	Carbon Fund Bill	Yes	N/A
11/12/2006	Electoral (Amendment) Act 2006	No	Government approval for Heads of Bill received prior to 21 June 2005.
19/12/2006	Social Housing (Miscellaneous Provisions) Bill 2006 (General Scheme)	Yes	N/A
19/12/2006	European Communities (Energy Performance of Buildings) Regulations 2006	No	Transposition of Certain Articles of the Energy Performance of Buildings Directive (2002/91/EC). RIA not necessary as Directive 2002/91/EC was adopted in 2002.
24/12/2006	Local Government (Business Improvement Districts) Act 2006	No	Government approval for Heads of Bill received prior to 21 June 2005.
	EU Draft Building (Amendment) Regulations 2006 — Proposed Amendment to Part G (Hygiene) of the Building Regulations — Regulations not yet signed into force.	Yes	N/A

Table — Regulatory Impact Assessments, Department of the Environment, Heritage and Local Government, since 21 June 2005—*contd.*

Date	Legislation	RIA	Reason for not applying RIA
01/02/2007	Licensing of Indoor Events Regulations 2006 — Regulations not yet signed into force.	Yes	N/A
08/03/2007 & 12/06/2007	Proposal for a Regulation of the European Parliament and the Council on the banning of exports and the safe storage of metallic mercury	Yes	N/A
10/04/2007	European Communities (Drinking Water) Regulations 2007 (S.I. No. 106 of 2007) and European Communities (Drinking Water) (No. 2) Regulations 2007 (S.I. No. 278 of 2007)	Yes — one RIA for both	N/A
21/04/2007	Electoral (Amendment) Act 2007	Yes	N/A
14/05/2007	Building Control Act 2007	No	Government approval for Heads of Bill received prior to 21 June 2005.
01/07/2007	Water Services Act 2007	No	Government approval for Heads of Bill received prior to 21 June 2005.
01/07/2007	Proposed Surface Water Classification Regulations including Environmental Quality Standards	Yes	N/A
01/07/2007	Transposition of Environmental Liability Directive (2004/35/EC)	Yes	N/A
05/07/2007	Waste Management (Shipments of Waste) Regulations 2007	No	Process of making the European regulation predated the Government decision of 21 June 2005.
29/08/2007	European Communities (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2007.	No	Regulations followed on from significant consultations with stakeholders, ongoing since 2001.
27/09/2007	Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007).	Yes	N/A
	Proposal for a Directive of the Council on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection	No	A co-ordination / consultation group comprised of representatives from the relevant Departments has been established by DEHLG to examine and comment on the evolving text of the proposed Directive. The group has concluded that the unresolved criteria for defining critical infrastructure in the current text and the fact that many Departments are responsible for different sectors of Irish critical infrastructure, make it difficult to undertake a RIA on the proposed Directive until the criteria are finalised.
	Transposition of European Parliament and Council Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EC	No	RIA will be prepared and published prior to transposition.
	Draft Waste Management (Packaging) Regulations 2007	Yes	N/A
	Part L (Conservation of Fuel and Energy) of the Building Regulations	Yes — RIA underway	N/A

Irish Language.

591. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government when and the way he will implement the results of a plebiscite held in Dingle, replacing the name An Daingean with Dingle — Daingean uí Chuis. [23924/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Placenames (Ceantair Ghaeltachta) Order 2004, of December 2004, issued under the Official Languages Act 2003 and covering in excess of 2,300 placenames, had the effect of changing the placename of Dingle to An Daingean. On 20th October 2006 Kerry County Council conducted a plebiscite under the Local Government Act 1946 to ascertain whether the majority of the qualified electors in the non-municipal town of An Daingean would consent to an application being made to the Government for an order changing the name of An Daingean to Dingle Daingean Uí Chúis. Of 1,222 electors, 1,005 gave their consent to Kerry County Council's proposal. Kerry County Council then resolved to apply to the Government to make an order under Section 77 of the Local Government Act 1946 to change the name to Dingle Daingean Uí Chúis.

Kerry County Council conducted the plebiscite having previously been informed of the conclusion of the Attorney General, issued on 7 April 2006, that the local government code could not be used to change the name of a place subject to a placenames order, such as An Daingean. In view of this advice, it is not legally possible to give effect to the plebiscite while An Daingean is the official placename in accordance with the Placenames Order.

I am aware of the strength of local feeling on this issue. Kerry County Council's plebiscite has articulated the views of the townspeople. However people living in the wider area, who regard An Daingean as the capital of the Chorca Dhuibhne Gaeltacht, have expressed support for continuation of the official placename of An Daingean. Given the legal complexities of the issues involved in any name change, and the strong opinions which have been expressed locally, I have asked my officials to consider the matter further, in conjunction with the Department of Community, Rural and Gaeltacht Affairs, before taking any further action on the matter.

Heritage Sites.

592. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government if he has funding towards the establishment of a heritage and tourism site from the famine era (details supplied). [23925/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The

structure to which the question refers was added to the Record of Protected Structures by Kerry County Council in 2006 at the request of the owner. This Department administers an annual Civic Structures Conservation scheme of grants for the restoration and conservation of buildings of significant architectural heritage merit and which are in public ownership or open to the public generally. This Contact details of the owner of the property have been retained by my Department and the owner will be notified of details of next year's scheme.

This Department also funds a scheme of grants for the conservation of protected buildings, which is administered by the local authorities. It is a matter for each individual local authority to assess and prioritise applications and approve funding. The scheme is aimed at assisting owners and occupiers to carry out conservation works on structures of architectural significance which are listed in the Record of Protected Structures contained in the Local Authority Development Plan. Kerry County Council has given provisional approval for an €8,000 grant toward works to the roof of the property concerned.

Planning Issues.

593. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the reasons for rejecting the Monaghan county development plan; if he will apply the same analysis to other county development plans and variations adopted to existing county development plans; and if he will make a statement on the matter. [23938/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Monaghan County Development Plan 2007-2013 was adopted in March 2007 following public consultation at draft and material amendment stages. At both stages, my Department expressed serious concerns that the draft plan did not support the objectives of the National Spatial Strategy, the Regional Planning Guidelines for the Border Region, or the Sustainable Rural Housing Guidelines.

My Department's main concerns were as follows:

- The adopted Plan had zoned land for a potential additional 102,000 people within the county over its six-year term, an increase of 182% on the total current county population of 55,800, and which was equivalent to the projected population growth for the entire Border region in the period from now until 2020;
- The zonings were proposed without any objective assessment of housing needs;
- Much of the proposed zoned lands were on the edge of small villages and towns with-

out sufficient essential infrastructure services;

- The Council did not use the distinction between Clár and non-Clár areas as a basis for distinguishing between weaker rural areas and rural areas under strong urban influence, particularly in those areas of the County close to the main towns of Monaghan, Carrickmacross and Castleblayney and along the N2 National Primary Route. This omission runs counter to the Sustainable Rural Housing Guidelines, which recommend that a more selective approach to the granting of one-off planning permissions should be applied to rural areas under strong urban pressure. In such areas, the objective should be to facilitate suitable rural housing proposals from members of the established rural community.

Accordingly, in order to ensure proper planning and sustainable development, I issued a Direction to the Council on 23 July 2007 under section 31 of the Planning and Development Act 2000 requiring the Council to vary their Plan. My Department monitors all county and city Development Plans and I will continue to take a strong stance where Plans run counter to Government policy in relation to proper planning and sustainable development.

594. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the observations made by the Government and if he will provide a copy of the report submitted to the EU Commission regarding the compatibility of the local needs element test contained in a number of county development plans for granting of planning permission for one off dwellings with Articles 43 and 56 of the EC Treaty; and if he will make a statement on the matter. [23983/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department received a Letter of Formal Notice dated 27 June 2007 from the European Commission, seeking the observations of the Government on whether the “local needs” test contained in a number of County Development Plans for the granting of planning permission for one-off dwellings in rural areas is compatible with Articles 43 and 56 of the EC Treaty which guarantee respectively the freedom of establishment and the free movement of capital. My Department responded to the Commission’s enquiry on 28 September and presented a strong defence of our current rural planning practices and policies.

I am precluded, on the basis of legal advice available to me, from publishing or disseminating either the correspondence from the Commission

in relation to enquiries or investigation into possible infringements or the State’s responses as these documents are regarded as part of possible legal proceedings. For this reason, I cannot provide specific details of my Department’s response to the issues raised by the Commission. However, once matters have been concluded and there is no longer any likelihood that possible proceedings could be undermined by the release of such documents, it is of course open to the Commission and the Department to release the correspondence. My Department will be pleased to make its papers available once the Commission has concluded its consideration of the issue and closed the case.

Housing Grants.

595. **Deputy P. J. Sheehan** asked the Minister for the Environment, Heritage and Local Government if a grant is available for persons who are pensioners and disabled and who reside in substandard buildings to insulate the slab walls and roofs of such buildings to conserve energy; and if he will make a statement on the matter. [24069/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): There are a number of schemes operated by my Department which provide assistance to older people in carrying out essential repairs and improvements. The Essential Repairs Grant Scheme is designed to enable people whose houses cannot be made habitable in all respects at a reasonable cost to have basic repairs carried out. The types of work allowable under the scheme, which is administered by local authorities, include repairs to roofs, chimneys, gables, repair/replacement of windows and doors, drylining, rewiring, provision of central heating and insulation works. The maximum effective grant under the scheme is €9,523 and it can cover up to 100% of the cost of the works.

The Special Housing Aid for the Elderly Scheme was established to provide assistance, by way of necessary emergency repairs, to improve conditions in the existing homes of elderly persons living alone in unfit or unsanitary conditions. The scheme is operated by a Task Force under the aegis of my Department and is operated at local level by the Health Service Executive. In addition, older people will benefit from the central heating programme introduced by my Department in July 2004. This programme assists local authorities in providing central heating facilities and associated insulation works in their rented dwellings.

Following a review by my Department of the operation of the Disabled Persons, Essential Repairs and Special Housing Aid for the Elderly Grant Schemes, a revised scheme, the Housing Aid for Older People Scheme, will be introduced on 1 November 2007 and will provide targeted

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support to improve conditions in the existing housing of older people. The types of works grant aided under the scheme will include structural repairs or improvements, re-wiring, repairs to/replacement of windows and doors, provision of central heating and insulation works, cleaning and painting. Under the new scheme, which will be administered by local authorities, the effective maximum grant will be €10,500 which may cover up to 100% of the cost of works.

In addition, Sustainable Energy Ireland funds and co-ordinates the Warmer Homes Scheme, which provides insulation and other energy efficiency measures to low income homes across Ireland. The service is delivered principally through community based organisations that typically provide the labour from a FÁS or Rural Social Scheme. Sustainable Energy Ireland provides funding towards overheads and materials for the operation of the service, which is provided at little or no cost to the homeowner. The services provided under the Warmer Homes Scheme include draught proofing, attic insulation, lagging jacket, low energy light bulbs and cavity wall insulation. However, it should be noted that if the building is substandard it may not be possible to utilise the Warmer Homes Scheme as it is not generally applied to houses in need of roof or ceiling repairs or where the entry to the attic space is considered unsafe.

Decentralisation Programme.

596. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24432/07]

597. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24446/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 596 and 597 together.

Under the decentralisation programme, all Dublin based operations of my Department are

being decentralised, with the exception of Met Éireann, ENFO, the Private Rented Tenancies Board and a small co-ordination section which it is proposed to retain in Dublin to assist with the Department's Dáil and other business. A total of 682 Dublin based posts will be transferred to four locations in the South East: Wexford (270 posts); Waterford (225 posts); New Ross (125 posts) and Kilkenny (62 posts).

As outlined in the most recent Progress Report (July 2007) from the Decentralisation Implementation Group, published on 8 October 2007, the indicative timescales for the completion of the Department's offices in Wexford, Kilkenny, New Ross and Waterford are Quarter 3 2008, Quarter 4 2009, Quarter 2 2010 and Quarter 3 2010 respectively. My Department has established an advance office in Ardclavan, Wexford staffed by 39 people. This has been operational since 25 June 2007. Of the 39 staff, 38 staff transferred from an original Dublin-based location. No further significant staff transfers to any of the Department's four locations will take place by the end of 2007.

Fishing Industry Development.

598. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources if the salmon hardship compensatory funding will be exempt from income tax to the salmon fishermen receiving these payments in line with the decommissioning grant paid to the white fish fleet; and if he will make a statement on the matter. [23800/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The treatment of payments made from the Salmon Hardship Fund for tax purposes is a matter for the Revenue Commissioners in their assessment of each individual's liabilities. I am advised, however, that the Revenue Commissioners have indicated that payments from the Hardship Fund will be taxable on recipients as income in the year of receipt. Therefore, commercial fishermen will have to include any payment received under the scheme as a receipt in their accounts. However, that part of the payment which relates to payment of six times the value of the 2006 licence fee will not be liable to tax.

I understand that, when making payments from the fund, BIM, who are administering the scheme, will identify that part which is specified as a multiple of the 2006 licence fee so that recipients can exclude that amount from their income tax returns. Eligible applicants may receive any payment due under the scheme as a single payment or they may opt to spread any payment due over a three-year period.

Alternative Energy Projects.

599. **Deputy Seán Barrett** asked the Minister for Communications, Energy and Natural Resources if he has proposals to introduce an efficient energy in hotels programme incorporating advice and education on energy efficiency and alternative energy; and if he will make a statement on the matter. [23887/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Sustainable Energy Ireland (SEI) is currently working with many hotels through the “Energy Supports for Business Programme”. This programme helps hotels and other businesses interested in reducing their energy costs through increased efficiency. The programme provides on-site energy assessments and tailored training sessions, and the hotel and hospitality sectors are one of the strongest participants in terms of interest and engagement. More than 50 hotels across Ireland are currently engaged with SEI in either training or direct advice activities and SEI are available to discuss with other hotels how they can assist.

Official Complaints.

600. **Deputy Tom Sheahan** asked the Minister for Communications, Energy and Natural Resources the position in relation to a complaint against his Department made on 17 May 2001 (details supplied). [23923/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I understand that the complaint in question was addressed to the Office of the Ombudsman. This case is currently being examined by the Office of the Ombudsman and has been the subject of communication between the Department and that Office. Until the Ombudsman’s examination has been brought to finality it would not be appropriate for me to comment on the case.

Postal Services.

601. **Deputy John Cregan** asked the Minister for Communications, Energy and Natural Resources if he will ascertain from An Post the number of transactions from January 2006 to January 2007 at Kilmallock Post Office, County Limerick. [23433/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Matters relating to individual post offices are operational matters for the board and management of An Post and one in which I have no statutory function.

Telecommunications Services.

602. **Deputy Seymour Crawford** asked the

Minister for Communications, Energy and Natural Resources when or if a person (details supplied) in County Monaghan will receive a proper broadband service in their home; if he is satisfied with the delay and lack of information regarding such services; when he expects this situation to be rectified; and if he will make a statement on the matter. [23452/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of telecommunications services, including broadband, is a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs). There are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. Accordingly, the procurement process for a National Broadband Scheme (NBS) is under way. The NBS will provide broadband services to areas that are currently unserved and will ensure that all reasonable requests for broadband in unserved areas are met.

The first phase of the procurement process, the Pre-Qualification Questionnaire (PQQ) phase, is now complete and four candidates have pre-qualified. As my Department indicated on 2 September 2007, the four candidates are, in alphabetical order, BT Communications Ireland Ltd Consortium, eircom Ltd, Hutchinson 3G Ireland Ltd and IFA/Motorola Consortium. The next phase of the procurement process involves inviting candidates to participate in a competitive dialogue process. My Department is anticipating that the award of the NBS contract will take place during Quarter 2 of 2008, with roll out of the services due to begin as soon as possible thereafter. This timeline is subject to negotiations with candidates during the competitive dialogue phase of the procurement process.

There are a number of platforms for delivery of broadband, and service providers are now offering broadband by wireless, satellite, fibre or standard telephone cable in all areas of the country. My Department operates a dedicated website, www.broadband.gov.ie where potential broadband customers can ascertain the availability of services in their area. The information

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on broadband availability and pricing on this website is provided by the broadband operators.

Foreshore Licences.

603. **Deputy Jim O’Keeffe** asked the Minister for Communications, Energy and Natural Resources if the foreshore licence for the proposed tidal barrage for Clonakilty applied for by Clonakilty Town Council in October 2003 will be granted. [23473/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Department received an application from Clonakilty Town Council for a foreshore lease for the construction of a tidal barrage at Clonakilty. Following a technical examination of the application by the Department, the Town Council was asked to consider revising the operating conditions applying to the barrage, with a view to ensuring its optimal effectiveness. Proposed revised conditions were received from the local authority in March 2005 and the Department is now satisfied with the proposals.

The Department requested clarification on 15 July 2005 from the Town Council on the relationship between the revised operating conditions and the terms of the original planning permission. The Town Council provided a letter on 6 March 2007 from Cork County Council stating that the revised closure regime is allowed for, under the terms of the existing planning permission.

The Town Council was also requested on 15 July 2005 to provide an assessment regarding any possible ornithological impacts of the revised closure regime. A letter from the Town Council, together with an ecological report, was received by my Department on 10 October 2007 and is being examined by my officials, in consultation with the Department’s technical advisors. I am aware of the importance of this project and have directed that it continues to receive priority attention.

Ministerial Transport.

604. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the amount of money awarded in domestic mileage to each individual Minister of State in his Department for each of the past four years and to date in 2007; and if he will make a statement on the matter. [23505/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The information sought by the Deputy is contained in the table.

	John Browne	Pat the Cope Gallagher	
2003	35,931.93		
2004	35,279.72		
2005		37,002.20	
2006	27,462.91	14,580.31	
2007	28,948.62		
Totals	127,623.18	51,582.51	179,205.69

Departmental Advertising.

605. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources if he will implement a request (details supplied) for inclusion in all scheduled advertising and public awareness campaigns by his Department. [23520/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Advertising undertaken by the Department involves a number of categories including statutory obligations, procurement, specialist services and regionally focussed initiatives. In this regard the Department places advertisements in line with requirements and value for money considerations. The media outlet referred to by the Deputy will be considered for advertising campaigns in line with existing procedures as regards appropriateness, target audience and value for money.

At present my Department is involved in one national promotion relating to the Power of One Energy Efficiency campaign. Advertisements and promotional activities for this campaign are managed by the consultant engaged by the Department for that programme. I have requested that the contact details for the radio station in question are passed to the consultant.

State Agencies.

606. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the remuneration package of each of the CEOs of State agencies reporting to his Department including pay, pension and ancillary benefits. [23723/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The information requested by the Deputy in relation to the remuneration package of each of the CEOs of State agencies reporting to his Department including pay and ancillary benefits is set out in the table. In the time available, it has not been possible to identify and assemble the information requested on pensions. My Department is compiling the data sought by the Deputy in this regard, and I shall forward it to him as soon as possible.

Name of Board	Salary Range Minimum	Ancillary Benefits Maximum
An Post	€286,412	€358,018 1) Performance related bonus scheme providing for a maximum of 25% of the Chief Executive's annual salary. (This complies with the Government Guidelines of March 2006) 2) Director's fee of €17,500 per annum (as per warrant of appointment) 3) Provision of a Company car (as permitted by the Government Guidelines of March 2006) The annual Benefit In Kind of this is €21,519
Digital Hub Development Agency	Current Salary €178,923	Company Car €12,000 per annum
RTE	€267,431	€334,287 Participation in a performance related pay scheme Annual Car allowance of 25,000
TG4		The Contract for the CEO is currently being negotiated as TG4 is a recently established independent statutory body
Broadcasting Commission of Ireland	Current Salary €118,791	Participation in a performance related pay scheme
ESB	€325,760	€407,197 Performance related bonus payment (up to 18% of basic salary) Long-term incentive scheme (up to 7% of basic salary) ESB Board member fees Company car
Eirgrid	€178,349	€222,931 Company car Performance related bonus
Bord Gais Eireann	€227,218	€284,021 Performance related pay of up to 25% of basic salary. Provision of car and private health contribution fee.
Bord Na Mona	€206,645	€258,308 Performance related pay of up to 25% of basic salary. Provision of car and private health contribution fee.
Sustainable Energy Ireland	Current Salary €136,034	Company Car Annual performance related bonus of up to 20% of annual salary.
Central Fisheries Board	€92,913	€114,581 None other than Civil Service Subsistence and Mileage
Regional Fisheries Board	€85,353	€99,405 Long Service Increment is €105,807 None other than Civil Service Subsistence and Mileage
Bord Iascaigh Mhara	€121,009	To be increased in line with general round increases in the public sector. Participation in Performance Related Award Scheme to a maximum of 20% of total remuneration.
Marine Institute	€118,791	€136,034 Performance Related Bonus (Up to 20% of salary as per Government Guidelines) awarded against pre agreed performance criteria.
Loughs Agency	£67,320 Sterling, determined by Department of Finance and Personnel, Northern Ireland (co-funded by DCENR and DARD (NI))	Has use of Loughs Agency vehicle which is taxed for "benefit in Kind".

607. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources the members of An Bord Iascaigh Mhara; the experience and connections each member of the board has with each sector of the fishing industry; the members who have a direct connection or association with fishermen; and if

he will make a statement on the matter. [23792/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The BIM Board comprises, Ms Rose McHugh, Chairman, Mr. Enda Bonner, Mr. Seamus Dooley and Mr. Bobby Molloy. I have set out below the

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experience and connections that the board members have with the fishing industry. The members of the BIM Board have a broad range of experiences and knowledge to ensure that the board can effectively oversee the delivery of BIM's responsibilities. These include critical management and financial experience as well as direct links with the fishing industry. It is important that BIM's Board comprise members with the necessary broad range of knowledge and experience to effectively carry out its remit as set down.

Ms. Rose McHugh, Chairman

Ms. McHugh is Managing Director of Merrion Capital's Cork operation, which was established in 2006 and provides a full range of wealth management and corporate finance advisory services in the Munster region. Previously she was Deputy CEO of SWS Group and Managing Director of the Group's Corporate Services Division. She is a fellow of the Institute of Chartered Accountants in Ireland, an Associate of the Institute of Taxation in Ireland and also holds an MBA and an honours law degree from University College Cork.

Mr. Enda Bonner

Mr. Bonner was a Member of Seanad Éireann from 1997 to 2002 and was Government spokesman on Marine and Natural Resources in the Seanad and has been involved in the fishing industry for over 30 years through his work as an accountant.

Mr. Seamus Dooley

Mr. Dooley is a former Manager of Wexford County Council.

Mr. Bobby Molloy

Mr. Molloy was first elected to Dáil Éireann as a Fianna Fail TD for Galway West in 1965 and was more recently a member of the Progressive Democrats until his retirement in 2002. He has extensive Ministerial experience including Minister for Local Government 1970-73, Minister for Defence 1977-79, Minister for Energy 1989-92 and Minister of State 1997-2002.

Departmental Agencies.

608. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources the members of each advisory body to the marine section of his Department; the experience and connections each member of these bodies has with each sector of the fishing industry; the members who have a direct connection or association with fishermen; and if he will make a statement on the matter. [23793/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): This information is currently being compiled and will be forwarded to the Deputy as soon as possible.

Fisheries Protection.

609. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources if in enforcing the legislation on fishery quota a small degree of tolerance will be allowed where a trawler exceeds their quota by less than a dozen boxes; and if he will make a statement on the matter. [23794/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Responsibility for ensuring the efficient and effective enforcement of sea fisheries law rests with the Sea Fisheries Protection Authority (SFPA) as established by statute on the 1st of January, 2007. The Authority is an independent body and will, as tasked by law, enforce all relevant national and European regulations.

Quota management arrangements which determine the quantity of a particular stock a fishing vessel may land in a specified time period are always determined in full consultation with the Fishing industry representatives. I am happy to consider any proposals the industry may bring forward in relation to the quantities to be landed in any given period.

Fishing Industry Development.

610. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources the reason a fish auction hall is not incorporated in the new pier at present under construction at Dinish Island, Castletownbere; and if he will make a statement on the matter. [23795/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): During 2005 and 2006, my Department's investment in the Castletownbere Development project was in excess of €11.5 million. A further €12 million in funding has been allocated for the current year. The overall project involves dredging, construction of an extension to the existing wharf at Dinish Island and the provision of a suitable harbour services building on this extension.

At present consultants are currently engaged in drawing up five-year business plans for each of the six Fishery Harbours Centres. The Business Plans will comprehensively cover the overall operation of the Fishery Harbour Centres in general, while incorporating the operation of each individual Fishery Harbour Centre as a separate entity. In relation to Castletownbere, the Business Plan will establish business development priorities, provide a roadmap for maximising fish

and fish processing opportunities, promoting marine related activities and facilitating and promoting the social and economic development of the area around Castletownbere. The Business Plan will set down clear, strategic objectives for Castletownbere FHC. Further decisions in relation to the development of facilities at Castletownbere will be made in the light of the development of the Fishery Harbours Business Plan.

Regulatory Impact Assessments.

611. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the number of regulatory impact assessments produced by his Department since the adoption of the policy by Government; the number of appropriate decisions made by his Department which did not include such assessments; the reason for same; and if he will make a statement on the matter. [23903/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available, it has not been possible to identify and assemble the information requested. I will revert to the Deputy when I am in a position to issue a final reply.

Alternative Energy Projects.

612. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources when a project (details supplied) in County Mayo will be sanctioned and awarded grant aid. [23981/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Sustainable Energy Ireland's (SEI) Public Sector Programme offers financial support on a restricted basis to public sector and commercial organisations to stimulate the innovative application of more sustainable energy design strategies, technologies and services in new and retrofit projects, acting as both an exemplar for good practice and as a demand leader for the services and technologies involved. SEI invited applications earlier this year under the Programme for a limited number of demonstration projects suitable as "model solutions". I understand that all proposals received have since been evaluated and that SEI expects to advise applicants of the outcome later this month.

Decentralisation Programme.

613. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources the position regarding his Department's commitment to decentralise to Cavan town; the number of staff already there;

the number he expects will be there in total; when the full implementation will take place; and if he will make a statement on the matter. [23988/07]

614. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources the number of civil servants based in Dublin who have applied for decentralisation, who have been transferred to their decentralising post and are actually in position in the decentralised location outside of Dublin; and the locations and the number of civil servants transferred from a Dublin post who are at such locations. [24427/07]

615. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources the number of civil servants and other public servants who have relocated to locations outside of Dublin under the Government's decentralisation programme; the estimated number of each category who will have relocated by the end of 2007; if he will break each set of figures down in terms of those who are relocating from Dublin and relocating from elsewhere; and if he will make a statement on the matter. [24441/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 613 to 615, inclusive, together.

The Government's decentralisation programme provides for the relocation of 91 posts to Clonakilty in 2007 and 378 posts to Cavan by 2009. 39 staff from my Department have relocated with an advance party to Cavan and of these 35 were originally based in Dublin. I expect that a further 8 Dublin-based civil servants will transfer before the end of this year bringing the total working in Cavan to 47. There are currently 126 Dublin and 38 Provincial based applicants who have expressed a first preference to decentralise to Cavan registered on the Central Application Facility (CAF). My Department will continue to make offers to these staff on an ongoing basis.

The decentralisation of the Marine functions to Clonakilty is well advanced with 79 staff currently in place. 27 of these staff were Dublin based. I expect that a further 4 civil servants will transfer to Clonakilty before the end of this year bringing the total there to 83. The remaining staff are members of the professional/technical grades and discussions are continuing with the relevant trade union around resolving a number of outstanding issues.

The decentralisation programme also involves the relocation of Sustainable Energy Ireland (SEI) to Dundalk. This involves the transfer of 42 posts. SEI has worked with the OPW in securing the accommodation for an advance party to

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be based in Dundalk ahead of the permanent move. Two SEI personnel are currently stationed in Dundalk and the target is to have approximately 12 staff there by the end of this year. Both the Central Fisheries Board and Bord Iascaigh

Mhara are also included in the Decentralisation Programme but implementation has been affected by the national industrial relations issues that have arisen in some of the State companies/agencies.