

DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

[illegible]

DÁIL ÉIREANN

*Déardaoin, 18 Deireadh Fómhair 2007.
Thursday, 18 October 2007.*

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

*Paidir.
Prayer.*

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 notice of motion under Standing Order 32 from Deputy Jan O'Sullivan. I call on the Deputy to state the matter of which she has given notice.

Deputy Jan O'Sullivan: In accordance with the terms of Standing Order 32, I seek the adjournment of the Dáil to discuss a specific and important matter of public interest requiring urgent attention, namely, the need for the Minister for Transport to make a full statement on the disclosure that his Department was aware of plans by Aer Lingus to scrap its Shannon-Heathrow routes and transfer the service to Belfast six weeks before he claims to have been made aware of the proposal and to outline the reason the Government took no action in regard to such a major threat to job creation and economic investment in the west and mid-western region. In view of the importance of this issue, I hope the Ceann Comhairle will agree to my request.

An Ceann Comhairle: Having considered the matter, it is not in order under Standing Order 32.

Deputy Jan O'Sullivan: Surely there must be a way for the Minister for Transport to respond to the concerns I have raised, given that his Department knew Aer Lingus was about to take an action which would have a significant impact on the mid-west region and which the Government could have averted.

An Ceann Comhairle: As the Deputy is well aware, there are other ways of raising the matter.

Deputy Jan O'Sullivan: Surely it can be discussed in some form in the House today.

An Ceann Comhairle: Yes, but it cannot be discussed under Standing Order 32.

Deputy Jan O'Sullivan: The Minister with responsibility for these matters must address the issue in the House today.

Deputy Kieran O'Donnell: I hope the Minister for Transport will respond to the private notice question I have tabled.

An Ceann Comhairle: We have not had yet had the Order of Business.

Order of Business.

The Tánaiste: It is proposed to take No. 14, Markets in Financial Instruments and Miscellaneous Provisions Bill 2007 — Committee Stage (resumed) and Remaining Stages; No. 8c, motion re proposed approval by Dáil Éireann of a proposal for a Council regulation extending the provisions of Regulation (EC) 883/2004; No. 3, Passports Bill 2007 — Order for Second Stage and Second Stage; and No. 13 — Land and Conveyancing Law Reform Bill 2006 [*Seanad*] — Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that the proceedings on Committee and Remaining Stages of No. 14 shall, if not previously concluded, be brought to a conclusion at noon today by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance; the proceedings on No. 8c shall, if not previously concluded, be brought to a conclusion within 60 minutes and the following arrangements shall apply: the speeches of a Minister or Minister of State and the main spokespersons for the Fine Gael Party and Labour Party, who shall be called upon in that order, shall not exceed ten minutes in each case; the speech of each other Member called upon shall not exceed five minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. 14 agreed?

Deputy Eamon Gilmore: No, the Labour Party will not agree to take this item until arrangements are made to enable the Minister for Transport to come before the House to make a comprehensive statement and answer questions about the state of his knowledge concerning the removal of the Shannon-Heathrow service. We have learned in recent days from freedom of information requests submitted by the *Irish Examiner* and parliamentary questions tabled by Deputy Kieran O'Donnell that the Department was aware as of 13 June that the Shannon-Heathrow service was at risk. The Minister wants us to believe he did not receive the note prepared for him in the Department; was not informed or briefed on the

[Deputy Eamon Gilmore.]

matter when he took office or at any time subsequently; that on the occasions he discussed Aer Lingus with his officials between 13 June and the end of July, as he must have done, the issue was not raised; that when news of the removal of the Shannon-Heathrow service broke at the end of July, he was not informed that his Department had this information in its possession; that he and his ministerial colleagues were repeatedly allowed out to tell the public they knew nothing of the withdrawal of the service; that news of the decision came as a bolt from the blue for them; and that no one in the Department told him anything about the issue. Having kept him in the dark about all of this, he now thinks so highly of the Department that he proposes to have it investigate itself on all these matters.

The Minister must make a statement on this matter in the House today and Deputies must have an opportunity to question him on it. The bottom line is that the Department was aware of Aer Lingus's plans on 13 June and the Government had a six week period within which it could have intervened to prevent the removal of the Heathrow service from Shannon Airport. In these circumstances, the Labour Party will oppose the proposal, unless the Tánaiste outlines beforehand what arrangements will be made for the Minister to come into the House to respond to these matters.

Deputy Richard Bruton: It is essential that the House address this important issue. Before the decision to privatise Aer Lingus was made, the House was promised a White Paper which would address the strategy implications of privatisation for the country, including in the key area of regional policy. A White Paper has not been produced. In addition, we have discovered that the Minister did not appoint representatives to the Aer Lingus board who would convey Government opinion and policy. Protection against the leasing or switching of the slots at Heathrow Airport was not built in to the process and the vehicles the Government dreamed up to protect regional strategy proved to be unworkable. We now learn that, six weeks before a decision was made, officials in the Department circulated a note to the airport authority in which they raised this fact and that a second note was prepared either for the former or current Minister. Who in the Government is in charge if a Minister does not know of an issue of such importance? It was a core part of the strategy of the Department of Transport and the Marine, and the Minister was not informed. Huge questions must be asked at some stage in the Dáil today.

Apart from the Minister, who knew of this? Did the retiring Minister know? Did other Departments know and what did they do about it? Why were systems not set up from the very start, by Government, to ensure that matters of such tremendous importance to regional strategy

were immediately conveyed to Ministers so that effective action could be taken? It seems that the Government just wanted something to happen, but did not put any policy in place to make it happen. That is very clear from the notes circulated today. The departmental note of 13 June acknowledged that Aer Lingus was free to redeploy its slots to new services at the very time Ministers were telling the Dáil that we had a strategy to protect against such. It is a total shambles.

Deputies: Hear, hear.

Deputy Richard Bruton: It goes to the heart of governance. If the Government seeks to achieve certain policy objectives, it must have an information network to inform it and the policy tools to deliver them. In this case, the Department had neither. The Minister, plainly, is not in control of his Department. This is a serious issue——

Deputy Ruairí Quinn: He lacks something.

Deputy Richard Bruton: ——on which the public is being let down by the Government that serves them, primarily because it did not put a strategy in place that could deliver the objectives it had assured people would be delivered.

Deputies: Hear, hear.

Deputy Michael Ring: We are paying enough for advisers.

Deputy P. J. Sheehan: Even the Minister for Defence, Deputy O'Dea, was not informed.

Deputy Bernard J. Durkan: And he is usually very alert.

Deputy Michael Ring: Why was——

Deputy James Bannon: Deputy Willie O'Dea would have fought with the Minister.

Deputy Paul Connaughton: The Minister for Transport and the Marine knew.

(Interruptions).

Deputy Paul Connaughton: The heavyweight champion of the world.

Deputy P. J. Sheehan: It was a sell out.

An Ceann Comhairle: Deputy Morgan.

Deputy Arthur Morgan: I agree with previous speakers and ask that time be afforded to this House today to allow the Minister to lay an explanation before the House. There are huge issues of accountability and around the decision-making processes in an organisation where the Government should ensure that strategic infrastructure is delivered, which it has not in this

instance. The impetus for any type of balanced regional development has been lost on foot of what happened so it is crucial that the House is afforded an opportunity to discuss the matter today and the Minister is afforded the courtesy of setting out his case.

An Ceann Comhairle: Before calling on the Tánaiste to respond and if it is of assistance, I have received a number of private notice questions and am disposed towards allowing them to be asked.

Deputy Eamon Gilmore: Kick to touch.

The Tánaiste: We will abide by the Ceann Comhairle's ruling in these matters. The Minister for Transport and the Marine will take oral questions today and there are two priority questions on Shannon-Heathrow. There will be an opportunity by way of these mechanisms for the Minister to outline the position he described frankly and openly this morning. He has arranged for a report——

Deputy Olivia Mitchell: The Minister is accountable to the Dáil.

Deputy Simon Coveney: As usual, it must be dragged out of him.

(Interruptions).

The Tánaiste: ——to be forwarded to him in a matter of days. There will be an opportunity to discuss these issues today.

An Ceann Comhairle: The position is clear. We must abide by the Standing Orders and I have given a fair amount of latitude. The Tánaiste has responded to the legitimate questions asked by party leaders. If the item is not agreed, I have no alternative but to put the question. Is it agreed?

Deputy Emmet Stagg: Not agreed.

An Ceann Comhairle: I will put the question.

Question put: "That the proposal for dealing with No. 14 be agreed to."

The Dáil divided: Tá, 72; Níl, 52.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Behan, Joe.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gallagher, Pat The Cope.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Hanafin, Mary.
Healy-Rae, Jackie.
Kelleher, Billy.

Kelly, Peter.
Kenneally, Brendan.
Kennedy, Michael.
Killeen, Tony.
Kitt, Michael P.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
Mansergh, Martin.
McGrath, Mattie.
McGrath, Michael.
McGuinness, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Brien, Darragh.
O'Connor, Charlie.
O'Dea, Willie.
O'Flynn, Noel.
O'Hanlon, Rory.
O'Keeffe, Batt.
O'Keeffe, Edward.
O'Rourke, Mary.
O'Sullivan, Christy.
Power, Peter.
Power, Seán.
Roche, Dick.
Ryan, Eamon.
Sargent, Trevor.
Scanlon, Eamon.
Smith, Brendan.
Treacy, Noel.
White, Mary Alexandra.
Woods, Michael.

Níl

Bannon, James.
Broughan, Thomas P.
Bruton, Richard.
Burke, Ulick.

Burton, Joan.
Byrne, Catherine.
Carey, Joe.
Clune, Deirdre.

Níl—*continued*

Connaughton, Paul.
Costello, Joe.
Coveney, Simon.
Creed, Michael.
Creighton, Lucinda.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Feighan, Frank.
Ferris, Martin.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Hayes, Brian.
Howlin, Brendan.
Lynch, Ciarán.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McHugh, Joe.

McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Neville, Dan.
O'Donnell, Kieran.
O'Dowd, Fergus.
O'Mahony, John.
O'Shea, Brian.
O'Sullivan, Jan.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.
Shatter, Alan.
Sheahan, Tom.
Sheehan, P. J.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Dan Neville and Emmet Stagg.

An Ceann Comhairle: Is the proposal for dealing with No. 8c agreed.

Deputy Eamon Gilmore: It is not agreed. I appreciate the Ceann Comhairle's offer to agree to special notice questions on the issue raised today. That was very fair. However, the Government needs to make time available to deal with this. While the Minister for Transport will answer questions in the House today, the questions were tabled a week ago before we had possession of the information that his Department knew about this matter in June.

A Deputy: Hear, hear.

Deputy Eamon Gilmore: Arrangements for special notice questions on Thursdays are usually quite time restrictive. There is a necessity for the Minister to make a full statement to the House and for any questions arising to be taken. I again ask the Tánaiste to make that time available.

Deputy Ruairí Quinn: Have the courage to debate it.

Deputy Eamon Gilmore: The public has been conned on the issue of Shannon. When the Shannon issue broke we were told that the Government knew nothing about it, that the matter was dropped on it by the company and that it could not intervene. We now know that the line Department knew about this in June and that there was plenty of time to have the matter dealt with, the decision changed and an intervention brought about.

There is an area of doubt, though, because if the Department knew about this, the Minister for Transport and the Marine, Deputy Noel Dempsey, should have known.

Deputy Ruairí Quinn: He should have known.

Deputy Pádraic McCormack: Everyone, including the Minister, Deputy Willie O'Dea, knew.

Deputy Eamon Gilmore: It is hard to believe that the Minister did not know about this and his interview on the matter on radio this morning was less than convincing. He should come before the House to explain his situation. A better solution than the Department merely investigating itself on this matter must be arranged because the facts must be established. The issue should be examined independently by a person who is not a member of the permanent Government club.

Deputy Ruairí Quinn: It was a political failure, not a systems failure.

Deputy Eamon Gilmore: There must be political accountability to the House because we do not want a repeat of what happened before when Ministers did not read briefs or told us they were unaware of certain things. In those cases people in the Civil Service fell on their swords. I insist that there must be political accountability on this matter. The Minister must come before the House, answer for himself, take questions and take responsibility.

Deputies: Hear, hear.

Deputy Richard Bruton: The Ceann Comhairle is correct in offering a private notice question and we accept it as valuable, but this issue is too deep to cover in such a constrained amount of time. A private notice question offers only half an hour at maximum, which is less than the usual hour that is frequently allowed on questions like this. On this side of the House there are at least six

Deputies with private notice questions and there are serious concerns about issue here.

On an issue vital to Government strategy the assistant secretary of a Department rang the chief executive of Aer Lingus and the airport authority but, we are supposed to believe, no contact was made with the Minister, the most influential individual in determining the direction of Government strategy.

Deputy Pádraic McCormack: We knew it was unbelievable all along.

Deputy Ruairí Quinn: The Minister should take responsibility.

Deputy Richard Bruton: Even if one were to believe that, it shows that the Minister had not put in place mechanisms whereby he would be informed in time of issues that are important to his strategy so that he would have the opportunity to act on them. Regardless of whether we believe that the Minister knew nothing, there must be accountability because, one way or the other, the Minister did not put in place the necessary structures in his Department. His predecessor, the Minister, Deputy Martin Cullen, who I hope will also participate in a debate, did not put in place structures in his Department that would allow a core issue to be notified to the top of the Department so that effective action could be taken to deal with it. As Deputy Gilmore said, the public was sold a pup. We were led to believe the Government had a strategy when there was none. This matter cannot be passed over as a routine question as it is a core element of Government strategy. The Government must step up to the plate, take responsibility and face the debate in this House in a proper manner.

Deputies: Hear, hear.

Deputy Pádraic McCormack: They all knew all along.

Deputy Arthur Morgan: The implications of this matter could be profound indeed because had the Minister made himself aware of what was about to happen the prospects of a different outcome to the Aer Lingus decision are clear. We

know that Ministers are not accountable because it has been evident in issues such as e-voting and other debacles, but on this occasion it is important that the Minister come before the House to make a statement with questions to follow. I support the call for an independent investigation in the Department to find out exactly what happened, to be followed by a published report.

The Tánaiste: The issue under discussion is a proposal for a Council regulation extending the provisions of EU social security regulations. The Ceann Comhairle has already ruled on the previous matter. The Minister has always been anxious to put the details of this matter on the record of the House.

Deputy Ruairí Quinn: It is a complete abdication of responsibility.

Deputy Jan O'Sullivan: He should make time for the matter.

The Tánaiste: The political charges and assertions made this morning for the purposes of the Opposition are not valid. The Minister will be in the House today and it is for the Ceann Comhairle to decide the length of time given to a private notice question. The Minister is available and anxious to address the matter today and there are two Priority Questions dealing with it. The Opposition is seeking to manufacture an argument on the matter this morning.

Deputy James Bannion: This is coming from a man who hopes to lead the country and he has made a political blunder.

Deputy Richard Bruton: On a point of order, am I correct in saying that it is not for the Ceann Comhairle to order Government business and that it is open to the Government to provide time for the Minister to answer questions in an open debate? The Minister is hiding behind the Chair and is reneging on his responsibilities. The Government has the right and the obligation to provide time for this matter but it is too funky to do so.

Question put: "That the proposal for dealing with No. 8c be agreed to."

The Dáil divided: Tá, 74; Níl, 50.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Behan, Joe.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.

Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.

Tá—continued

Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Healy-Rae, Jackie.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Mansergh, Martin.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.

McGuinness, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Creighton, Lucinda.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Tom.
 Howlin, Brendan.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Dan Neville and Emmet Stagg.

Question declared carried.

Deputy Richard Bruton: I hope the Tánaiste has taken on board the strength of feeling on this side of the House with regard to accountability on this important issue and that he will at least use maximum discretion to provide time for a debate on it. I am sure that by the end of today's session we will still have unanswered questions and that the Dáil will, once again, have been found unable to fulfil its duty and obligation to properly scrutinise Ministers. I expect that will be the disappointment at the end of today's session.

Yesterday we heard another Minister describe the position on pensions as unsustainable and

state that to do nothing would be disastrous. Why has that Minister then decided to defer making any decisions on pension legislation? We were told that after the review, decisions would be made on such legislation. The previous incumbent, Deputy Brennan, expressed the clear view that a one-for-one system should be proceeded with, but now the decision has yet again been deferred. Will the Tánaiste and Minister for Finance move to bring forward, at least, the one-for-one proposal made by the previous Minister as a way of moving forward in a practical way. The Minister must not continue with the charade of continuous consultation which, in the case of

issues such as public transport regulation, has left us without a decision for decades.

The Tánaiste: It is interesting that in discussions on policy evolution and development Deputy Bruton is to the fore in the House in calling for considered consultation papers and highlighting the need for Green Papers to be provided in order that informed debate can take place.

Deputy Richard Bruton: The Tánaiste had a consultation paper less than 12 months ago. Now he is looking for another round of consultations.

The Tánaiste: I obviously paid the Deputy a compliment he could not accept. This is a matter of complexity and importance which looks to the long-term financial, economic and social sustainability of the pension system. It must take into account many factors, including the actuarial review that has taken place with regard to the PRSI system. A number of major documents were published and placed in the public domain yesterday for discussion by the many interested parties involved. The Minister has indicated that it will take until the middle of next year for that informed discussion to take place. It is important we get it right because of the significant implications. Making wrong decisions would have serious implications, not just in the immediate future for our finances, but also in the long term. People should first consider and absorb the important work that resulted in the publication of the Green Paper. We must look at all the options and measures for consideration before deciding on the direction we should take. It is about a strategy for the long term, not the next two, three or four years. While successful initiatives were brought forward which increased the savings ratio in the economy and reintroduced a culture of saving to this generation in a way not envisaged before their success, the Opposition did not agree with some of them and suggested some had not been properly set up. However, they proved very successful. Rather than seeking immediate decisions on the publication of a Green Paper, it would be better if everyone internalised and debated the matter. We would then have a better prospect of coming to the right strategic decisions in due course.

Deputy Eamon Gilmore: I agree with Deputy Bruton on the need for a debate on the Shannon issue and hope the Ceann Comhairle, as indicated, will allow private notice questions on the issue later today. One of the committees proposed to be established by the Government is a transport committee. The Labour Party intends to propose to that committee that the Ministers currently and previously in the Department of Transport on 13 June, as well as their officials, be invited to attend and outline their knowledge of the matters relating to Shannon and answer questions. Will the Government agree to this proposal?

I understand the constituency commission which deals with Dáil and European election constituency boundaries is due to report to the Ceann Comhairle before the end of this month. When does he expect to receive that report?

The Tánaiste: The work to be undertaken by committees is a matter for each committee. It seems clear from Deputy Gilmore's statement that he has made up his mind on these matters already and sees an opportunity in so doing. The Minister is anxious to come into the House to explain the position in respect of the matter not brought to his attention but which everyone agrees should have been.

Substantive work on the electoral amendment Bill will commence when the commission report is available. That report has not yet been received.

An Ceann Comhairle: I understand the commission report may be available next Tuesday.

Deputy Alan Shatter: On a point of order, when formerly in this House, it was my understanding that if a Minister deliberately or inadvertently misled the House on an issue, the tradition was a statement would be made by him or her to the House. That was the position until 2002. Am I to take it that in the context of the Minister, Deputy Dempsey, having given this House misleading information about the knowledge within his Department of what was happening in Shannon——

An Ceann Comhairle: No, I cannot allow you do that.

Deputy Alan Shatter: The tradition that the Minister would come before the House and make a statement has been abandoned by this Cabinet.

An Ceann Comhairle: I cannot allow that. I call Deputy Timmins.

Deputy Alan Shatter: I suggest, Sir, that before any questions are answered the Minister——

An Ceann Comhairle: I have called Deputy Timmins. The Deputy is out of order.

Deputy Alan Shatter: ——abide by the tradition of the House and make a statement, as previous Ministers have done in circumstances where they misled the House.

Deputy Michael Ring: That used to be the old way.

An Ceann Comhairle: I have given leaders of parties great latitude on this matter. I am not revisiting it now. We have to have some order, Deputy Shatter.

Deputy Billy Timmins: My understanding is that the Minister for Foreign Affairs is going to

[Deputy Billy Timmins.]

Lisbon later today. Will he use that opportunity to express the concern of this House at the decision of the Turkish Parliament to give the green light to a possible invasion of Iraq?

An Ceann Comhairle: That will not do; that does not pass the litmus test. I call Deputy Bannon.

Deputy Billy Timmins: Will the Minister relay that concern? He should threaten them with the Minister, Deputy O'Dea.

An Ceann Comhairle: No. You can wish him *bon voyage* if you want. I call Deputy Bannon.

Deputy James Bannon: Now that the Government has done a U-turn on mandatory alcohol testing at road accidents, when can we expect legislation in this area? As this matter is urgent, will legislation be published before Christmas?

An Ceann Comhairle: That matter was discussed last night, as I understand it.

The Tánaiste: The road safety strategy was adopted by Government in recent weeks and therefore work will begin on it.

Deputy Arthur Morgan: Will the Tánaiste clarify the position regarding the Criminal Law (Defence of Life and Property) Bill? The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, told the Irish Council for Civil Liberties this summer that the Government would not be proceeding with that Bill yet the legislative programme states the heads have been agreed. There are strong grounds for concern about the Bill, a Cheann Comhairle——

An Ceann Comhairle: You can express those on Second Stage. You can ask a question on it now.

Deputy Arthur Morgan: I ask the Tánaiste to clarify the position regarding the Bill because there is no doubt that an unintentional——

An Ceann Comhairle: That is it. We understand the question.

The Tánaiste: We are awaiting a Law Reform Commission report, which is due next year, before deciding in what way or if we will proceed with that issue.

Deputy Liz McManus: A number of Deputies on this side of the House have been trying to find out from the Government which Minister is responsible for the marine. That business has not been well cleared up by the Government. In fact, things are getting fishier. On 12 October a statutory instrument was published, this is secondary legislation, in the name of the Minister for Communications, Energy and Natural Resources.

On 16 October a statutory instrument was published, secondary legislation, in the name of the Minister for Communications, Marine and Natural Resources.

Deputy Ruairí Quinn: Another reshuffle.

Deputy Liz McManus: Has a new Department been created? Has there been a reshuffle? Do we not have a Minister for energy now?

Deputy Billy Timmins: No Ministers with energy.

Deputy Liz McManus: Is a Minister double-jobbing?

An Ceann Comhairle: You can ask a question on secondary legislation if you wish, Deputy McManus.

Deputy Liz McManus: Can I also ask if those statutory instruments are now legal? What is going on——

Deputy Pat Rabbitte: Which office does he go to in the morning?

Deputy Liz McManus: I hope he does not go to Clonakilty because poor Deputy Sheehan could not get through on the telephone.

Deputy Eamon Gilmore: No wonder he cannot find him in the phone book.

An Ceann Comhairle: The Deputy asked if the statutory instruments were legal. That is not a matter for the Tánaiste.

Deputy Liz McManus: No, I am sorry, a Cheann Comhairle——

The Tánaiste: The presumption is that they are.

Deputy Liz McManus: I am sorry. I did not hear the Tánaiste.

An Ceann Comhairle: He said they are. I call Deputy Creed.

Deputy Liz McManus: This is important, a Cheann Comhairle. This is about the way the Government manages its affairs and how the public can relate to the Government. It appears we now have two different Departments that have been declared as responsible for statutory instruments in *Iris Oifigiúil*. That is untenable. The Tánaiste might treat this matter with a little more respect. What is the position? Who is responsible for the marine? What is the name of the Department and how will that issue be addressed?

An Ceann Comhairle: The Deputy will have to put down a question about that.

The Tánaiste: I do not know if there is any substance to what the Deputy has said. I will have the Minister's office contact her. There is a legal presumption that they are in order.

Deputy Eamon Gilmore: What is the name of the Department?

Deputy Ruairí Quinn: No one is responsible.

Deputy Michael Creed: On promised legislation, the Taoiseach may have inadvertently misled the House yesterday and perhaps the Tánaiste might wish to correct the record. I raised the issue of country of origin labelling and the Taoiseach said no such legislation was promised yet it is mentioned in the programme for Government and in a press release issued by the Minister for Agriculture, Fisheries and Food this week. Where is the promised legislation on country of origin labelling and when will it be published?

An Ceann Comhairle: Is legislation promised?

The Tánaiste: It is not on our list. Ministers work on these issues and initiatives as they go through their five year term. A direct question to the Minister would indicate the progress she expects to make.

Deputy Michael Creed: I take it no legislation is promised in this area.

An Ceann Comhairle: It is not on the list.

The Tánaiste: There is no legislation on the list. There are initiatives in the programme for Government that we work on subject to the availability of resources. That is the normal course.

Deputy Michael Creed: It is good to know that.

Deputy Emmet Stagg: The Whips meet every Tuesday and deal with requests from Departments and the Opposition from matters that arise in the House and put together, as best they can, a programme for the week. The practice has developed now where, during the week, Ministers who are not keeping their eye on the ball are putting down motions for debate which they expect to be rubber-stamped in the Chamber without any notice. No. 8c on today's Order Paper has been on the Minister's desk since 25 July but it must be dealt with today as a matter of urgency.

An Ceann Comhairle: We cannot go back on that, Deputy.

Deputy Emmet Stagg: I am not suggesting we can but perhaps you could convey to Departments or Ministers that this practice should not become the norm.

An Ceann Comhairle: You have conveyed it now, Deputy Stagg.

Deputy Bernard J. Durkan: There are two Bills in respect of which the heads have yet to be approved by Government, namely, the electricity (transfer of transmission assets) Bill and the electricity regulation (EirGrid)(amendment) Bill. In view of the current lack of consultation in other areas, will the Tánaiste indicate whether discussions are ongoing among the various interested parties and the relevant Department or if these matters have been discussed recently at Cabinet?

An Ceann Comhairle: He cannot do that. On the legislation, Tánaiste.

The Tánaiste: It was not discussed recently. That is a question for legislation next year, I understand.

Deputy Bernard J. Durkan: That does not answer the question.

Deputy Jan O'Sullivan: Can I ask the Tánaiste, who is answering for the Government today, where a document is prepared in a Department marked for the Minister's attention, what is the procedure for bringing that document to the Minister's attention?

An Ceann Comhairle: That is very interesting but you can ask about it in the afternoon.

Deputy Jan O'Sullivan: It is very interesting. It is a general question. If something is marked for the Minister's attention it should be brought to the Minister's attention.

An Ceann Comhairle: We have only until mid-day to deal with the legislation before the House and it is now 11.30 a.m.

(Interruptions).

Deputy Jan O'Sullivan: I will ask the question.

Deputy Joan Burton: What is the position regarding management companies? Thousands of people who buy homes now are subject to management companies.

An Ceann Comhairle: If we start that game we will be here for the night. What legislation is the Deputy speaking about?

Deputy Joan Burton: In the last Dáil and on the list we were promised legislation, namely, the Property Services Regulatory Authority Bill.

An Ceann Comhairle: Ask about that.

Deputy Joan Burton: I understand the Minister for the Environment, Heritage and Local Government is also taking an interest in this area. Who will deal with management companies in the future? It is listed for the Department of Justice,

[Deputy Joan Burton.]

Equality and Law Reform but I understand the Minister for the Environment, Heritage and Local Government, as he should, will take an interest in this issue. Thousands of people are now living in homes subject to very high management company charges, perhaps not in Kerry, a Cheann Comhairle, but in Dublin West people are paying €2,000 a year to have a little bush clipped at the front of their house.

An Ceann Comhairle: On the Order of Business “what” and “when” may be relevant but “who” is not. That is the point.

Deputy Joan Burton: It is important to many young people buying houses. We should be clear about that.

The Tánaiste: I understand the Property Services Regulatory Authority Bill is due next year.

Deputy Brian Hayes: As you are aware, Sir, Article 35.4 of the Constitution gives absolute power to this House and the other House to remove a Supreme Court or a High Court judge on the basis of stated misbehaviour of incapacity. Given the circumstances of the case that came to public attention last year, and the Curtin case, and the view of the All-Party Oireachtas Committee on the Constitution, which is five years established, that we should implement legislation surrounding that article in the Constitution, has the Government plans to introduce legislation on foot of the unanimous view of both sides of the House that we must deal with this issue sooner rather than later? We faced this issue before and we are likely to face it again.

An Ceann Comhairle: We did indeed, but I wonder if legislation is promised in this area.

The Tánaiste: There are draft heads of a judicial council Bill, the purpose of which is to provide effective remedies for complaints about judicial misbehaviour including lay participation in the investigation of the complaints, in the Department of Justice, Equality and Law Reform. The draft heads, taking into account the work done by the Constitution Review Group, the All-Party Committee on the Constitution and the Chief Justice’s committee on judicial ethics are the subject of certain consultations at present. That is where the work referred to by the Deputy now rests.

Deputy Thomas P. Broughan: Last night, the House agreed a formula with the Minister for Transport and the Marine for the testing for alcohol at the scene of serious accidents. The Minister agreed to refer the matter to the Attorney General before he introduced legislation. Will that process include other drugs besides alcohol?

An Ceann Comhairle: That question is not relevant to the Order of Business. It deals with the content of legislation.

Deputy Thomas P. Broughan: The House agreed a process for legislation last night after much agonising debate.

An Ceann Comhairle: Deputy Broughan, you know we cannot revisit that matter.

Markets in Financial Instruments and Miscellaneous Provisions Bill 2007: Committee Stage (Resumed) and Remaining Stages.

NEW SECTIONS.

Debate resumed on amendment No. 19:

In page 18, after line 15, to insert the following new section:

19.—The Central Bank Act 1997 is amended—

(a) in section 28, by adding the following definitions:

“‘credit’ includes any deferred payment, cash loan or other form of financial accommodation, such as—

(a) consumer credit, hire purchase or mortgage credit,

(b) factoring, with or without recourse,

(c) financial leasing, or

(d) financing of commercial transactions;

‘home reversion agreement’ means an agreement between a vendor and a home reversion firm that provides—

(a) for the conveyance by the vendor to the home reversion firm of an estate or interest in land (which includes the principal residence of the vendor or of the vendor’s dependants) for a discounted sum or an income (or both), and

(b) for the vendor to retain the right to live in the residence until the occurrence of one or more events specified in the agreement;

‘home reversion firm’ means a person carrying on a business of entering into home reversion agreements;

‘leasing agreement’ means an agreement of more than 3 months duration for the bailment of goods to a hirer under which the property in the goods remains with the owner, and includes a consumer-hire agreement within the meaning of the Consumer Credit Act 1995;

‘hire-purchase’ means a bailment of goods—

(a) under which—

(i) the hirer may buy the goods, or

(ii) if the agreement is complied with, the property in the goods will pass to the hirer,

in return for periodical payments, or

(b) in which, by virtue of 2 or more agreements, none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods and either—

(i) the hirer may buy the goods, or

(ii) if the agreements are complied with, the property in the goods will pass to the hirer;

‘mortgage credit’ means an agreement for the provision of credit to a person on the security of a mortgage of a freehold or leasehold estate or interest in land;

‘retail credit firm’ means a person whose business consists wholly or partly of the provision of credit to—

(a) a consumer within the meaning of the Consumer Credit Act 1995,

(b) a person (whether or not that person is an incorporated body) but excluding any incorporated body that has an annual turnover in excess of €3,000,000,

(c) any unincorporated group of persons, or

(d) an incorporated body that—

(i) has an annual turnover of €3,000,000 or less in the financial year preceding that in which the credit is granted, and

(ii) is not a member of a group of companies that has a combined turnover greater than €3,000,000,

but does not include—

(e) a person who, in respect of such a business—

(i) is a regulated financial service provider within the meaning of the Central Bank Act 1942, or

(ii) is the holder of a licence under section 8 of the Pawnbrokers Act 1964, or

(f) a company that, being a member of a group of companies, provides credit only to one or more other com-

panies that are members of the group;”;

(b) in section 28, by substituting the following definition for the definition of “regulated business”:

“‘regulated business’ means a bureau de change business, a money transmission business, a home reversion firm or a retail credit firm;”;

(c) immediately before section 29, by substituting for the Chapter heading the following:

“CHAPTER 2

Carrying on regulated business without authorisation prohibited”;

(d) by inserting the following section after section 31:

31A.—For the purposes of section 31(2)(b), in order to obtain and retain authorisation, a retail credit firm or home reversion firm shall satisfy the Bank—

(a) that, where applicable, the memorandum and articles of association of the firm will enable it to operate in accordance with this Act, and any condition or requirement that the Bank may impose,

(b) as to the probity and competence of each of the firm’s directors and managers,

(c) as to the suitability of each of the firm’s qualifying shareholders or partners,

(d) as to the organisational structure and management skills of the firm and that adequate levels of staff and expertise will be employed to carry out its activities,

(e) that the firm has and will follow procedures that will enable the Bank to be supplied with all information necessary for the performance of the Bank’s supervisory functions and to enable the public to be supplied with information that the Bank specifies,

(f) that the organisation of the firm’s business structure is such that it, and any of its associated or related undertakings, (so far as appropriate and practicable) are capable of being supervised adequately by the Bank, and

(g) as to the conduct of the firm’s business, financial resources and any other matters that the Bank considers necessary in the interests of the proper and orderly regulation and supervision of authorised firms or in the interests of

the protection of customers or potential customers.”;

(e) by inserting the following section after section 32:

32A.—(1) An authorisation granted by the Bank under section 31 to a retail credit or home reversion firm may specify classes of services, and additional services, that the firm may provide.

(2) An authorisation granted by the Bank under section 31 of this Act to a retail credit firm may include an authorisation to act as a home reversion firm.

(3) The Bank may amend—

(a) the classes of retail credit services or other services that may be provided in accordance with subsections (1) or (2), or

(b) the designation or classification of firms or services.

(4) For the purposes of subsections (1) to (3), the Bank may use such designation or classification of firms or services as the Bank considers appropriate to describe the services provided.

(5) At any time before granting or refusing an authorisation to a firm, the Bank may—

(a) request such further information from the firm, or

(b) instruct an authorised officer to make such inquiries, or carry out such investigations,

as it considers necessary for the purpose of properly evaluating an application. Any such inquiries or investigations shall be carried out in accordance with this Act.

(6) In the case of a retail credit or home reversion firm authorised in another EEA Country, the Bank—

(a) shall have regard to any requirements imposed on the firm by an authority of that country that appears to the Bank to exercise a regulatory or supervisory role similar to that of the Bank in relation to the firm, and

(b) may exchange with that authority information relevant to the carrying out of the Bank's functions under this Act or the functions of that authority under the laws of that country.”;

(f) by inserting the following section after section 33:

33A.—(1) Without limiting section 33, the Bank may do all or any of the follow-

ing in respect of an authorised retail credit firm or an authorised home reversion firm:

(a) make the firm's authorisation subject to such conditions or requirements, or both, as it considers appropriate, relating to—

(i) the proper and orderly regulation and supervision of retail credit firms or authorised home reversion firms, and

(ii) the protection of their customers or potential customers;

(b) impose conditions or requirements, or both, relating to the affairs or activities in an associated undertaking or a related undertaking;

(c) require the display on a credit agreement or home reversion agreement, or on any other relevant document, of a notice in a form provided or prescribed by the Bank of any information relevant to the agreement;

(d) at any time, impose conditions or requirements, or both, on an authorised firm and either amend or revoke any condition or requirement imposed under this paragraph or under paragraph (a), (b) or (c).

(2) A condition or requirement referred to in subsection (1) may be imposed in relation to any or all of the following:

(a) an authorised firm;

(b) all authorised firms;

(c) a class or classes of authorised firms;

(d) a specified period of time or times;

(e) an associated undertaking or related undertaking;

(f) such matters relating to the proper and orderly regulation and supervision of authorised firms, and the protection of their customers or potential customers, as the Bank considers appropriate.

(3) Without limiting subsections (1) and (2), the Bank may impose conditions or requirements on an authorised firm, or a class of authorised firms concerning—

(a) the level of training, qualifications or professional competence of managers, officers or employees,

(b) the provision of information to the Bank or to a person specified by the Bank, and

(c) the application of a prescribed code of practice relating to—

(i) regulated financial service providers within the meaning of the Central Bank Act 1942, or

(ii) a class of regulated financial service providers whose business appears to be comparable to that of an authorised firm or a class of authorised firms.”;

(g) by inserting the following section after section 34B:

34C.—(1) Despite section 29, a person carrying on the business of a retail credit firm, or a home reversion firm, immediately before the commencement of *Part 2* of the *Markets in Financial Instruments and Miscellaneous Provisions Act 2007* is taken to be authorised as a regulated business until the Bank has granted or refused authorisation to the person, provided the person applies to the Bank under section 30 for authorisation no later than 3 months after that commencement.

(2) If a person is taken to be authorised as a regulated business under subsection (1), the Bank may do either or both of the following:

(a) impose on that person such conditions or requirements or both as the Bank considers appropriate relating to the proper and orderly regulation and supervision of a regulated business;

(b) direct that person not to carry on the business of a retail credit firm, or the business of a home reversion firm, for such period (not exceeding 3 months) as is specified in the direction.

(3) A condition or requirement imposed, or a direction given, under this section is an appealable decision for the purposes of Part VIIA of the Central Bank Act 1942.”.

—(Tánaiste and Minister for Finance.)

Deputy Richard Bruton: Can the Minister spell out the requirements being imposed in the Bill on non-deposit taking institutions? How do they compare with the list of requirements imposed on normal financial institutions which take deposits? Which requirements on that list are being applied and what are not being applied to non-deposit taking institutions? It is important that we have clarity as to the level of prudential supervision, authorisation and so on. The amendment lists seven requirements, listed (a) to (g) in section 31A, to be inserted after section 31 of the Central Bank Act 1997. What other powers that would normally be applied to a financial institution taking deposits are not being applied to these?

Tánaiste and Minister for Finance (Deputy Brian Cowen): The regulatory requirements of

retail credit and home reversion firms are different from those for *bureau de change* or money transmission businesses, particularly in relation to consumer protection and competency. As a result, the Financial Regulator may need to impose conditions or requirements on authorised firms which are not explicitly provided for in the 1997 Act. Accordingly, the amendment adds four new sections to that Act to deal with these concerns. All of these sections are based on provisions in other legislation, such as the Investment Intermediaries Act 1995.

Section 31A sets out in some detail the criteria which a firm will have to satisfy in order to obtain or retain authorisation. Section 32A enables the Financial Regulator to grant different classes of authorisations by reference to the business actually carried out, to conduct a thorough investigation of applicants and to have regard to any relevant supervisory requirement imposed on the firm or applicant in another EEA country.

Section 33A empowers the Financial Regulator to impose requirements on authorised firms in the interest of consumer protection and orderly regulation. It includes powers to oblige firms to provide specific information in relation to consumer credit and home reversion agreements and to extend the consumer protection code to retail credit and home reversion firms.

Section 34C covers commencement and transition. Firms currently engaged in retail credit and home reversion business will be taken to be authorised, provided they apply to the Financial Regulator within three months. The regulator will be empowered to impose conditions on them, or direct a temporary suspension of business if necessary. Many of these firms have actively sought regulation and claim to abide by the consumer protection code.

Deputy Richard Bruton: The Minister is not answering my question. What restrictions or regulations would apply to a deposit taking institution which are not being applied here? I am thinking, for example, of liquidity ratios, the type of financial instruments they buy and process and the prudential requirements of these institutions. The recent crisis was precipitated by the fact that many unregulated bodies, some of which this Bill proposes to regulate, have been engaged in practices which have generated contagion throughout the financial system. It is important that the House knows what restrictions could be applied which we have decided not to apply. What regulations which would apply to a bank are not being applied in the Bill and why is it limited to the areas cited by the Minister, that is, criteria for authorisation, conditions on the authorisation and some requirements relating to consumer protection? The Bill applies a limited form of supervision. Why has the Minister chosen a particular point on the spectrum of supervision and what is being left out? We should at least consider the

[Deputy Richard Bruton.]

possibility of prudential regulation being part of the Bill.

Deputy Brian Cowen: Because they are not taking money from the public and do not have deposits, prudential issues do not arise.

Deputy Richard Bruton: The failures have been among companies which were not taking deposits from the public. It was such failures which led to the recent difficulties.

Deputy Brian Cowen: Those companies were subject to regulation. The problem arose from the particular model they were utilising at a time when the inter-bank markets became illiquid. In a situation such as Deputy Bruton cites, the fundamental business of a bank remains in operation, it continues to do business and can trade its way out of difficulties. It was the failure to have access to funds, based on the model they were using, rather than any fundamental reason that caused the recent problem. There was not a business failure. There was no question of people being left out of funds. Where there is such an aggressive model, a financial regulator — as in the recent case in the UK — needs to know exactly what the situation is and whether a problem could be overcome if one arose. The turbulence in financial markets which caused the recent problem was so swift and widespread that it caused an unforeseeable situation to develop. That is a separate issue. The prudential question does not arise in that respect.

This section gives the Financial Regulator the necessary power to enable him to deal with any situation which might arise, although not in operations which take deposits from the public. That is the general point being made. These provisions are drawn from the experience of the Investment Intermediaries Act 1995 etcetera. The Financial Regulator is being provided with the means by which he can deal with these matters. The fact that they come under the regulatory framework and must, therefore, come under the consumer protection code and have authorisations and registrations means the Financial Regulator can, in coming to his decisions, obtain the information he needs to satisfy himself that these are entities which should be authorised on the basis they have a reputable business model to pursue.

Deputy Joan Burton: Following on from Deputy Bruton's questions I wish to raise a number of issues with the Minister. I do not understand how the Minister is minded to approach the issue of regulation. He refers to these firms being non-deposit taking institutions as the reason they were not included in regulation when the law was first introduced. The Minister, from what I detected in his speech, appears to believe they are a different type of financial institution because they are non-deposit takers. I do

not know, from what the Minister said, whether this view is based on advice he has received from the regulator or on the Central Bank's view of non-deposit taking institutions. We, on the Opposition side, are trying to point out to the Minister that although they may be non-deposit taking institutions and, therefore, not a traditional bank, the consequences for the people who use their products are the same — perhaps more severe — as would apply if they defaulted a loan, mortgage or some other financial product obtained from any of the high street banks.

A person who does not have regular dealings with other financial institutions or a person with a bad credit record — traditionally the type of person these institutions attack — will not know the bank with which they are dealing is a non-deposit taking institution that is not subject to the collective regulation to which other banks are traditionally subjected.

I want to come back to a point I made last night as it relates to a number of cases with which I have dealt as a constituency Deputy. An enormous barrage of advertising in respect of home reversion products is directed at older people in particular and encourages them to borrow on the strength of equity in their home based on the loan not having to be repaid until some later or following their death. An issue arises in respect of solicitors advising older people buying into these products which involves their family homes. The Minister did not make clear in the advice he gave yesterday whether the concept of family home extends to the inclusion of a family business and, in particular, a family farm. What people need is a good solicitor, in terms of advice, more than a good accountant. These products are constantly advertised on radio and television as being tremendously attractive.

The chairman of the US Federal Reserve, Mr. Ben Bernanke, when speaking about these institutions referred to the dubious practice of loans being granted to people who are unable to pay them. As I said yesterday, it is not the Minister's role to save people from themselves. However, financial products which are so risky that the chance of substantial numbers of people defaulting on mortgage repayments is high can result in many sad stories. The Minister and the Governor of the Central Bank referred to loan applications being stress tested. In other words, checks are made to ensure the information given by applicants is honest, reasonable and fairly reliable. People laugh when they hear this as it has become the custom and practice in some banking circles — this is particularly true in respect of some of the newer lenders — to take the most optimistic view, to put it charitably, of what people can repay. A person who owns a local authority house or recently purchased an affordable house can remortgage that property when its value increases.

Will the Minister expand on his definition in this regard? He stated that the Financial Regu-

lator told him this is all the power he requires. Is this correct? Has the Financial Regulator sent submissions on this to the Minister? This new form of banking, which is the cause of the current turmoil in the financial markets, was warned about for three years in the United States. It has suffered enormously as a result, including a potential economic recession. The consequences of this for individuals and the economy are fairly startling.

Why can the Minister not be more specific in terms of how he describes these products? Also, why does he hold the view that as non-deposit taking institutions they are somehow or other not a bank? The Minister should remember that these products when sold are bundled together at the end of the week or month and sold on to other financial institutions which are deposit takers. These people make their money by selling a product, obtaining the fees on the sale and then bundling them and selling them on. Ormond Quay ended up with a great deal of worthless paper rather than solid investments because it bought bundles of such products. The Minister's approach to this is critical to the Irish market and the IFSC. I hope he can clarify this issue.

Deputy Kieran O'Donnell: I wish to make a couple of observations on this section. On prudential measures, the Minister makes the point that these institutions are non-deposit takers. However, the subprime market is high risk. The Bill refers to the competency and organisational approach of the various institutions in the subprime market. Inherent in this should be the requirement to have sound financial backup. Those who do not have this backup will take more risks. Some of these institutions are currently lending at rates of upwards of 9% making it impossible for people to repay the loans.

It is critical that any institution operating in the subprime market is of good financial standing. The only way the Government and regulator can ensure this is the case is to put in place prudential measures. I do not believe it is possible to operate regulation in respect of non-deposit institutions without putting in place the required prudential measures.

I note that subprime lenders wishing to operate here will be required to apply for a licence within three months of the enactment of this legislation. How long will they be permitted to continue if they have not been granted a licence? Could it be for one year? These are important points.

The Minister spoke about retail credit firms and stated that the consumer protection code applies only to people with a turnover of up to €3 million. A business which starts out with a relatively low turnover could, within a relatively short period, increase its turnover to, say, €2.9 million and remain covered by the consumer protection code. However, if that turnover increases to €3.1 million the person will no longer be

covered. Perhaps the Minister will consider looking at this again with a view to raising that limit.

Deputy Brian Cowen: I explained in my initial contribution that this section deals with the introduction of further legislative arrangements to cover these firms in respect of home reversion products and so on. We are adding to what is already provided for under Part V of the Central Bank Act 1997. Part V already provides the framework for the supervision of regulated businesses and applies to *bureaux de change* and money transmitters. The amendments will add home reversion and retail credit to the activities regulated under Part V by including them in the definition of regulated business, which they have not been up to now. We cover that point by defining home reversion and retail credit firms in the Bill.

The definitions of credit and some of the components of credit are also included as they are needed to support the definitions of retail credit firms and are based on existing statutory definitions or EU directives. For the purpose of regulation, a retail credit firm is defined as one which is not already regulated as a bank or other authorised lender and is in the business of making loans to persons who would fall within the protection offered by the consumer protection code if dealing with a regulated financial service provider.

Home reversion schemes involve the sale of a share in real property, usually a residence, which can only be realised by the purchaser on the death or vacation of the property by the vendor. Though not strictly speaking a credit product, they have a similar effect to equity release or lifetime mortgages and are offered by some of the same providers to a similar clientele so they should be subject to similar regulation. The regulatory requirements of retail credit and home reversion firms are different from those for *bureaux de change* or money transmission businesses, particularly in the area of consumer protection and competency. As a result, the Financial Regulator may impose conditions or requirements on authorised firms which are not explicitly provided for in the 1997 Act in respect of all the other regulated businesses so we are adding to the regulatory provisions, not just with Part V in respect of these operations, but with further requirements that can be imposed by the Financial Regulator, if necessary. That means adding four new sections to the Central Bank Act 1997 to deal with these concerns. Far from there being a reduced regulatory burden the Bill will provide more ammunition because the products and firms in question, which were previously outside the regulatory framework, are now inside where they can be dealt with accordingly.

The four new sections to which I referred are based on provisions in other legislation, such as the Investment Intermediaries Act 1995. I have referred on previous occasions to the extra flexi-

[Deputy Brian Cowen.]

bility and power these provisions give the Financial Regulator. For example, the regulator can grant different classes of authorisation, conduct a thorough investigation of applicants, set out in some detail the criteria a firm will have to satisfy to obtain or retain authorisation and have regard to the relevant supervisory requirement imposed on the firm. Other sections enable the Financial Regulator to impose requirements in the interests of consumer protection and orderly regulation, including powers to oblige firms to provide specific information in respect of consumer credit and home reversion agreements and to extend the consumer protection code to retail credit and home reversion firms.

We are making every effort to ensure these firms come under the regulatory regime in an effective way and to give the Financial Regulator the powers by which it can deal with issues as they arise so that when firms obtain regulatory approvals and authorisations they do so in a way that best ensures they conduct their business in accordance with the consumer protection codes that are in place.

The application of the consumer protection code will strengthen the initial relationship of due care and diligence. If securitisation or other funding mechanisms operated by a regulated retail credit firm are likely to adversely affect the consumer or the orderly conduct of financial service business, the provisions of the 1997 Act, together with the amendments now being introduced in this Bill, will enable the Financial Regulator to deal with them. I assume that is the concern which Deputies have with regard to the section.

Deputy Burton said that regulation needed to apply to lending offered to sectors such as farming and the definitions of “credit” and of “retail credit firm” are sufficient to capture this. Following the amendment, farmers and other unincorporated traders will be covered by the consumer protection code and the Financial Services Ombudsman scheme in their dealings with non-deposit-taking lenders, as they are in their dealings with all other regulated financial service providers.

The consumer protection code sets down both general principles and detailed rules in respect of the conduct of business by financial institutions. Its principles require such institutions to act fairly, honestly and professionally in the best interests of customers. Detailed rules cover matters such as advertising, identifying customers’ needs and providing information. The Financial Regulator can investigate breaches of the code and impose sanctions under Part III of the Central Bank Act 1997 for any such breaches. The process of authorisation means that retail credit firms and home reversion firms will become, as I said, regulated financial service providers for the purposes of the code and therefore come within the umbrella of regulatory supervision which we believe to be in the public

interest. We are trying in this Bill to provide the necessary regulation in view of matters which have occurred elsewhere, though they are not germane to this country.

Deputy Richard Bruton: I thank the Minister for his assurances and as I have not been able to tread my way through all the sections I will have to take his words in good faith. The bodies to which the Minister refers have three months to apply for authorisation. Is there any time limit for the Financial Regulator to make a decision either to grant or refuse authorisation? There should be a maximum time limit by which decisions will be made. The Minister seems to be suggesting that firms must apply within three months and wait for a decision but there should be a time limit on the Financial Regulator to make a decision.

Deputy Kieran O'Donnell: The wording is too loose.

Deputy Joan Burton: Will these regulations apply to entities offering financial products in the Republic, even if they are not registered in the Republic?

Deputy Brian Cowen: Yes. There are provisions in the 1997 Act requiring such firms to keep records here so that they can be inspected and these provisions apply to those firms. In answer to Deputy Bruton’s question, I do not know the actual time limit involved but the Financial Regulator abides by its own code of conduct for the time it takes to consider claims and issue authorisations or registrations. I can obtain the details and let the Deputy know in writing.

Deputy Richard Bruton: The debate has been curtailed but the Minister did say he would provide certain information on Report Stage. However, there will not be a Report Stage, so can the Minister provide that information by letter?

Deputy Brian Cowen: I have received some notes relating to Report Stage, which I will circulate to spokespersons.

Amendment agreed to.

Deputy Brian Cowen: I move amendment No. 20:

In page 18, after line 15, to insert the following new section:

20.—The Freedom of Information Act 1997 is amended by inserting in Part 1 of the Third Schedule—

(a) in column (2), “Ordnance Survey Ireland Act 2001”,

(b) in column (1), opposite the reference to the Ordnance Survey Ireland Act 2001, “No. 43 of 2001”, and

(c) in column (3), opposite the reference to the Ordnance Survey Ireland Act 2001, "Section 23".

This is a technical amendment in line with the recommendation of the Oireachtas Joint Committee on Finance and the Public Service. It allows disclosure under the terms of the Freedom of Information Act 1997, subject to the usual exemptions that apply to that Act, of confidential information obtained by a person while performing duties as a member of the board or as a member of staff of the Ordnance Survey.

Amendment agreed to.

Deputy Brian Cowen: I move amendment No. 21:

In page 18, after line 15, to insert the following new section:

21.—The Credit Union Act 1997 (Alteration of Financial Limits) Regulations 2007 (S.I. No. 193 of 2007) are revoked.

The purpose of this amendment is to revoke the Credit Union Act 1997 (Alteration of Financial Limits) Regulations 2007. I stated yesterday that SI 193 of 2007 was brought into force to implement recommendations of the review group on longer-term lending limits for credit unions. These reforms have now been confirmed by section 17 of the Bill so the statutory instruments will be redundant once section 17 has commenced.

An Ceann Comhairle: As it is now 12 noon I am required to put the following question in accordance with an order of the Dáil of this day:

12 o'clock "That the amendments set down by the Tánaiste and Minister for Finance for Committee Stage and not disposed of are hereby made to the Bill, in respect of each of the sections undisposed of, that the section, or as appropriate the section, as amended, is hereby agreed to in Committee, the Title, as amended, is hereby agreed to in Committee, the Bill, as amended, is accordingly reported to the House, Fourth Stage is hereby completed and the Bill is hereby passed."

Question put and agreed to.

European Council Regulations: Motion.

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): I move:

That Dáil Éireann approves the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

proposal for a Council Regulation extending the provisions of Regulation (EC) 883/2004 and its implementing Regulation (Regulation (EC) No [. . .]) to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality, a copy of which proposed measure was laid before Dáil Éireann on 21st August, 2007.

I thank Members of the House and Whips for making time available to discuss the exercise by the State of the option under the fourth Protocol to the Treaty of Amsterdam in respect of a proposal for a Council regulation extending the provisions of Regulation 883/2004, which will replace the existing EU social security co-ordination rules in Regulation 1408/71. There is a three month time limit for notifying the President of the Council of our wish to take part in the adoption and application of any such measures and as this proposal was presented to the Council on 25 July 2007, if Ireland wishes to take part in the adoption and application of this instrument from the beginning, it has until 24 October 2007 to inform Council of its intentions.

At its meeting on Tuesday of this week the Government agreed that Ireland should exercise the option provided by Article 3 of the fourth Protocol to the Treaty of Amsterdam to notify the President of the Council of the European Union that it wishes to take part in the negotiation of the proposed Council regulation on the extension of the provisions of Regulation 883/2004 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality. The exercise by the State of any such option is, under the Constitution, also subject to the approval of both Houses of the Oireachtas.

The social security rights of people living and working in the EU are governed by EU Regulations 1408/71 and 574/72. The regulations co-ordinate social security systems within the EU and are designed to remove obstacles to freedom of movement which would otherwise arise from loss or reduction of social security cover or entitlements when a person moves from one country to another.

Since the adoption of Regulation 859/2003, which was approved by the Government and by the Oireachtas in March 2002 and came into force on 1 June 2003, third country nationals who have worked in two or more member states and their family members and survivors can rely on Regulation (EEC) 1408/71 on the same basis as EU nationals, provided they are legally resident in the territory of an EU member state. A third country national, therefore, who becomes unemployed having worked legally in the UK and Ireland can rely on an aggregation of social insurance paid in both states to qualify for jobseeker's benefit.

[Deputy Pat The Cope Gallagher.]

The current Commission proposal aims to extend to third country nationals the provisions of Regulation (EC) 883/2004. This regulation will replace the existing Regulation 1408/71. However, the scope of Regulation (EC) 883/2004 is wider than Regulation (EEC) 1408/71 in that the former also covers persons who are not professionally active, not just workers as heretofore but all legally resident third country nationals.

There are a number of reasons it is considered that the State should respond positively to this proposal. First, the conference which adopted the Amsterdam treaty amendments took note of the declaration by Ireland that it intended to exercise its right under Article 3 of the protocol on the position of the UK and Ireland to take part in the adoption of measures under Title IV of the treaty establishing the European Union to the maximum extent compatible with the maintenance of the common travel area with the UK.

The proposal is also in keeping with the spirit of conclusions of the 1999 *Tampere* European Council, in which Heads of State stressed that member states must ensure fair treatment of non-EU nationals who reside legally on their territory. This includes better integration of third country nationals who are legally resident in the territory of a member state by giving them rights that are as close as possible to those enjoyed by EU citizens. This position was echoed by the Justice and Home Affairs Council in 2005. The extension of the EU regulations on social security to third country nationals is an important means of achieving these EU policy goals. Ireland supported the extension of Regulation (EEC) 1408/71 to third country nationals on the basis that this extension was fully in line with national policy. Therefore, to continue this policy we should support the current proposal from the Commission.

Additionally, as there are no nationality conditions in Irish social security legislation, people who are legally resident here and who take up or are entitled to take up work in Ireland have the same social welfare entitlements as Irish nationals. I want also to emphasise that these extended rules do not give entitlement to third country nationals to enter, stay or reside in a member state or to have access to its labour markets.

Third country nationals who are covered by these provisions must be legally resident on the territory of a member state and therefore must have a temporary or permanent right of residence. Movement to another member state must be in compliance with the second state's national legislation on entry and residence. While I am satisfied that the purpose of the current proposal is to extend social security protection to non-active third country nationals on the same basis as non-active EU nationals, Ireland would be keen to partake in the discussions of this proposal to ensure that Ireland's existing conditions for

such payments would apply. It is important that Ireland is in a position to influence the negotiations on the proposal.

Given that certain third country nationals already enjoy protection of social security rights, it is considered that the fact that the scope of Regulation (EC) 883/2004 also covers people who are not professionally active will not have a significant impact on the burden borne by member states as the number of persons who will be covered over and above the current situation will be low. Like Ireland, the UK opted into the extension of Regulations 1408/71 and 574/72 to third country nationals but it is not known at this stage what the UK intends to do in regard to the current proposal. Should the UK not opt in, it is considered that this will have no implications for the common travel area as both the UK and Ireland would continue to operate their existing immigration controls in regard to third country nationals and the proposal does not confer any new entitlement of residence.

For the reasons I have outlined I recommend the motion to the House.

Deputy Olwyn Enright: I thank the Minister for his contribution, however, I am disappointed at the manner in which the proposal has come before the House. The Minister thanked all sides of the House for the opportunity to bring this motion forward. The Fine Gael Party did not want to prevent this happening because of the timescales involved.

The proposal was presented to the Council on 25 July 2007, with a three month timeframe for Ireland to notify the Council if it wished to take part in the negotiations. This is the fourth week of the Dáil term and it is disappointing the proposal was discussed at Cabinet only last Tuesday when effectively, the last day it could come before the House would be next Tuesday. We were notified after 9.30 p.m. on Tuesday last that this motion would be discussed today. That notice is inadequate to tease out the intricacies of a proposal, that could have important consequences.

I support the proposal for better integration of third country nationals who are already legally resident here in the European Union. Does the Minister have statistics on the number of people who will fall under this measure, on a temporary and permanent basis? I accept the figure can change over time, but were the regulation to be enacted in the next year, what is the likely number? Extending the provisions of the EC regulation will have cost implications. The Minister will understand that I do not have much faith in Government statistics on non-EU nationals given its appalling inability to calculate the numbers in the recent past, for example on the social welfare early childhood supplement. I think the Government did not realise it would have to be paid to non-nationals. At one point we were told by the then Minister for Social and Family Affairs that it would cost €10 million. The

Department of Health and Children also had a figure of €10 million, but the Taoiseach originally said it would cost €1 million, but at this point it has cost upwards of €10 million. I appreciate that the introduction of the early childhood supplement was a Government proposal that had been suggested by the Fine Gael Party in advance of the Government's announcement. We need accurate figures on the numbers that will fall under this measure.

The briefing note on this motion states the Government is looking for consent to take part in the negotiations and further states that it wishes to take part in the adoption and application of the instrument. Does that mean the Government proposes putting forward changes in the instrument to date? Is there room for negotiation?

The Minister may have seen reports on the Social Insurance Fund, in particular a report by Mercer Consultants to the Minister for Social and Family Affairs which states that PRSI contributions will not be enough to pay for welfare benefits in three years time, at which point the system will face huge deficits. What impact will these proposals have on the social welfare system? This brings us back to the numbers who will be eligible to be paid from social welfare, which is under quite a degree of pressure.

I support the motion, but questions need to be answered on it. While I appreciate the Minister of State, Deputy Pat The Cope Gallagher, does not have ultimate responsibility for this, he is representing the Minister for Social and Family Affairs and I hope he can answer some of these questions when concluding.

Deputy Róisín Shortall: The Labour Party is happy to facilitate the passage of this proposal. I thank the Minister's officials for providing a briefing document for the Opposition spokespersons. However, why have we had such late notice on this proposal? The decision to approve the Council regulation was made at European level on 25 July last and I think the Minister owes us an explanation as to why at the last minute and with very short notice we have been told about it. Quite clearly the Dáil schedule of business did not include time for this matter. Why did it occur to somebody only at a late stage that this issue needed to be dealt with before 24 October? I notice also from the briefing document that the matter was brought to Cabinet just this week. Again, given that the Department knew about this since last July, why was it so late in being brought to Cabinet and subsequently being brought to this House? We are entitled to an explanation. Too often different proposals are sprung on us. Very little time is provided to examine them in any kind of detail. While nobody wants to hold up an important provision such as this, there is an issue as to whether we are doing business professionally and properly and the extent to which we can consider or exam-

ine the proposals put before us. It is unfair of the Government to put the Opposition in a position where there is inadequate time to consider the proposal.

Will the Minister provide a detailed explanation in his concluding remarks as to why it has taken over three months to bring this proposal to Cabinet and subsequently to the Dail?

The proposal is undoubtedly welcome. It ensures that third country nationals working in more than one EU state can combine social welfare contributions made in those states in order to claim social security benefits. That is a good thing. Up until the turn of the century, EU immigration policy was very much dominated by the security side of the issue. The social and welfare aspects of immigration policy, that is the rights and entitlements of legitimate workers from outside the EU, were much less developed. That mirrored a situation across the EU institutions whereby welfare type policies were very slow to develop. This strikes at the heart, purpose and legitimacy of the EU. If it is ever to serve its citizens, the EU must be much more than just a common market. The fact that we are opting into this proposal suggests we have still quite a long way to go in terms of welfare provision. It is welcome nonetheless and the Labour Party is happy to support this proposal.

There is a general need for more legal protections for immigrant workers. Obviously this reform will be useless to employees, if unscrupulous employers do not pay PRSI contributions for them. One suspects that third country nationals are more vulnerable than EU nationals in this regard. Last year only six fraud cases taken against employers resulted in a fine. It is very hard to know why that is the case. I am not sure if this reflects how small the problem is or how inactive the Department is, but clearly there must be rigorous enforcement of the law against errant employers if the proposal before us is to have any real meaning. On the basis of anecdotal evidence, there would seem to be a serious problem of non-nationals, whether from the EU or outside the EU, working in the black economy. That fuels much of the racism in Ireland because Irish workers see non-nationals working for low wages, driving down wages generally and undercutting them. Much of the evidence of this is anecdotal but there seems to be something to it.

It is extraordinary that last year there were only six cases in which fines were levied against employers who were not living up to their commitments. Until recently, the number of labour inspectors was so low, there was a sense of a free for all for employers. This opened the gates for widespread abuse with few attempts made by Government to provide an adequate inspectorate to ensure employers were adhering to the law. There is a long way to go and while it is welcome that people are coming in from the EU and elsewhere, because our economy depends on them, it is essential that the law is applied to employers

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and that they are obliged to keep to their commitments in terms of safeguards for their workers, regardless of whether they are Irish. I am not convinced that the current system ensures that happens.

I noticed from the recent report of the Comptroller and Auditor General that there is a high rate of fraud and overpayment of child benefit among non-national recipients. The Minister may be aware that a survey conducted by his Department revealed a fraud rate of 14% among non-nationals whereas the Irish rate was 2.6%. This resulted in a combined liability of €31.6 million, a considerable sum. The Department has indicated that steps are being taken to address the problem but, clearly, given the proposal before us, it is important to eradicate these problems before we extend entitlement further. We certainly do not want to be seen as the soft touch of Europe. Fraud on this scale going undetected, that we only found out about because the Comptroller and Auditor General has been doing his job so well, leads to a lack of confidence in the system. The Minister is obliged to ensure the system is robust and that it cannot be defrauded. A fraud rate of 14% is worrying.

I agree with the comments of the previous speaker on the social insurance fund but wider issues arise. The actuarial review of the social insurance fund was published yesterday and it presents a worrying scenario in respect of the future of social insurance. In three years' time, our expenditure on social welfare will exceed contribution income. It goes from a minor discrepancy in 2011 to a considerable shortfall over the following 30 years. Those are serious findings for the future of social welfare provision in this country.

In light of that review and those projects, we must ask how and why Fianna Fáil gave an undertaking to voters before the election that it would reduce the level of PRSI contribution from 4% to 2%. Fianna Fáil knew at that point the problems the social insurance fund faced but it blatantly defrauded the electorate by promising to reduce the level of PRSI contributions. That is a serious matter on which we are entitled to a response from the Minister for Social and Family Affairs and the Taoiseach.

Deputy Finian McGrath: I welcome the opportunity to speak on this motion on a European Council regulation on social security. Across the EU there has been a drift away from assisting those in need at the fringes of society. Regardless of our massive wealth, there are still pockets of serious social and educational disadvantage. When we look at the social security system, it is appropriate to have this debate. Just because many people are doing well in a vibrant economy does not mean everyone is moving on. Every Member of the Oireachtas has a responsibility to

ensure the bottom 20% of Irish society is given a leg up.

One of the most important strategies to achieve this is the use of social security policy. The regulations co-ordinate social security systems within the EU and are designed to remove obstacles to freedom of movement which otherwise arise from loss or reduction of social security cover or entitlements when a person moves from one country to another.

Since the adoption of Regulation 859/2003, third country nationals who have worked in two or more member states, and their family members and survivors, can rely on Regulation 1408/71 on the same basis as EU nationals provided they are legally resident in the territory of an EU members state. Therefore, a third country national, for example, who becomes unemployed having worked legally in Ireland, can rely on the aggregation of social insurance paid there and in another state to qualify for job seeker's benefit. We must support those who find themselves unemployed, not just Irish people but everyone who has contributed to the economy. Those countries in the west with strong economies also have an international responsibility to distribute wealth to poorer countries. This is a national, European and international issue.

The current Commission proposal aims to extend to third country nationals the provisions of the regulation. The current proposal pursues the same objective as Regulation 859/2003. The scope of Regulation 883/2004 is wider than Regulation 1408/71 in that the former also covers persons who are non-active, not just workers as heretofore, and legally resident third country nationals.

The legal basis for this regulation allows the Council to adopt measures to uphold the rights and conditions of nationals of third countries who are legally resident in a member state to reside in other member states. We have a moral, political and international responsibility to ensure that people in all European countries receive the relevant social support to which they are entitled. We should heed all viewpoints in this most important debate.

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):

I thank the Opposition spokespersons and Deputy Finian McGrath for their contributions and the interest they have shown in this matter. I also thank them for agreeing to take this motion today.

I wish to clarify, as I have been requested to do, that this proposal was published at the end of July. In administrative terms, Europe closes down in August and we did not return here until the end of September. The Minister would like to have given more time for debate but this was not possible as the Department of Social and Family Affairs had to consult with other Departments. As a result, the Government decided on this

matter last Tuesday, which necessitated its passage by both Houses of the Oireachtas this week. We are obliged to report to the President of the Council by next Wednesday, 24 October 2007, which explains this measure's swift passage through the House. While I am willing to apologise for this, the timescale did not permit a longer consideration of the motion. Although it is not a *fait accompli*, this Commission proposal ensures that we are in a position to participate in any negotiations. As Members know, it could take some time before the proposal is finally decided upon by the Council.

At this stage, it is hard to quantify how many people will benefit from the measure. Given that certain people are already covered by these EU regulations — including stateless persons, refugees and third country nationals who have already worked in at least two member states — it is considered that the numbers over and above these will be relatively low. Consequently, it is expected that the costs will be minimal.

The Government has a responsibility to support the social insurance funds by contributions from the Exchequer if there is a deficit from time to time. It is suggested that there could be such a deficit in a number of years and, if so, those who have contributed to social welfare insurance over the years have no need to be apprehensive because the Government must provide the deficit from the Exchequer. As with the Green Paper, we must take time to digest the report to which Deputies have referred before coming up with a response.

Deputy Róisín Shortall: The Government has had it since last April.

Deputy Pat The Cope Gallagher: I do not wish to be frivolous, but much the same was said five years ago. If people have any worries about the deficit, they will see from the report of five years ago that it is by and large the same.

I am somewhat alarmed, as is the Minister, by the high rate of 40% which was referred to, together with the 2.6% from Irish nationals costing some €36.1 million. It is alarmingly high. The Minister, Deputy Cullen, is unavoidably absent this morning but he will be taking the motion in the Seanad. He is anxious to try to curb this as much as possible.

We will be a party to the negotiations on this proposal and will play an important role as we do in all aspects of European legislation, regulations and directives. This motion provides us with an opportunity to do that. I thank the House for its co-operation in this matter.

Question put and agreed to.

Passports Bill 2007: Order for Second Stage.

Bill entitled an Act to provide for the issue by the Minister for Foreign Affairs on the authority of the Government of passports to Irish

citizens to be used by them as evidence of identity and citizenship, to provide for the processing of personal data, including biometric data, for the issue of passports and the maintenance of the integrity of the system for issuing passports, to provide for the cancellation and surrender of passports in certain circumstances, to provide for offences relating to passports, to provide for the issue of emergency travel certificates in certain circumstances, to amend the Diplomatic and Consular Officers (Provision of Services) Act 1993 and to provide for related matters.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): I move: "That Second Stage be taken now."

Question put and agreed to.

Passports Bill 2007: Second Stage.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): I move: "That the Bill be now read a Second Time."

The purpose of the Passports Bill is to provide a comprehensive legislative basis for the regulation and issuance of passports. Over recent years, we have seen a rapid growth in international travel and a corresponding increase in demand for passports. More than 630,000 Irish passports were issued last year, compared with 468,000 in 2003 and 388,000 in 2000. Irish people made 7 million visits overseas in 2006.

The growth in demand, advances in technology and changes in international security requirements have necessitated substantial reform and modernisation of the passport system. Major innovations completed in recent years have included the introduction of machine readable passports, the development of an automated production facility and, in 2006, the introduction of biometric passports. As a result of these improvements, the Irish passport is widely seen as a high quality document, which is at the leading edge of passport technology internationally.

Over a relatively short period of time, we have moved a long way. Improvements in quality have been accompanied by a strong record on customer service. For many years, the Department of Foreign Affairs has successfully delivered a ten working day service for applications made through the express postal services, both North and South of the Border. Where applicants are required to travel within a shorter timeframe, it is possible to secure a passport more quickly; a limited same-day or next-day service is also available in the most urgent cases.

Whereas reform of the passport system has focused primarily on technology and the quality of service delivery, there is a need to reform the underlying regulatory framework. Passports are currently issued under general administrative provisions set out in the Ministers and Secretaries Act 1924. Various administrative practices have

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been developed over the years and it is time to put in place specific legislation to bring greater clarity and certainty to the area.

We live in a country which is very different to that of the 1920s. Practices concerning the issuance of passports have evolved over time to reflect changes in society and these practices need to be set down clearly in legislation. The Bill therefore includes provisions that address the consent of parents who are living apart. It sets out in detail provisions for issuing passports in accordance with names on birth certificates, whether in Irish or English, and caters for the recognition of subsequent changes of names whether after marriage or through established usage. It also makes provision for issuance of passports to persons who are undergoing or have undergone changes of gender.

There is no desire on the part of the Minister to change social policy, which is rightly the prerogative of the relevant Ministers. There is, however, an onus on the Minister and the Department to provide the appropriate arrangements so that Irish citizens can travel abroad freely and with dignity.

The courts have established that there is a constitutional right to travel and, by implication, a right to obtain a passport. That right is not unqualified and there are certain circumstances in which a passport may validly be withheld, including cases where an individual is subject to a court order under the Bail Act 1997.

Particular care is also required in regard to the welfare of children. The Bill ensures that the welfare of the child is at the centre of our considerations and it includes detailed provisions on consent of parents and guardians. A second principal objective of the Bill is to combat fraud and misuse of passports. Since the attacks on the World Trade Centre in September 2001, there has been increased international emphasis on improving identity and passport security. The investment in biometric passports has substantially improved the security of the Irish passport. This needs to be complemented, however, by strengthening measures to tackle fraudulent applications for, and misuse of, Irish passports.

As the law stands, criminal offences concerning the abuse of passports are general offences relating to property and range across several Acts. The case of the Colombia three highlighted the need for specific legislation to cover passport offences. Accordingly, the Bill provides for a detailed series of offences and penalties for the fraudulent acquisition, misuse and abuse of passports. The Bill will also enable prosecution of such offences where committed outside the State. This section was drafted in close co-operation with the office of the Director of Public Prosecutions,

Combating fraudulent use of Irish passports is important to ensure continued respect internationally for the integrity of the document.

Organised criminals have developed increasingly sophisticated methods to carry out their activities. Moreover, crime does not respect borders and greater freedom of movement, particularly within the expanded European Union, means that all member states have a responsibility to strengthen systems which will detect and prevent misuse of national travel and identity documents.

To guard against fraud it is necessary to require applicants to produce adequate evidence of their identity and their entitlement to an Irish passport. This in turn means the Department acquires a considerable volume of personal data. The Department is subject to, and complies fully with the Data Protection Act 1988. Nevertheless, to ensure that individuals' personal rights in this regard are fully respected, officials from the Department of Foreign Affairs have consulted closely with the office of the Data Protection Commissioner in drafting the Bill. I am grateful to them and to other bodies such as the Irish Human Rights Commission, for their advice and input.

In preparing the Bill, the Minister adopted an approach which is respectful of the rights of Irish citizens while bringing in the necessary sanctions against those who would endanger the integrity of our passport. Less secure travel documents would adversely affect our citizens as they travel.

Sections 1 to 4 under Part 1 are standard provisions relating respectively, to the short title and commencement date; definitions of terms; provision to make regulations under the legislation and expenses incurred in the administration of the legislation. The long title draws on the International Civil Aviation Organisation's, ICAO, definition of a passport as an international travel document which designates a person's citizenship.

Section 5 provides that the Minister's functions under the legislation are performed on the authority of the Government. Section 6 provides for the right of an Irish citizen to apply for a passport and outlines the application process. Subsections (3) and (4) deal respectively with applications regarding children and persons with a physical or mental incapacity. Section 14 contains more detailed provisions regarding consent of parents and or guardians.

Section 7 requires that before issuing a passport, the Minister shall be satisfied as to the Irish citizenship and identity of an applicant. Citizenship may be acquired in various ways: most commonly through birth, through a parent or grandparent, or through naturalisation. In some circumstances, it is also necessary to establish minimum periods of lawful residency in the State. This is a complex area and the nature of the documentation required will vary depending on individual circumstances.

The requirement to be satisfied as to a person's identity relates to the risk of identity theft. The introduction of biometric passports last year was designed as an additional safeguard and will over time reduce substantially the scope for fraud. We

continually seek ways to tackle identity theft. Consultations will be held with the General Registrar's Office regarding the possible introduction of a link between birth and death certificates. Training has been provided regarding identification of forged documentation. Following a review of documentation submitted, if doubts remain as to an individual's identity, current practice is to request the applicant to submit additional documentation or, on occasion, attend for interview. Section 7 provides the legal basis for continuation of these practices. The Minister intends to strengthen this area of the passport service by establishing a specific unit dedicated solely to detecting and combating fraud. The provision under sections 19 through 24 of the Bill will further strengthen efforts to combat fraud.

Section 8 provides for the processing of personal data, including biometric data, in connection with passport applications. Biometric technology makes use of our unique biological features. Examples of biometric identifiers include facial measurements and characteristics, fingerprints and iris patterns. The Irish passport uses facial measurements and characteristics. This allows for the comparison of photographs when one renews one's passport. It also allows for comparisons at border control points to ensure that the person travelling is the real owner of the passport.

The Passport Office stores the photographs and the biometric information taken from them securely. The information will be used only for passport purposes and will not be shared with other agencies, except as may be required by law. The Passport Office can generate facial measurements from a photograph. Although there are no plans to include a second biometric identifier such as fingerprints or iris patterns, there is a possibility that this may become standard international practice at some point in the future and cannot be ruled out. Accordingly, subsection (2) provides for the possibility of contractual arrangements with a third party to collect this information from applicants at authorised centres around the country or at locations abroad. We have consulted closely with the office of the Data Protection Commissioner regarding relevant provisions in the Bill, including section 8.

Section 9 deals with periods of validity of passports. This is intended to underpin existing practice where the period of validity may vary according to age or other circumstances. Most passports issued are valid for ten years. Passports for children are valid for three or five years, depending on the age of the child because a child's appearance changes substantially over time.

The Department may issue emergency passports in circumstances where an applicant is required to travel at short notice and there is insufficient time to enable production of a full passport. Such passports are valid for one year. The period of validity for diplomatic or official passports also varies depending, for example, on

the likely duration of an officer's assignment to an embassy or consulate overseas. Subsection (2) also provides for passports to be issued for reduced periods of validity in certain circumstances: for example, in the case of an applicant who has a history of persistent passport loss.

Section 10 sets out provisions regarding the name in which a passport is issued. This is designed to underpin existing practice. The general rule under subsection (1) is that the passport is issued in the name of an applicant as it appears in his or her birth certificate. Where citizenship is acquired other than by birth, for example, through naturalisation, the reference point is the name on the relevant supporting documentation.

Subsection (2) provides for a change of name after marriage. Subsections (3) through (5) deal with other changes of name. In line with current practice, an applicant must produce satisfactory evidence of usage over a minimum of a two year period. As a safeguard against potential abuse of this provision, the Bill permits entry of the applicant's previous name in the passport.

The provisions are such that the Irish and English languages will be treated equally. If an applicant has a birth certificate in either language and wants to change to the other, he or she must provide evidence of usage over a two year period.

Section 11 deals with gender re-assignment and outlines the circumstances in which a person who is undergoing treatment or procedures to alter his or her gender, may be issued with a passport in his or her new gender and or new name. Supporting evidence must be provided, including medical evidence from a registered medical practitioner. Inclusion of this provision is intended to reflect and underpin existing practice of the Passport Office and not, as is made clear in subsection (3), to confer any other rights or entitlements. The terms of section 11 were the subject of prior consultations with the Irish Human Rights Commission which has welcomed the inclusion of the provision in the Bill. They also reflect current international practice in Western Europe and like-minded countries.

Section 12 outlines the circumstances in which a passport shall not be issued, as well as situations where the Minister has discretion in this regard. The constitutional right to travel is not an unqualified right. Section 12 seeks to reflect that position in legislation. A refusal is mandatory in circumstances where there is uncertainty regarding citizenship or identity, where applicants are subject to orders under the Bail Act 1997, in cases where false information is provided and in situations relating to problems with consent of parents or guardians.

Subsection (1)(c) provides for refusal where an applicant is likely to engage in certain forms of conduct, including conduct that might prejudice national security or the security of another state or that might endanger the applicant or other persons. In view of the constitutional position, a

[Deputy Michael P. Kitt.]

refusal under subsection (1)(c) could not be taken lightly and there is provision for consultation, where appropriate, with the Minister for Justice, Equality and Law Reform and/or the Minister for Defence.

Section 12(2) allows discretion to refuse where an application does not comply with one of the requirements of the application process as set out under section 6 of the Bill. It also permits refusal of a second passport. Second passports are currently issued to a small number of applicants, mostly frequently business travellers who are required to make substantial numbers of visa applications. The individual circumstances are examined on a case by case basis. Second passports are also provided to people who travel in the Middle East where an immigration stamp of one country can cause problems for our citizens visiting other countries.

Section 13 deals with the inclusion in a passport of information including biometric data, an issue about which I spoke already in connection with section 8. Section 14 deals with the complex area of issuing passports for children. In line with existing legislation and practice, section 14 gives precedence to the welfare of the child and at the same time safeguards the rights of his or her guardians to take decisions regarding such welfare. Accordingly, the priority requirement is that consent of parents or guardians must be obtained before a passport can be issued. Where a parent or guardian withholds consent, a passport cannot be issued unless the other parent or guardian obtains a court order dispensing with the need for such consent.

However, provision must be made for cases where there may be difficulties in obtaining court orders. Subsection (5) recognises that where a child is resident outside the State with a parent or guardian, practical difficulties may apply with regard to obtaining a court order. In such cases, it provides that the Minister, having regard to all the circumstances, including whether the other parent or guardian has notified an objection to the issuing of a passport, may issue where he or she is satisfied that this is required to secure the child's welfare. The flexibility is required to ensure that injustices do not occur.

Subsection (6) further outlines exceptional circumstances where a passport may be issued without the consent of one or more guardians of a child. This will apply only where a guardian or other person with an interest in a child's welfare applies to the Minister and where there is an immediate and serious risk of harm to the child's life, health or safety which requires the child to travel. Section 14(8) proposes that the consent of each guardian must be obtained for the issuance of the first passport and that this consent will continue unless a guardian notifies the Minister in writing that he or she is revoking consent. The application form and accompanying notes will

ensure that parents and guardians are fully aware of the position on duration of consent.

Section 15 gives a legislative basis to the issuing of emergency travel documents. Emergency passports are generally valid for one year and may be issued when an applicant produces evidence of an intention to travel immediately and where there is insufficient time to arrange the issue of a normal passport. In some situations an applicant may need to travel urgently, but may not be able to produce sufficient documentation to establish beyond doubt his or her entitlement to a passport. The Bill provides that in such cases an emergency travel certificate may be issued where there is reasonable cause to believe that the applicant is an Irish citizen. An emergency travel certificate is valid only for a single journey and generally such cases relate to an individual travelling abroad whose passport has been lost or stolen and who wishes to return to Ireland.

Section 16 provides for the issuing of diplomatic and official passports. Diplomatic passports are issued to those who have diplomatic status or to those who belong to a group that has been designated by the Minister to be issued with diplomatic passports. Official passports are issued to Irish public servants who travel abroad on State business. The main group in this category are Irish soldiers serving abroad with the United Nations.

Section 17 requires that where a person believes that his or her passport has been lost or stolen, he or she shall notify the Minister and the Garda Síochána. The Minister is permitted to inquire into the circumstances of a case and to require the provision of such information as is considered necessary. Section 18 permits the Minister to cancel a passport in certain circumstances and provides for the surrender of a cancelled passport.

Section 19 provides for offences and penalties for the misuse or abuse of passport facilities. Under the law at present, offences concerning the abuse of passports are regarded as general offences relating to property and they are covered by several Acts. There is a need to strengthen safeguards in this area and to provide for specific legislation to cover passport offences. Accordingly, the Bill defines a series of offences and also provides for prosecution of such offences where committed outside the State. Offences under section 19 include making false applications, possession of a false passport, use or attempted use of a cancelled passport or a passport issued to another person and sale or attempted sale of a passport.

The growth in demand for passports in recent years is partly attributable to the increasing use of passports as evidence of identity and age. In recognition of this trend, section 19(2) provides for an offence where a person knowingly uses or attempts to use another person's passport for the purpose of admission to the bar of a licensed

premises as defined under the Intoxicating Liquor Act 2003.

Sections 20 to 24, inclusive, set out related provisions concerning definitions, summary trial in the District Court, proceedings outside the State, liability of bodies corporate and an amendment to the Bail Act 1997. Section 25 provides that a passport shall remain the property of the Minister at all times. This reflects the long-established practice to print a statement to this effect on all Irish passports.

Section 26 is a standard provision which provides for continued validity of passports issued before the commencement of the Act. The practice of including children on their parents' or guardians' passports has been discontinued with effect from 1 October 2004, with children subsequently required to be issued with their own passports. As set out in subsection (2), inclusions of children prior to that date remain valid for the lifetime of the relevant passport or until a child reaches the age of 16, or is issued with his or her own passport. However, I strongly recommend that parents ensure that children have their own passports as international practice is increasingly demanding that each citizen carries his or her own passport. Finally, section 27 is a standard provision authorising the levying of fees for passports and other consular services.

That completes my detailed statement on the purpose and main provisions of the Bill. I commend the Bill to the House.

Deputy Billy Timmins: This is quite a simple Bill that puts in place the administration of passports, as well as offences for the abuse and misuse of such passports. Having listened to the Minister of State and the reference to the births and deaths register, I believe that passports should be compulsory for everybody. It would save many problems for us. We had a big furore last year about the register not being kept up to date. There were questions about identification cards and difficulties with calculating the number of people in the State. A simple solution would be to require everybody to have a passport and to tie it in with the births and deaths register.

This also affords us an opportunity to look at the concept of including a small insert in the passport that can be taken out and used as identification locally. One of the reasons so many passports are lost is that young people carry them when going into a public house. It is a relatively big document in comparison to a laser card or a visa card. There would be merit in looking at the concept of replicating the passport on the equivalent of a visa card and inserting it in the passport. People can leave their passports at home and take out the insert, which is basically a replica of the biometric information in the passport.

Considering we have had such difficulties with false passports since the late 1970s, it is strange that it has taken us so long to bring forward such simple legislation. It is disturbing to think that the

Colombia three have never been charged for an offence relating to the misuse of passports. That is a reflection on us all and I hope it does not reoccur. With a little bit of innovative thinking, we could solve many problems in that area.

When we talk about passports, we often think of the old scheme of passports for sale which caused a lot of controversy in Ireland. Some people who bought passports or Irish citizenship invested money in Ireland and did well during difficult times.

When one reflects on a period from a contemporary perspective, it is often difficult to imagine the needs and requirements of the day. From today's perspective, it is difficult to imagine the concept of selling passports. It was a bad practice and I am glad it has been discontinued. I would not wish to see its re-introduction as passports and citizenship are valuable and should not be for sale.

I understand two offices issue passports, one in Cork and the other in Dublin, and I believe the Dublin office is earmarked for relocation to Balbriggan as part of the decentralisation programme. This may not be a good idea because, even at the best of times, it would be difficult for those travelling from Wexford or Galway to reach Balbriggan. Although it is a nice seaside town that has experienced decent growth in recent years, this decision is unwise as passport offices should be central and accessible. I recognise the passport office located on Molesworth Street is overcrowded. As Members can confirm every day as they walk past the office, there is enormous demand for the service it provides. Nevertheless, this is not a sufficient reason to relocate it to Balbriggan, which would cause difficulties. I ask the Department of Foreign Affairs to reappraise its position in this regard.

Irish citizens require passports to travel everywhere except Britain. As some airlines require identification when one travels there, the small insert in the passport might be useful. One could leave one's passport at home to act as one's template or hard drive while travelling with a small disk, which would make travel much easier for all. Moreover, those who lost their passports or encountered difficulties would have a backup document available.

I refer to children on passports. I have young children and the faces they present at passport control are hardly identifiable from their former appearance. The proposal to remove children from adult passports is worthwhile because this causes great difficulties when someone becomes ill or a mother is obliged to come home with a child. I encountered a case last year in which a mother who was abroad was obliged to return home for a certain reason. However, her child, who had travelled on the mother's passport, remained in Spain and the family was required to obtain an emergency or temporary passport.

While this Bill is not highly controversial, when the concept of using biometric data in passports

[Deputy Billy Timmins.]

was first raised in the aftermath of the 11 September 2001 attacks, some civil rights groups thought it might constitute an intrusion. Any measure that can be taken to assist in the security of citizens is welcome and this is not a difficult measure to take.

The Minister issued a statement some time ago to the effect that the cost of introducing this measure was €6.1 million, having been estimated at €8.8 million at the outset. However, the legislation's introductory document mentions a cost of €34 million. I assume the latter cost includes the technology that must be put in place at airports. The Minister of State should clarify, perhaps on Committee Stage, what are the costs. While two different figures have been put forward, I am sure they are not directly comparable.

Will this technology be in place when the passports come into being? The Minister of State's contribution leads me to believe that one will still be able to use one's old passport. However, those travelling to the United States with their old passports will be obliged to obtain a visa while those with biometric passports will be able to travel there without a visa. Will it be possible for citizens to cash in, for want of a better word, their old passports before their dates of expiration and obtain biometric passports to avoid being obliged to secure a visa?

While I am not an expert in biometrics, I refer to the scenario in which a person playing hurling in Wexford receives a blow from a hurl that breaks his nose——

An Leas-Cheann Comhairle: There are no hurls in County Wicklow.

Deputy Billy Timmins: We do not have them in County Wicklow.

Deputy Kathleen Lynch: Or if it was altered digitally.

Deputy Billy Timmins: This might also happen at a Labour Party parliamentary party meeting. Could this have an impact? I would hate to think that an Irish person who had travelled to New York for a weekend to play hurling could, while returning, end up in Guantanamo Bay for carrying what was deemed to be a false passport, based on the biometric read-out.

I understand the EU legislation will require the inclusion on the document of fingerprint data from 28 February 2008. I do not know whether this is one of the measures from which Ireland will be excluded and perhaps we have an opt-out in this regard. However, this issue should be considered. This will be a requirement across the EU in those members states that have signed up to it. It appears that Ireland has decided to store facial biometric data only and has decided not to proceed with fingerprint data, although the Minister of State alluded to the fact that this may be a

requirement in future. I understand it will be a requirement from 28 February 2008 and this matter should also be considered.

I am disappointed that Ireland has chosen to exercise an opt-out at today's intergovernmental meeting at Lisbon from the justice and home affairs section of the reform treaty. Any measure to which we can sign up that will assist the safety of citizens and help deal with criminality is welcome. I do not believe the claim that Ireland has concerns regarding the potential impact on common law is justified. Many statutes have been passed since 1922 that have had an impact on common law and we have managed to survive.

Another welcome measure concerns gender reassignment. While I do not imagine it will be required frequently, this issue has caused much difficulty for some people and it is important to recognise this aspect. I welcome its inclusion in the Bill.

I note the Minister has the power to refuse to issue a passport. In recent weeks, some controversy has arisen regarding the Minister for Justice, Equality and Law Reform's refusal to issue a visa to a gentleman who wished to come to Ireland to participate in a lecture. It is important that the Minister for Justice, Equality and Law Reform is able to refuse to issue a visa if he so wishes or that he can refuse to issue a passport to someone on the grounds of security. Such grounds must be solid and this facility only should be used sparingly. However, it is important to reserve the right to so do.

In his response, the Minister of State should be more specific as to the circumstances in which the Minister might refuse to issue a passport to an Irish citizen. I refer to a person who may be on early release for an offence such as paedophilia, if any such person exists or is on the child sex register. Will people such as those, who apply for passports, acquire them or not? I seek more specific details in this regard as the legislation is not as prescriptive as it might be. Perhaps this issue can be considered on Committee Stage if the Minister of State does not have the requisite information to hand. In recent years, have many applications from Irish citizens been turned down? I am aware that under the Constitution and based on a legal judgment, people are entitled to a passport. How many people have been denied passports in recent years?

The issue of emergency travel is one of the nightmares associated with being a politician. I refer to getting a telephone call on Saturday afternoon or Sunday morning to the effect that someone has lost a passport.

Deputy Kathleen Lynch: Or on Christmas morning.

Deputy Billy Timmins: It happened to Deputy Lynch this morning. I must admit this happened to me one Sunday evening when I discovered my passport had expired. Moreover, I have five

young children and one Saturday afternoon a couple of years ago, when in a queue for a flight, we discovered my wife's passport had expired. Naturally she missed the flight but was able to travel later on. I thank the officials from the Department of Foreign Affairs, who I have always found to be most kind, courteous and facilitating, both to me at that time and to all members of the public who encounter similar difficulties. There is nothing worse than opening one's passport, seeing one's face and realising the date of eligibility has expired. It has happened to everyone. While it is bad enough to find out one's laser card is out of date, expired passports are a somewhat more difficult matter. I do not know how common this is, although it happens to us all occasionally. I wonder whether there would be some merit in having passport information offices at the main airports. I am not necessarily saying the Department of Foreign Affairs should have a kiosk there, with one of its hard working staff present on a Saturday and Sunday — I would not go that far — but it may be useful to have an information centre of some sort. Perhaps these are already there and I am not aware of them but in my own case, I was lucky in that I had the telephone number I needed to call. If we had information centres, people could go there to obtain this information and be told what they should do. I was facilitated — I was thankful for it — but it was only because I had certain numbers in my phone that I was able to do this. I would not have been able to obtain this information at the airport if I did not already have it. Alternatively, the required information could be given to the airport manager in order that if a person realises that he or she does not have a valid passport, the airport manager could tell him or her what must be done.

I tabled a parliamentary question a few years ago about lost passports and, if memory serves, it was very difficult to establish how many had been lost or found. There seemed to be no method to it. There may have been a breakdown in communication between the Departments of Justice, Equality and Law Reform and Foreign Affairs. If we were to introduce a new system under which there was an electronic record of every passport, we would be able to deal more satisfactorily with this issue. In many cases passports are lost or stolen through no fault of the holder, but I am concerned that on occasion, a person abroad who is strapped for cash may willingly sell his or her passport and then report it stolen. I am sure this is a relatively common occurrence, although I do not know whether anyone has been charged with such an offence. I would appreciate if such information was made available at some stage before this legislation is passed.

In court cases, when a person is granted bail, the judge may make a court order under which he or she must surrender his or her passport. Are there any other circumstances under which a person must surrender his or her passport? Who has

the power to order this? Is it the Minister for Justice, Equality and Law Reform or the Minister for Foreign Affairs? I would appreciate clarification of this issue.

I have covered most of the issues with this legislation, which I welcome. However, I ask the Minister to consider one other item. My understanding is that third generation Irish people in other countries can obtain an Irish passport, but from the fourth generation onwards they cannot. There are many people of Irish descent in South America, particularly Argentina, where Irish people went in the mid-19th century. There may be a fear that people will try to obtain Irish passports in order to gain access to other EU countries, but we should not be afraid to consider bilateral agreements on Irish passports with the United States or Argentina. We often hear about the need to attract people with certain labour skills to Ireland. If there are people of Irish descent who would like to return to Ireland, our door should be open to them. The Department might consider this. I think I am correct in saying third generation Irish people can obtain passports, while fourth generation descendants cannot. We should consider whether there would be merit in setting up a scheme such as I mentioned, particularly with Argentina. My party leader recently met an Argentinian of Irish descent who raised this issue. Many people, particularly from the Longford-Westmeath area, went to Argentina in the 19th century.

I welcome this legislation. A passport is a valuable document which should not be debased. A correctly administered passport scheme could give us the key to obtaining much information and could also solve many other problems. It would be great if, in a couple of years — in fact, it would probably be longer than that, but sometime in the future — we did not have to worry about who was on the electoral register or similar issues because everybody would have a passport which could also be used as a form of identification. The issue of carrying ID is a sensitive one, but it may become standard to issue passports with an insert which could be used as an ID card while the passport was safely in a drawer at home. I welcome this legislation and thank the Leas-Cheann Comhairle for the opportunity to speak.

Deputy Kathleen Lynch: It is obvious from the debate that this is a tidying-up Bill. It seems incredible that during the years the issuing of passports has never been put on a statutory footing, but that is what we are doing today. To me and those of my generation, a passport is a significant and important document which should be treated with care. If one comes from a country with a passport system that is widely recognised and held in high esteem, one should take great care of one's passport.

Deputy Timmins spoke about Argentina. I cannot let the opportunity pass without mentioning that it is not just Argentina in which Irish

[Deputy Kathleen Lynch.]

people have made a significant impact. One man from Cork, Daniel Florence O'Leary, emigrated to South America because he was a second son and hence would not inherit the family business. He joined the Hussars and eventually became Simón Bolívar's biographer and second-in-command, accompanying him on all his campaigns in South America, including the liberation of Bolivia, Chile, Argentina and many other areas. For this he is highly regarded in Venezuela. We have not done enough to exploit this Irish connection. O'Leary has two direct descendents, a great-grandson and a great-grandnephew who have the good sense to live in Cork.

Deputy Billy Timmins: North Cork.

Deputy Kathleen Lynch: We have a direct connection with South America of which we have not made the most. We should do so. If that means offering a limited passport or some other manner of recognising Irish heritage, so be it.

This legislation reminds me of another Bill on which I spoke, not the last time I was elected to the Dáil but the time before that. It was introduced by former Deputy Mervyn Taylor and, similarly to this Bill, was considered lightweight but it had a significant impact on how we gather information. The Bill was one page long and proposed to extend the amount of information included in birth certificates. Therefore, it has a connection with this Bill. Up to that time, only the profession of the baby's father was listed on the birth certificate, but after the Bill was enacted, the mother's profession — home-maker or seamstress etc — was also listed. This gave us an insight into social history which was not previously available to us. A small Bill such as the one we are considering often has a far more significant impact on the State than is perceived at the time.

As I mentioned, the notion that we are only now putting the issuing of passports on a statutory basis is staggering. Passports are now being used far more internally than for international passage. In the matter of using passports as a form of identification, I differ from the previous speaker. In particular, young people must often use identification when entering nightclubs and bars, but in these places there is a significant risk that a passport will be either mislaid or stolen. I agree we should consider introducing a national identification scheme, but this identification should not be in the form of a passport because a passport is too valuable a document. The value of the Irish passport can be seen from the fact that Oliver North travelled with one during the Iran-Contra affair. He knew that an American passport would not get him safely into certain countries but an Irish passport which was widely respected would.

The idea that someone would apply for a passport because he or she needs identification for all

sorts of purposes is outrageous and should not be allowed. Young people have no choice other than to use the passport because every other document is considered suspect and inadequate.

We need to introduce a national identification scheme, where people want to apply for it. I admit I would not go along with it being compulsory but if people need to apply for a card as a means of identification, it should be available to them. We should ensure our passports are kept as safely as possible rather than having people use them as a means of identification when they go out at night. Thankfully, I no longer need such identification, but one would not know. Passports are sought in opening bank accounts and in opening utility accounts and here again a national identification scheme would be a far better way of doing so rather than having to take out the passport.

There are pros and cons to children having their own passports. A mother is always nervous that someone will decide to take a shine to her child and take him or her off. Mothers find that having their children attached to their passport gives them a degree of control and safety, but I understand perfectly why it is a better idea to have a child's individual passport. We must be very careful about these matters. We are not living in the type of world in which we all grew up. It is a much more dangerous world and there are people who are much more deceitful and cunning than it appears people were in the past.

The previous speaker dealt with the issue of change of gender. It is a good idea, if one is to deal with passports and other documents of a life-long nature — even though one must change it every ten or maybe five years, nevertheless it does define one for life — and one's life changes dramatically through choice, then one should have the ability to change that detail in such an important document. It is important that such a provision would be inserted. I am sure that in the future there will be other changes as well but at least we will have the legislation to amend.

The passport office in Cork is second to none. My experience is like that of others who spoke here. For instance, one Christmas morning people who were flying out the day after St. Stephen's Day came and the passport office staff were available to do their very best. The amount of people who do not check their passport expiry date is astonishing. The passport office responds and the response is the same to everyone, and that is important. There are no judgment calls. The staff simply do their job to an efficient standard and I really could not praise them enough. It seems incredible that they can respond in such a fashion and give the information necessary to people who sometimes are quite distraught about the notion of it because they think back to the good old days when one had to wait up to a month to get a passport. Now the passport office responds immediately and the staff are very good in gathering the necessary information.

The passport system in Ireland and the issuing of passports has not always been as clearcut and defined as it is nowadays. I still have a vision of a former Minister for Justice going to the Shelbourne Hotel with a bunch of passports to foreign businessmen. No matter what was the investment potential, people who come here to invest their money for the long haul and put down roots should have to apply for a passport the same as the rest of us and their application should be treated favourably. I am staggered by the notion that it could happen that one would issue a passport to people because they were investing money and had no intention of living here or had no commitment to the country, and that those passports would be delivered by a senior Minister, and it did happen. I am glad that we have a framework in place whereby that type of event would never happen. I hope we will never see its like again because that devalues the passport for all of us.

When I go abroad and use my passport I know it does not entitle me to entry to the country I am approaching but simply defines me as an Irish citizen and if something goes wrong, then the Irish Government has an interest in me. The fact that the passport is a document which is not only valuable, but is respected and issued in a particular way and is not open to being purchased, gives it a value to me that is beyond anything for which I could ask. It is about the Government having an interest in me as a citizen and if anything should go wrong, then it will state that interest clearly. That is the purpose of one's passport. That is why we should not allow it be devalued by being used as a method of identification for the most spurious of reasons and we should ensure that does not happen again.

I am glad to see provision in the legislation for penalties for people who abuse it, by using it falsely, by using a false passport, by stealing it etc. I assume the reason the Columbia Three were never charged was because there was no provision in legislation at the time. That matter should be clarified because most people ask why they were not charged. It was obviously because there was no offence. It is handy to have that provision in place for all of us, not just people who have offended in the past but anyone who would find himself or herself in that position. I am glad that provision is included. I am glad we are at long last putting the issuing of passports on a statutory footing. I am also glad it is down to a particular Minister whether or not a passport can be issued and the reasons it cannot be issued must be made clear as well. There will be cases where a passport will be refused and we must put in place a clear passage of appeal. That must happen because mistakes will be made — it is the nature of things. We need to put a clear appeals system in place for no other reason than that people will get the exact reason they were refused and if it is wrong in any of its detail, they will be able to appeal the decision.

Just like the legislation that Mervyn Taylor, the former Minister for Equality and Law Reform, introduced in respect of stating what was the occupation of a mother, this legislation will be far more significant in years to come than it appears to be. It is good legislation. I am sure there will be bits and pieces to discuss on Committee Stage but, nevertheless it is welcome legislation which I hope will make us all sit up, take notice and appreciate the value of our passport.

Deputy Aengus Ó Snodaigh: Tá sé go hiontach go bhfuil an deis agam labhairt ar an Bhille seo. Don chuid is mó, tá sé ceart go bhfuil an Bille seo curtha os comhair na Dála ach tá roinnt rudaí ann a bhfuil muid buartha fúthu — an ceart taistil lasmuigh den Stát agus an ceart go mbeidh pas ag duine atá luaite in Airteagal 40.3 sa Bhunreacht. De réir sin, tá sé ceart go bhfuil reachtaíocht ann a thugann le fios an córas atá i gceist agus conas a déileálaimid le pasanna, conas mar a eisítear iad agus cad ba chóir bheith sa phas féin. Faoi láthair tá seo faoi smacht reachtaíochta ó 1925.

The Bill introduces the concept of the child's best interests into the decision-making process. I welcome this change, as there are occasions when we need to have this approach to the fore. Section 14 provides for the issue of passports to children and outlines the conditions governing this area, including the circumstances in which the consent of a parent or guardian is not required. In these changed times, that is to be welcomed. The change is consistent with the principles of the UN Convention on the Rights of the Child.

I also welcome the introduction of the right for transgender persons to change their gender on their passports. This is a recognition of the world in which we live and the circumstances in which people find themselves. This is the first time express recognition has been given to the rights of transgender persons in law. This is a positive development which I hope is the start of the process of similar recognition in future legislation. It is important for people to be treated on an equal footing.

I have a number of key problems in regard to what is proposed. Thankfully, between the first and final drafts of the Bill, the Minister addressed some of the problems that were highlighted. However, I have a major concern about section 12 which provides for a refusal to issue passports. This section gives the Minister dangerously extensive powers of discretion with no transparency. The Minister of the day may make a decision on the basis of his or her opinion, or that of a colleague in Government, to deny a citizen a passport and, by extension, deny him or her the right to leave the State. Those rights are outlined in Article 40.3.3o of the Constitution. Thus the Minister can deprive individuals of this fundamental liberty if it is his or her view that they "might endanger public safety", "be contrary to the common good" or, in the often abused term, prejudice State security.

[Deputy Aengus Ó Snodaigh.]

This is a dangerous mechanism. I recognise that at times there may be a need for that power to exist, however, the problem is there is no guarantee that in the case of a refusal to grant a passport or the withdrawal of one, the Minister would have to issue a clear and detailed statement of the reasons for the decision. It is outrageous to vest such powers in one political personality. The Government is essentially proposing that even where no convictions exist, and perhaps even where no charges have been preferred against an individual, the Minister alone, and in the absence of any independent or judicial oversight, can sentence an individual to a lifetime of severely restricted travel or State arrest. In effect, this would result in the person having to remain within the State, given that travelling abroad in this day and age requires a passport.

An individual who considered he or she was being wrongly denied his or her constitutional right could initiate judicial review proceedings but, as anybody who has gone down that road understands, to do so is a lengthy and expensive process which would clog up the courts. Perhaps the Minister can enlighten us as to how many people have been refused passports in recent years.

At a minimum, this Bill should provide that the Minister must issue to the individual a clear and detailed statement of the reasons for his or her decision to refuse the application for a passport. Otherwise, the Bill should contain an appeal mechanism against a refusal to an independent body or individual, such as the Irish Human Rights Commission. Some organisation should be available to review the reasons for an individual to be refused a passport. I will table an amendment to this effect on Committee Stage.

For once we are producing legislation to regulate how passports are issued. The Bill introduces the use of biometric data to the process. This automatically raises human rights concerns, especially regarding the right to privacy. We have a data protection commissioner and the Irish Human Rights Commission. In the main, I welcome the Bill. I do not have a difficulty with the inclusion of biometric data on the passport *per se*, my concern relates to how the data is collated, stored and the other uses to which it can be put.

From the Department's briefing note, it appears the Bill is a response to the terrorist attacks of 11 September 2001. It should be noted that at no time has any evidence-based case been made to justify the introduction and retention of biometric and personal information belonging to passport holders. I accept there has been a demand for this from the United States and it is also part of the "fortress Europe" agenda, for a tightening up of identification for security purposes. That is the basis on which the Bill before us, and similar legislation in other countries, is predicated.

I have yet to be convinced that such a change will prevent a similar attack to that which occurred on 11 September 2001. We must take care to ensure we do not continuously undermine our basic rights in the pursuit of this agenda by forgetting the concept of human security. If we address poverty, deprivation and other such problems throughout the world, we would have a more secure and stable international community and we would not be as open to the attack that took place on 11 September 2001 or the subsequent attacks in Madrid, London and other parts of the world.

Let us consider the number of people who have been brought to this country, or other parts of the European Union, by human traffickers. These people prove that it is possible to travel without passports to any country. Interfering with the rights of law-abiding citizens will not change the situation, it will merely make travel more difficult and more expensive for us all. I accept technology is developing but just because the United States has insisted upon it, does not make it right to introduce this highly expensive system which could potentially compromise human rights. We have already jumped through the hoops with regard to passenger record numbers, PRNs, because the United States demanded them. The whole European Union capitulated under the threat that no European citizen who was not compliant would gain entry to the United States. At some stage somebody will have to call a halt. In the past five years we have repeatedly passed European legislation with regard to fortress Europe. This is part of the same agenda.

One of the key principles of privacy in data protection is that any interference with rights must be justified and proportionate. This is not proportionate or, at the least, it has not been demonstrated to me that it is. In July last year the Swiss Federal Data Protection and Information Commissioner held, in regard to the Swiss biometric passport system, that the storage of biometric data on a central database was disproportionate to the objective of identity verification of passport holders. I urge the Minister and his officials to consider this finding and ascertain whether we are moving beyond where we should be positioned at this time.

For the purposes of the Bill, biometric data are defined as information relating to distinctive physical characteristics and may include measurements of the same. Currently, the only biometric data in use for passports are facial images stored in a central database by the Department of Foreign Affairs — in other words, the photographs sent in are scanned and produced digitally on computer to make them easier to read. There is a logic to this, particularly in this day and age, as it makes proceeding through passport control quicker because a computer can read the passport. However, under the definition included in the Bill, at any time and without consultation the Minister could extend the biometrics required

from passport applicants to include iris images, fingerprints and, potentially, even DNA profiles. At a minimum, the Bill should be amended to limit biometric provisions to facial images, thereby requiring any further extension to be preceded by full Oireachtas debate and scrutiny. Essentially, I ask that we proceed with the existing system of using the facial image only. If the Minister wishes to include fingerprints, iris scans or other biometric data, the Bill should be brought back to the House to enable us to debate the measures to find whether they are proportionate and properly justified.

Will the Minister confirm that the use of this database and its contents will be limited to that of processing the issuing or cancellation of passports, as this is not clear in the Bill? If there are exceptions to this use, will he outline them? If he addresses this question, the public will be content the database may only be used for passports and cannot be used for any other purpose.

I questioned the former Minister for Justice, Equality and Law Reform last year on the situation in the National Gallery which had introduced a security system which required staff to place a finger in a fingerprint reading device. The staff were concerned by this. The Minister stated in reply that the device identified two points of recognition rather than the standard used as evidence in a court, that is, ten points of recognition. To recognise two rather than ten points of recognition might be sufficient for a passport. I was further informed that when staff were scanned, the information was scrambled in order that it could only be used by the computer and not to tell when staff arrived or left. If this type of biometric data is involved, we need to know. There is not enough detail in the Bill for us to tell what level of biometric data is being or will be sought. We need a commitment from the Minister to debate this matter further. The way the world is, it is probable that extra criteria for passports will be added bit by bit. The House should be able to determine whether such change should happen.

Will the Minister demonstrate that the new passport system will not amount to the introduction by stealth of a massive biometric database which could be used by domestic agents such as the Garda Síochána, the Revenue Commissioners or the Department of Social and Family Affairs and which cannot be used, sold on or exchanged with foreign security agencies? Will he detail the safeguards he is putting in place to prevent the abuse of this huge amount of data, which could happen? We do not want a repeat of the situation which arose last week, where a staff member in the Department of Social and Family Affairs leaked confidential information to a brother who used it to target a person to extort money. Guarding against the security agenda is not the only issue. We need a proper data protection system in place. While all such activity is covered by the Office of the Data Protection Commissioner, owing to the nature of the data and the size of

the database, we must include any extra elements required as the Bill moves through Committee and Remaining Stages.

Section 8 of the Bill states: "The Minister may, with the consent of the Minister for Finance, make such arrangements, including contractual arrangements, as he or she considers appropriate with such persons as he or she thinks fit for the processing of biometric data in respect of applicants for passports". Is the Minister seriously considering privatisation or outsourcing? One of the elements of the passport system is that it is operated by civil servants who have signed up to the Official Secrets Act and other requirements. If we are considering outsourcing or privatising the processing of something as sensitive as biometric data, or even if there is such an option, we need to know.

Section 3 provides for the making of regulations by the Minister, while section 5 provides for the performance of relevant functions by the Minister on the authority of the Government. It would be preferable, as the Human Rights Commission has stated, if an explicit reference was included in the text of the Bill concerning the obligation of the Minister to take human rights standards into consideration.

Tá a lán eile agam le rá agus labhróidh mé ar Chéim an Choiste faoi costais, an Ghaeilge agus gardaí ag síniú foirmeacha. Ní cóir go mbeadh gardaí ag cur amú ama ag saighneáil foirmeacha do dhaoine nach bhfuil aithne acu orthu. Tá súil agam go n-éireoidh leis an mBille dul trí an Chéim seo agus go mbeidh muid in ann Bille níos foirfe a dhéanamh de ar Chéim an Choiste. Tá gá le sin.

Deputy Michael Kennedy: Ba mhaith liom mo bhuíochas a gabháil as ucht an deis labhartha seo a fháil. I thank the Minister for Foreign Affairs, Deputy Dermot Ahern, the Minister of State at the Department of Foreign Affairs, Deputy Michael Kitt, and departmental officials for introducing this Bill which, when enacted, will provide relief to those, like me, who are concerned about national security. Unfortunately, events in the past decade have forced the Government and citizens to concentrate our minds on the effectiveness of our passport legislation and directly address the fear created by a resurgence in global terrorism. We need to face up to the inadequacies of our passport and identity security systems. This legislation to tighten regulation of the issuance and control of passports has been forced on us. While I am sure many of my colleagues also wish that tighter controls, including some of the provisions in the Bill, were not necessary, I am reassured by the action being taken to enhance passport security for citizens.

The Bill underpins many of the restrictions and controls that have evolved since the enactment of the original legislation in 1924. I welcome the fact that the Bill consolidates a raft of disparate legislation and will, among other things, set in stone

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offences relating to passports. It provides for the biometric processing of personal data and the general issuance of passports in a range of circumstances. We are informed that many of its provisions are already in place and form part of routine procedures for issuing passports.

The definition of a citizen's right to obtain a passport is set down in the Constitution. The Bill, for the first time, sets down in law the rights of children in respect of the issuance of passports and makes many changes regarding parental and guardian consent in respect of the issuance of a passport to a child. This is a welcome and necessary development.

While these elements appear simple and obvious, when combined they create comprehensive legislation which will protect passport security. A passport is one of the most important possessions a person can own. Not only does it define our identity, it gives us power beyond what we could have envisaged 20 or 30 years ago. In an enlarged Europe, to hold an Irish passport is of considerable benefit.

My colleagues will have received large numbers of queries relating to citizenship and passports over the years. With increasing demand for Irish passports, as reflected in the black market, comes a requirement to tighten security. I have the honour of representing Dublin North, a constituency which includes Dublin Airport where the highest priority attaches to passport security. Millions of people come through our airports every year, as is their right, and, while this has benefits for the country, in the modern climate measures are needed to ensure all persons travelling through airports hold secure, valid passports. In October 2006, the Minister for Foreign Affairs, Deputy Dermot Ahern, introduced a biometric or e-passport, a microchip document containing digital information that cannot be tampered with or altered. I am pleased to note these passports are printed in Balbriggan in my constituency. The introduction of e-passports, part of an overall European commitment to passport security, is warmly welcome. Customs officials in Dublin Airport see the benefits of this new type of passport every day.

Earlier this year, the Minister informed the House that 6,000 passports were stolen in 2006 and that his Department has an ongoing programme which urges members of the public to exercise vigilance in respect of their passports. In time, as biometric passports become the norm, the loss or theft of passports will present less of a problem. While I do not wish to underestimate the seriousness of the loss and theft of passports, details of lost or stolen passports are reported weekly across Europe and the world through the Garda and Interpol. It is my hope that as biometric passports become more common, the number of passports lost and stolen annually will decline.

I fundamentally disagree with Deputy Ó Snodaigh's comments. The case of the Columbia Three embarrassed this country and biometric passports could have resolved many of the issues involved.

This morning, we heard details of a study conducted by NUI Galway and Trinity College Dublin, which indicated that more than 70 women had been trafficked into Ireland in the past six years. A separate report in *The Irish Times* covered the case of a man currently detained in Cloverhill Prison on foot of an extradition request from the Continent to face charges of child trafficking. Had biometric passports been the norm several years ago, trafficking in persons would be much less common. In this regard, I welcome the fact that the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, will introduce a criminal law — human trafficking — Bill in the House next week.

Passports form the basis of our national and personal security. Air fares aside, passports are the real ticket into other countries and, as such, are of considerable value. I welcome the fact that this is reflected in the Bill.

Deputy Terence Flanagan: I propose to share time with Deputy Alan Shatter.

I congratulate the Minister of State at the Department of Foreign Affairs, Deputy Michael Kitt, on his appointment. The Passports Bill 2007 is important and badly needed. The failure to introduce updated legislation in this area has been a long-standing omission given that the Ministers and Secretaries Act, the most recent legislation to deal with passports, was placed on the Statute Book in 1924.

New legislation on passports is required primarily due to heightened awareness about passport security. We do not want organised criminals to get their hands on passports to be used for fraudulent purposes. Many Hollywood films show the results of identity and passport theft and it is important we address the problem.

Biometric chips are capable of holding different types of personal information, including fingerprints, facial dimensions and iris scans. The use of this type of technology to reduce fraudulent use of passports is welcome. The computers and offices in which the information is stored should be secure to ensure the wrong people cannot access it for their own benefit. The world has not faced as many threats as it has since the attack on the World Trade Centre. Identity and passport fraud has been increasing, but this legislation will ensure the incidence of passport theft will fall.

Will the estimated cost of €34 million to improve the passport service and introduce biometric passports have a direct effect on consumers through a rise in passport prices? I have received complaints from constituents about the price being on the steep side. For example, a ten-

2 o'clock

year 34-page passport costs €75 and a 66-page passport costs €100.

Acting Chairman (Deputy Seamus Kirk): I am loth to interrupt what may be the Deputy's maiden contribution, but he has 20 minutes. Deputy Shatter advises me that he will use a later slot.

Deputy Terence Flanagan: The Bill contains many welcome provisions, but are the penalties and offences sufficient when it comes to criminal gangs? We are discussing fines of up to €10,000 and imprisonment not exceeding five years for certain offences or not exceeding ten years for other offences, but is the fine sufficient to concentrate the minds of criminal gangs? As passports have been abused, the law should be tightened and I welcome the new provisions.

I thank the staff of the passport office, who should be commended for their good work in providing passports, sometimes on short notice. They step up to the plate and never leave anyone short of a passport in an emergency. When people discuss passports, their first thought is of the passports for sale scandal in the 1980s. We do not want a repeat because it affected our country's international reputation. We must ensure that passports are not provided to people or businesses for big money. Would it be possible to make provision for a passport for life?

Deputy Kennedy referred to immigration services at Dublin Airport. Is there sufficient staff to ensure regular checks of passports are conducted? In recent years, there may not be sufficient staff at immigration points, in particular late in the evening. This issue has also been raised in terms of ports. Will the Minister of State examine the matter further? There are many Irish people throughout the world, particularly in South America. Are there plans to provide passports to third generation Irish?

What are the circumstances required for the Minister to refuse to issue a passport as provided for in section 12? Will the decisions be transparent and can they be appealed if people are refused passports? Are there plans to introduce a passport for life as referred to by the Fine Gael spokesman, Deputy Timmins, when he suggested that passports should be compulsory from birth onwards? This would be tied into the birth and death registers to ensure passports are rescinded when their holders die.

The passport office is centrally located on Molesworth Street, but plans to move the head office to Balbriggan where there is related activity are of concern. Located in the city centre, the office is accessible and amenable for many people, but a move to Balbriggan will make getting emergency or renewed passports more difficult for people from outside Dublin. Will the Minister of State ensure that a presence will be kept on Molesworth Street? Will the Govern-

ment re-examine passport costs, which seem excessive?

Regarding the holders of Irish passports in America, the 50,000 plus undocumented Irish comprise a significant issue. It is disgraceful that some of them are unable to attend weddings or funerals at home due to their natural fear of not being allowed re-entry into the United States of America. Will the Minister of State make it a priority to take care of the Irish abroad by ensuring the US Senate passes new immigration legislation? It is disappointing that the US Senate refused to vote in favour of reforming legislation. Having been active in that respect, will the Minister of State sustain pressure on Americans to take care of the Irish? It would be appreciated.

Will providing emergency passports become more difficult due to the use of biometric data or will the current process obtain? Will the information be kept at a secure location to prevent the wrong people breaking in and getting their hands on sensitive information, such as private details, fingerprints, facial descriptions and iris scans?

I wish the Minister of State well with the Bill, which is welcome and necessary in light of 11 September 2001. We must increase security at airports and ports to ensure only the right people — those with valid passports — are getting through. The main thrust of the Bill is progressive and I welcome its publication.

Deputy Martin Mansergh: While I may be the only Deputy who has issued passports, including emergency passports, I am not the only person in the Chamber to have done so. I am looking to the bullpen. It was a slow process in the pre-electronic age, but it was a task I enjoyed in Germany.

I congratulate the Minister of State on his appointment, which was well-deserved given his interest in the developing world. I had the honour to be his colleague in the Seanad over the past five years, so I wish him the very best in his new job.

It is more of a query than a criticism when I say the legislation before us is written in the spirit of the Ministers and Secretaries Act 1924. The word "Minister" occurs throughout the Bill. For example, section 17(1) states:

If a person to whom a passport is issued believes that the passport has been lost or stolen, he or she shall notify the Minister and an Garda Síochána of the loss or theft as soon as practicable.

This is clearly a polite administrative fiction because it is highly unlikely that a matter concerning an individual's passport will go anywhere near the Minister for Foreign Affairs except perhaps in one or two high profile or extreme cases. The Passport Office will deal with these matters. While I approve of issuing passports in the name of the Minister, do we need to maintain this fiction rather than identify the office which will

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actually issue and administer them? The Bill's form of expression seems extremely old-fashioned.

With regard to the passport for life suggested on the benches opposite, what photograph would one propose to attach to it? Likenesses tend not to be particularly good even if the photograph was only taken the previous day, so what would they be like 40 years later? I do not consider the suggestion a practicable one.

I warmly commend the Passport Office, the head of which was a colleague of mine at the time of the Good Friday negotiations, on the exemplary efficiency shown by its colleagues in every dealing I have had with it as a private individual or public representative. When I accidentally left my mobile telephone turned on while I was on holiday in Scotland this year, I received a call from a constituent in Carrick-on-Suir concerning a major passport difficulty. The constituent was travelling later that day, so there was nothing for it but to contact the Passport Office, which resolved the problem in time. I do not mean to encourage anyone to leave it to the last moment before travelling to check whether a passport has expired but the Passport Office did very well in the aforementioned emergency. When my own passport was either lost or stolen in New York last year, the consulate there was very efficient in providing a temporary replacement.

One of the outcomes of the Good Friday Agreement was the extension of passport facilities to Northern Ireland through the post office network. It was a sensitive issue because it had to be addressed in a way that would not raise ideological resistance while at the same time fulfilling the spirit of the Good Friday commitment that, in the context of Northern Ireland, one could be British, Irish or both. For practical as much as sentimental reasons, an Irish passport is a much valued badge of identity for one community and an attractive proposition for the other. It may encourage people who would see themselves as British to also identify as Irish in the spirit of the Good Friday Agreement.

In the old days, foreign travel was a rare event. Passports were stored safely and seldom used, so I imagine the danger of loss or theft was much lower. Unfortunately, from a security perspective, the uses for which a passport is demanded have proliferated. I do not approve of Ryanair's demand for passengers to carry passports or driving licences on flights within the common travel area between Britain and Ireland. The airline is almost setting itself up as a quasi-legislator in that respect. People in their late teens and early 20s use their passports in nightclubs as a proof of age. Most of us instinctively oppose identity cards but there are limited options in terms of photo identities. I accept, however, that provision has been made for special identity cards for pubs and clubs. My point is that passports are used more often than in the past and sometimes in less than secure

environments. It is not surprising, therefore, that the incidence of loss and theft has increased. Consideration should be given to solutions to that problem, such as restricting the use of passports to their primary purpose.

Significant levels of data have been collected on each of us. Presumably the addresses on the unsolicited material which comes thudding through our front doors came from somewhere. Passports do not make use of confidential information beyond the bare bones of place and date of birth, so they are different in that respect from one's social welfare or employment files.

I do not share the civil libertarian concerns expressed here. My philosophy is that provided one tries not to break the law little else matters in this regard. Society is overseen in many ways and there are many ways to access information on people so perhaps we should accept this fact but take action in clear cases of information being misused.

I am glad that the passports for sale scheme was terminated. It seemed like a good idea at the time and members of all parties solicited passports for wealthy individuals who could contribute money to worthwhile projects in their constituencies. Similar schemes were practised in other reputable democracies but nonetheless it was right to bring the practice cleanly to an end because it gave rise to scandal, suspicions and so on.

There have been cases in which passports were misused. I remember 20 years ago it emerged Irish passports were used on an American intelligence mission in the Middle East. We duly complained without obvious consequences but sought to ensure it would not happen again. Reference has been made in this debate to a celebrated incident some years ago which involved three individuals travelling to Colombia possibly on false passports. Not everything has been clarified in that regard. The brother of one of those men is a well known journalist. I do not mean to apply this to that person only but it is a pity that the media demands a degree of accountability of politicians which it does not apply to itself when an awkward situation arises. I recall an incident last autumn where various documents leaked to a leading national newspaper were destroyed and court proceedings ensued.

I am being careful not to name individuals outside the House but one of the people I referred to appears to have a very close relationship with a leading witness in a tribunal. There appears to be a concerted effort to throw any type of allegation at the Taoiseach to try to bring him down. Given that the lead witness is domiciled outside the country and could not possibly have knowledge of the background to the allegations being made, it is clear there must be a person or people guiding his hand.

Deputy Alan Shatter: The Deputy is straying somewhat beyond the subject of passports at this stage.

Deputy Martin Mansergh: This is related to the false use of passports but I have finished my point in that regard.

Deputy Alan Shatter: The Deputy is discussing tribunals.

Deputy Martin Mansergh: Those who administer and issue passports must be very careful of situations that involve a serious threat of international terrorism. I am not referring to Irish jurisdiction, but the attacks of 11 September 2001, for example, involved people who used passports and travel documents. Given the vast number of people travelling, it is very difficult to check the identities of people quickly, but the biometric passport is intended to help in that regard. When I was a passport officer 30 years ago there was a large black book in which various names were manually recorded but I am sure those days are long gone.

Reference was made to the relocation of the passport office to Balbriggan and I share the view that a front office is needed in the city centre. However, a great deal of passport processing is done by post so there is no reason that function must be carried out in Dublin city rather than another town.

I welcome this legislation because, while there have been many Irish nationality and citizenship Bills, they are slightly separate, though connected, to this issue. I am surprised to learn that there has been no recent passport legislation. Where administrative practices exist, and given the close monitoring of administrative acts carried out by the Judiciary, it is important to ensure the law is clear.

Deputy Alan Shatter: I welcome the publication of this legislation. It is an anomaly that no detailed passport legislation has been enacted in the history of the State. The issuing of passports has, essentially, been a discretionary exercise carried out by the Minister of the day on behalf of the Government.

Many of the provisions in this Bill are worthwhile but substantial amendments are required if great difficulties are to be avoided in a number of areas to which I will refer. In one respect this Bill is seriously, if not fatally, flawed and will require very detailed amendment to ensure it works in a manner that protects people's constitutional rights.

I will first consider the fatal flaw in the Bill that must be addressed. It is important that the Bill sets out the backdrop to the issuing of passports and details the circumstances in which the Minister may decline to issue a passport and the circumstances in which passports already issued may be revoked. It seems that the manner in which

some of these issues are being dealt with loses sight of a fact detailed in the explanatory memorandum and referred to in the Minister's speech.

Arising under the Irish Constitution, in a law case in which I must make a declaration of interest — 20 years ago I represented the applicants in the particular proceedings — the courts held that people have a constitutional right to travel. The Minister referred to that right to travel. Based on the decision delivered in that case, every citizen has a constitutional right to travel. In order to travel they require a passport, except within the common travel area, although Ryanair and some other airlines have their own perspective and impose passport requirements. However, if we take it that people generally require a passport to travel, we start from a position, with the enactment of this legislation, that every citizen has a right to a passport. Rights in the Constitution are delineated by the common good. Therefore, this right is not an absolute right, but can be curtailed in circumstances that accord with the common good. This is a summary of the court decisions in this area.

These are issues the Minister has in mind in the content of this legislation. I wish to refer specifically to section 12, which deals with the refusal to issue passports and to a later section of the Bill which deals with revocation of passports. Section 12, as phrased, confers a very wide discretion on the Minister. It states that the Minister shall refuse to issue a passport to a person in a number of circumstances — first, if the Minister is not satisfied that the person is an Irish citizen. This is reasonable and understandable. Presumably, if someone is an Irish citizen, he or she will be able to establish that fact. The second circumstance is if the Minister is not satisfied as to the identity of the person. This should not give rise to too much controversy. However, the area that gives rise to substantial difficulty is sub-paragraph 12(1)(c). It provides that the Minister can refuse to issue a passport to a person if:

(c) the person would be likely in the opinion of the Minister, after consultation, where appropriate, with the Minister for Justice, Equality and Law Reform or the Minister for Defence or both, to engage in conduct that—

(i) might prejudice national security or the security of another state,

(ii) might endanger public safety or order,

(iii) would be contrary to the common good, or

(iv) might endanger that person [That is the passport applicant] or others.

In a nutshell, this provision is designed to ensure that if we have our own domestic-grown citizen suicide bombers who want to use a passport to leave the country and perpetrate mayhem elsewhere, we can refuse to issue a passport for them, or we can refuse a passport to persons seeking a

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passport who have knowledge of matters relating to State security that could give rise to difficulties and place the State in danger. I have no difficulty with provisions (c)(i) or (c)(ii), the prejudice to national security or the security of another state or the danger to public safety or order. The State has a role to play in this area. It also has a role to play where people might endanger themselves or others.

People have a constitutional right to a passport. However, based on the way this legislation is drafted, a person can be deprived of his or her passport and his or her constitutional right to travel as a result of a secret discussion that takes place, between the Minister for Foreign Affairs and the Minister for Defence or the Minister for Justice, Equality and Law Reform, in which a conclusion is reached that if given a passport the person might prejudice national security or endanger public safety or order, or endanger himself or herself. That secret discussion takes place, but no information is furnished to the person concerned and he or she is deprived of his or her passport.

I have no doubt that if an individual citizen is deprived of a passport under this section, he or she could take the issue to the courts. This section is open to serious constitutional challenge. It is particularly open to challenge in circumstances where people are not given any information as to the basis on which they may be deprived of a passport and even more so in circumstances where there is no right of appeal. The legislation does not prescribe any statutory appeals mechanism for people for whom it is concluded a passport should not be provided.

I am not being naïve about this area. I understand the Garda special branch may have information or the State may have received information from Interpol which would indicate the significant security risk attached to providing an individual with a passport. It may also be contrary to national security to make that information available in full to the person to afford him or her the opportunity to contradict it. Equally, it could be the result of tittle tattle, reports in the tabloid press or malicious information provided to the Government about an individual that leads to someone being deprived of the right to travel.

Earlier, Deputy Mansergh strayed into the area of tribunals and false allegations allegedly made against the Taoiseach. I will not comment on that matter. If it is true that people could give false information to tribunals to generate hearings that cost the State millions of euro, who can say some malicious individual who dislikes someone — perhaps a neighbour or someone who has done them down in business — may not furnish information seeking to prevent a person from obtaining a passport. There are major difficulties with the provisions of this section and significant constitutional problems attaching to it. If this legislation was referred by the President, under

Article 26, for consideration by the Supreme Court, there is a serious possibility the provisions could be held to be repugnant to the Constitution and the legislation may never be enacted and signed into law.

There are also serious difficulties attached to section 12(1)(iii). This allows the Minister for Foreign Affairs, with or without a discussion with the Ministers for Justice, Equality and Law Reform and Defence, to deny someone a passport because he concludes it would be contrary to the common good. What does that mean? I was interested to note this was not spelt out in the Minister's speech. On what basis will it be concluded it is contrary to the common good that someone be given a passport?

Let us give an example. What, for instance, will happen if the Government is engaged in some controversial decisions and a meeting is to take place somewhere in one of the member states of the European Union at which Ireland is to sign up to some arrangement that is a cause of controversy at home? Perhaps it may be learned that a group of people plan to leave Ireland to demonstrate in the foreign country against the actions of the Government or Minister. If we had a particularly authoritarian Government — to put it at its most extreme a Chinese or Zimbabwean style government — or a Government that did not take too well to criticism on the international stage, would it not be hugely convenient to refuse, or at least delay, the issuing of a passport to prevent a person travelling, particularly if the person was known to be a member of an organisation going to demonstrate abroad, on the basis that it would be contrary to the common good or contrary to the good of Ireland in the context that it might, perhaps, affect our tourist industry or the image of the country?

Let us assume that in ten or 15 years we have a Government of a different political complexion. Perhaps Sinn Féin is the majority party in Government and it has a particular ideological view of the world and the rightness of its cause and wants to control those who criticise it on the international stage. This section of the Bill could be invoked in those circumstances to deny people passports. In circumstances in which in a constitutional democracy people have a constitutional right to travel, articulated by the courts arising under Article 40.3 of the Constitution, to extend the discretion to Government to deny someone a right to travel on the very broad ground that it would be contrary to the common good — whatever that means — is far too wide and dangerous a provision and requires serious and further consideration.

The powers to revoke passports mirror these grounds. On any of these grounds, someone who has already been granted a passport can have their passport revoked and the first they may discover of it is when they are notified by letter to the effect that the Department of Foreign Affairs has revoked their passport. What do they do

next? Are they given a reason? Are they entitled to a reason? There is no provision for that in the legislation. Is there anyone to whom they can appeal? There is no provision for that in the legislation. Is there any appellate system composed of independent individuals who can give further consideration to this matter? That is not in the system. Are they to telephone their Deputy? Are they to go to the High Court? Are we to create a whole new set of High Court proceedings?

If I have a passport and a constitutional right to travel, I do not believe the Government can arbitrarily revoke my passport without some form of procedure that gives me an opportunity to address any allegations made against me, in so far as that is possible within the context of protecting national security, and allows me to make my case as to the reason I should keep my passport. I urge the Minister of State to give detailed, serious additional consideration to the section that deals with the revocation of passports and the provision that deals with the refusal to issue passports.

A number of provisions in this legislation impact or impinge on what I would describe as the family law area. I know they are well intended but they are also in some respects a cause of substantial difficulty. Section 14(2) has an odd provision. It states: "If a parent of a child is not a guardian of the child, the Minister shall, in determining whether to issue a passport to the child without the consent to such issue of that parent of the child, have regard to the circumstances of the case in so far as they are known to the Minister." The purpose of that section, in a nutshell, is that if a child is born outside marriage, automatically the child's mother is a guardian of the child and the father is not a guardian. The father can apply for guardianship to the courts or become a guardian by the consent of the mother.

This section is clearly designed to facilitate some form of consultative process with the non-guardian parent, that is, the father of a child, in circumstances in which the mother seeks a passport but the way in which this operates is a mystery. The father of a child born outside marriage could contact the Minister or the Minister's office, knowing that a mother is seeking to have a passport issued, and tell the Minister something about the background circumstance and, without further ado, the Minister can deny the mother the right to a passport for her child. The child has a constitutional right to travel as well.

Let us take that a little further. There are circumstances in which children are born outside marriage in which the fathers refuse to support those children and mothers are forced to take court cases to get basic maintenance support and other financial help. There are occasions when those mothers are threatened by the fathers that they will make their life difficult if they take such action or if they progress the proceedings to hearing. A malicious father using this section, with regard to a mother of a child born outside marriage, could prevent a passport being issued if

that mother wants to go on a holiday with her young child and needs to obtain the passport for the child, without the mother having any right of hearing, knowing the reason or being forewarned. That is a very odd way to deal with those matters. That subsection should be removed from the legislation. If the mother is the guardian, she has the right to seek the passport for the child. If the father has an objection, there are court procedures that should be available.

The father can make applications to the courts to be named guardian and to prevent a passport being issued if issues exist relating to the child's welfare. That should not be a function of the Passport Office in that way and it will cause difficulty and disadvantage to individuals who are caught in difficult family circumstances. Unless the provision can be amended to address that problem, it should be removed from the section.

Other similar difficulties arise. Subsection (8) of the same section provides that the Minister may, for the purpose of subsection (1), regard a consent given in writing by a guardian of a child to the issue of a passport to the child as being the consent of that guardian, essentially until the child attains full age. To take the example of a married couple, both have consented to the issue of a passport to the child, a passport is issued and the wife, for example, holds the passport, the marriage breaks down and the parent who does not hold the passport — in this instance, the husband, although equally it could be the wife — decides to leave the jurisdiction and abduct the child but they cannot get their hands on the passport. They then go to the Passport Office secretly, without the other parent knowing it, and apply for a passport. The Passport Office, under this section, examine their files — I presume some records will be maintained — and sees that there is already on file a consent from the other parent as guardian to the issue of a passport and a passport is issued. That section is misconceived also.

If there is a consent from a guardian to the issue of a passport, the consent should apply to the issue of that passport and should not continue to apply for the 18 years of a child's minority. That provision is a hostage to fortune and in this sad and tragic area where we have cases of child abduction by both mothers and fathers in circumstances where marriages break down, that provision is an invitation to threat. It provides a mechanism to facilitate the issue of passports without the other parent who is a guardian having any knowledge of any nature whatsoever.

In the context of this legislation, there are other difficulties to which I want to make reference. I am sorry if much of what I am saying is critical. It is good that this legislation is before us and it is important that we engage in a true legislative process and seek to have it made better legislation when it is passed by the House.

I have already dealt with what I referred to as the security provisions in the legislation. Section 18(1)(d) allows for the revoking of a child's pass-

[Deputy Alan Shatter.]

port when the Minister becomes aware of a fact or circumstances which satisfy him that, for the purpose of securing the welfare of the child, the passport be cancelled. That is open to abuse not just in circumstances where a child is born outside marriage, but in the case of a warring couple who are estranged, whose marriage has broken down and the mother resents the father taking children away for vacation periods or the father resents the mother doing so. Under this provision one of them could give information to the Passport Office which generates concern that something may be wrong although that is not the case. The mother or the father might end up in Dublin Airport trying to check in for a flight only to discover, unknown to them, their passports have been revoked. That should not be part of this legislation. It should be dealt with by way of court order.

In the context of those issues I want to ask a question of the Minister. I would have liked to address other issues but we will have an opportunity to do so on Committee Stage. What record system will be in place not just in his Department, but at points of departure from the State to indicate to airlines and others if someone presents a passport that has been cancelled or revoked? How will that be known? Will there be some central registry to which those who are licensed to do so can gain access? How will this information be known by those to whom it is relevant in the context of security issues in this State and travel arrangements? There are no provisions that I can see in this legislation that allow for that in a detailed way and that is something that must be further clarified.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): I thank all the Deputies who contributed to the debate on the Passports Bill. Like many Members, this is an important Bill. The tone and content of the debate was constructive. There is a great deal of consensus in this area. We all share a desire to ensure that our citizens obtain the highest level of service and security.

It has been remarked to me that the Bill is very accessible. In so far as it is possible to do so with complex legislation, efforts have been made to use straightforward and plain language. Enactment of the legislation should, in turn, help to streamline the operation of our passport service and should result, ultimately, in a more effective and efficient service for the public. The legislative foundation should ensure that we can now take forward the passport service.

The Passport Office has the largest client base of any State service, with an estimated 4.2 million valid Irish passports in use. This covers Irish citizens throughout the world. Ireland is unusual in having such a high proportion of its adult population with passports, with an estimated nine out of every ten holding a current passport.

I referred in my opening remarks to the major innovations introduced in recent years and, in particular, to the development of the e-passport. Not alone has the inclusion of biometric data greatly enhanced the integrity and security of the Irish passport, it has also meant that Irish citizens can continue to avail of the visa waiver scheme for entry to the United States of America. This means a reduction in inconvenience and cost. The application fee for a standard non-immigrant visa is €80.

In reply to Deputy Timmins, we must maintain our visa waiver status. Last year, almost 500,000 trips to the United States were made by Irish citizens. Ireland is now in the top ten countries for visits to the United States. More people visit the United States from Ireland than from the continent of Africa or China. This is astonishing for a country with a relatively modest population. If we were to lose our visa free status there could be a sudden halt to visits to the United States of America. The US Embassy in Dublin has indicated that in such an eventuality, it could not service the local demand for visas. In no time there would be long queues in Ballsbridge and a wait of several weeks for an interview to obtain a visa. Our visa free status demands that we maintain the high technological standard of our passport and ensure the integrity of our overall passport system.

Deputy Billy Timmins: I did not say we should forgo our visa free status in the United States. I hope the Minister of State did not misinterpret my remarks.

Deputy Michael P. Kitt: Deputy Timmins raised the issue of the biometric passport.

Deputy Billy Timmins: I mentioned that holders of biometric passport do not need to sign documentation at an airport. Must holders of the old style passport sign documents at airports?

Deputy Michael P. Kitt: I will deal with the Deputy's query later.

The Passport Office is the only State service which operates on the ground in all 32 counties. There are 70 post offices throughout Northern Ireland which are part of the overall network for processing passport applications. The level of applications made through Northern post offices has been rising steadily in the past two years. This trend is likely to continue. This year, we will issue 60,000 Irish passports in Northern Ireland. I am delighted to learn that applications are arriving from all parts of the community. This is a testament to the quality of the service provided by the Passport Office.

At the opening of this debate, I outlined the sanctions available under the legislation against those who would seek to undermine our system. The Government is also anxious to ensure that citizens' rights are not unfairly impinged. The

Passports Bill 2007 was the first occasion when a Minister, other than the Minister for Justice, Equality and Law Reform, formally referred draft legislation to the Irish Human Rights Commission under the terms of the Human Rights Commission Act 2000. This referral was warmly welcomed by the commission, which is hopeful that other Ministers will follow the lead of the Minister for Foreign Affairs. In its observations, the commission considered that this legislation brought to an end what it described as a notable omission from the Irish Statute Book. The Government fully agrees and believes the Bill is an important legislative initiative. I also welcome the commission's view that the legislation is progressive and is an important step towards the clear and consistent protection of human rights in the area of the right to travel. Irish citizens will have the right to a passport enshrined in law with a small limited number of exceptions.

We live in a very different Ireland from that of our parents. Our laws and administrative practice must reflect those changes, as well as our international obligations. The need for enhanced security is a major feature of international travel, as is the need to guard against identity theft. In all walks of life we must strike a balance between conflicting pressures. I believe the Passport Bill achieves the correct balance between the need to secure the rights of our citizens and legitimate security concerns.

Deputies made some very interesting comments during the debate. Deputy Timmins raised the issue of lost and stolen passports. Prior to 2005, when the automatic passport system was introduced, the figures for lost, mislaid or stolen passports are only available for Ireland. Since the introduction of centralised production in 2005, we can give worldwide figures. The introduction of the biometric passport, or e-passport, on 16 October 2006 has greatly enhanced the security features of the Irish passport. The presence of a microchip containing a digital image of the holder has meant, for instance, that any photo substitution can now be more readily and easily detected. In 2003, 21,800 passports were lost, stolen or mislaid. In 2006, the figure was 38,713. One must bear in mind that the figures since 2005 are worldwide. The percentage figures for lost, stolen or mislaid passports were 4.6% in 2003 and 6.15% in 2006.

Deputy Timmins also raised the issue of the validity of existing passports. Machine readable passports have been issued since 1993. Handwritten passports issued at embassies abroad will require a visa for the United States only. All other countries accept handwritten passports.

Given that Ireland is not part of the Schengen agreement we have no legal requirement to put fingerprints on the e-passport. Ireland, with Australia, New Zealand, Canada and the United States, has decided not to move to fingerprinting of citizens for passports at this stage. We have not ruled it out for the future, depending on inter-

national developments. For the present we will use facial imaging.

Applicants may apply for a passport by post through their local post office or in person at public offices in Dublin and Cork. There is also a production facility in Balbriggan which handles postal applications. There are no current plans to move the public office from Molesworth Street to Balbriggan. The question of additional local offices will be kept under review.

Deputy Kathleen Lynch welcomed the Bill and spoke about the citizenship requirement set out by the Minister for Justice, Equality and Law Reform. Like her, I am aware of the huge contribution of our diaspora to societies throughout the world. The Irish passport is widely respected and I agree that it is a valuable document. The question of a national identity card is a matter for the Minister for Justice, Equality and Law Reform and I will not comment on it.

Deputy Lynch mentioned the more frequent use of passports and referred to young people using passports as identification at places of entertainment such as discos. This may be a reason more passports are mislaid or stolen. She referred to passports being used fraudulently for identification purposes, for example, in opening bank accounts. It is crucial to protect the integrity of the passport. I welcome Deputy Lynch's support on the transgender issue and her kind words for the Cork Passport Office. I will pass on her comments. Deputies have also praised the service in the Dublin Passport Office in Molesworth Street and Balbriggan.

Deputy Lynch referred to the sale of passports. I do not agree with that practice, which is now a matter for history. There is no question of such a practice taking place today.

Deputy Ó Snodaigh asked the reasons a passport may be refused. Refusals generally occur where an applicant has not established his or her identity or right to citizenship. They also arise in respect of problems with parental consent or in respect of an order under the Bail Act. It would be rare for a passport to be refused for other reasons given the constitutional right to travel. However, I wish to inform Deputies Ó Snodaigh and Shatter that it is intended that an appeals will be introduced to complement the existing provision of judicial review.

Section 19 deals with offences and penalties. There exists already several Acts to deal with general offences in respect of property. There is a need to strengthen safeguards in this area and to provide specific legislation to deal with passport offences. Deputy Terence Flanagan asked about the cost of a passport. There is no price increase envisaged. The fee for a standard ten year Irish passport is €75. It was increased from €57 in March 2004, the first increase since 1993. This fee ranks mid-range in terms of passport fees among EU member states. The UK passport is much more expensive.

3 o'clock

[Deputy Michael P. Kitt.]

Some €34 million has been spent on the new system, including €6.6 million on biometrics. I assure Deputy Flanagan that the undocumented Irish in the United States will remain a priority. On the issue of the passport for life, which was partly answered by Deputy Mansergh, the Irish Civil Aviation Organisation, ICAO, states that ten years is the maximum period for which a person may obtain a passport.

Deputy Mansergh asked why the Bill contains such a large number of references to the Minister. The Passport Office is an integral part of the Department of Foreign Affairs. It is not a separate agency or quango. References to the Minister are necessary as he or she is answerable to the Dáil in this regard. I welcome and agree with Deputy Michael Kennedy's remarks on the value of the electronic passport which greatly enhances international security. As pointed out by him, the inclusion of the biometric chip greatly reduces the risk of theft and misuse of stolen passports.

While Deputy Shatter welcomed the Bill, he again raised the issue of refusal of a passport. The Attorney General was closely involved in the drafting of this Bill. The Government would not put forward a measure which it believed to be unconstitutional. No citizen will be refused a passport for political reasons. The courts would not permit this. Deputy Shatter also raised issues relating to family passports. Section 14(2) prevents the taking outside of the country of a child where a custody case is being taken. This provision would only be used in exceptional circumstances.

I thank all Members who contributed to the debate. I am pleased the Bill has received such a warm welcome. I commend the Bill to the House.

Question put and agreed to.

An Leas-Cheann Comhairle: When is it proposed to take Committee Stage?

Deputy Michael P. Kitt: Next Tuesday, subject to agreement with the Whips.

Committee Stage ordered for Tuesday, 24 October 2007.

Land and Conveyancing Law Reform Bill 2006 [*Seanad*]: **Second Stage (Resumed).**

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

Deputy Pat Rabbitte: I am bound to say in starting the discussion this afternoon that as I listened on the last occasion when the Minister introduced the Bill and Deputy Charles Flanagan responded, I found myself overwhelmed by an emotion which does not frequently afflict me. As I sat and listened to the competing erudition about feudal statutes, the rule in *Bain and Fothergill*, the implications of the *Tulk v. Moxhay*

decision, the omission of adverse possession and squatters' rights and the nostalgia for the Statute *De Donis Conditionalibus*, I was overcome by a definite feeling of inadequacy.

Deputy Billy Timmins: That is a rare occurrence for Deputy Rabbitte.

Deputy Pat Rabbitte: Deputy Flanagan's conjured up images of examiners of title with wet towels around the backs of their necks brought me out in a cold sweat. This Bill is not for the uninitiated. The people in my constituency of Jobstown reflect on very little other than the Statute *De Donis Conditionalibus*.

The average person will simply want to know if this Bill will speed up and streamline the conveyancing of land and if it will result in reduced costs. Business people, nowadays this includes most farmers, will want to know if the new law will assist the business environment and enhance competitiveness. Many new apartment and homeowners struggling with recent and often oppressive proliferation of management companies will want to know if it offers them better protection or if they are included. Members on all sides of the House welcome the fact that this legislation will make it easier to convey and register land thus reducing delays.

I join my colleagues who have contributed to the debate in acknowledging the role of the former Minister for Justice, Equality and Law Reform, Michael McDowell, in driving this project as a joint initiative between the Department and the Law Reform Commission. It appears that a small number of lawyers and experts in this area deserve our gratitude for a complex task, knowledgeably discharged under the direction of Mrs. Justice Catherine McGuinness and her predecessor, Mr. Justice Declan Budd.

It is true it is not typical for the regularly excellent reports of the Law Reform Commission to come with a ready made text of a draft reform Bill. Given the quality and comprehensiveness of the accompanying explanatory memorandum on this occasion, perhaps the Minister should involve the Law Reform Commission in the drafting process more frequently. In fairness to the Department of Justice, Equality and Law Reform, the former Minister's legislative style was to never stay still long enough to allow the preparation of an explanatory memorandum.

The Minister, when introducing the Bill, drew heavily on the Law Reform Commission consultation paper. There is little point in my regurgitating some of the more interesting tracts from that report though they are very interesting. However, I should put on record that the Labour Party takes no issue with the sensible guiding principles that underpin the Bill which updates the law to ensure it accords with changes in modern society, promotes simplification of the law and its language to make it more easily understood and accessible, promotes simplification of the conveyancing

process, especially the procedures involved and the taking of security over land, and facilitates extension of the registration of title to land and the introduction of an e-conveyancing system as soon as possible.

As stated, the proposed modernisation of our land and conveyancing laws is welcome. Involved in this process is the consignment to history, in whole or in part, of many pre-1922 statutes and their replacement with provisions more suited to modern conditions. The ultimate goal is a comprehensive system of e-conveyancing. I ask the Minister to hazard a guess at how soon implementation of such a system is likely to be realised.

The consultation paper from the Law Reform Commission stated that registration of title was outside the scope of its report because it was dealt with recently by the Registration of Deeds and Title Act 2006. It also states, however: "What is needed primarily is completion of the computerisation programme instituted in recent years and rapid progress on extension of compulsory registration of title so as to achieve the ultimate aim of having all titles throughout the State in the system." The Minister might ask how long that project is likely to take. The layperson finds it very difficult to appreciate why the conveyancing process in the 21st century should be so cumbersome. The layperson, in his or her innocence, might have thought modern technology would greatly assist the process. The lesson from other fields of commerce is that if the process can be made amenable to modern technology surely it can be speeded up and made less expensive.

Deputy Brian Lenihan: The Deputy might be surprised to learn this project has been under way since 1707.

Deputy Pat Rabbitte: In that case I suppose there is little prospect of progress being made between now and the end of the debate.

Deputy Brian Lenihan: The Deputy might be surprised.

Deputy Pat Rabbitte: It is a long learning period. The Minister's own learned introduction of the Bill was fascinating. The average citizen, however, wants to know what the changes mean for him. Will conveyancing cost him less? I know that learned counsel, even those on leave of absence from the Law Library, do not like discussing fees but the interests of the average citizen are far more practical. The academic and sociological history may well be fascinating but what does it mean for me? The Minister seems happy enough to promote the macroeconomic benefits when he says an efficient system of title registration and transfer is essential for economic growth — and so say all of us — but there is not a word of what savings are likely to accrue to the individual purchaser, consumer and user.

The background to how approximately 85% of land in the State came to be registered in the Land Registry is the story of the agrarian revolution and how peasant proprietorship superseded Michael Davitt's original objectives. I did not know that compulsory registration of title applies, at present, in only six counties, namely Carlow, Laois and Meath from 1970 and Longford, Roscommon and Westmeath since 2006. The extension of compulsory registration of title seems a huge challenge for the property registration authority and if the Minister is correct that an efficient e-conveyancing system can only operate in respect of registered land then we have a very long way to go. Apparently, if and when this project is realised the Registry of Deeds, after 300 years, will become of interest only to historians and archivists. If we have waited since 1877—

Deputy Brian Lenihan: The Registry of Deeds was first opened in 1707.

Deputy Pat Rabbitte: If we have waited since 1707, we can wait another few years.

Great urgency is required, however, on a different issue, which is not addressed in the Bill but which people cannot afford to wait so long to be addressed. It concerns the plight of the many clients of property management companies. I saw recently that an estimated 500,000 people are in such circumstances so this is a major issue in property law. The Minister lectures us about the distinction between property management agents and property management companies, which is all very well, but, given the daily experience of so many heavily indebted young people — most are young — who are struggling to make ends meet, the Minister's distinction is somewhat arcane. As far as such people are concerned the property management company is frequently the plaything of the developer.

The employment of a property management agent is part of the confusion and obfuscation because the developer can manipulate the property management company. He can, for example, retain a couple of units in his ownership, by which he can frustrate the application of the normal company law provisions. He can use the property management agent to distract unsuspecting clients, who never intended to wake up wedded to a property management company and did not understand that was what they had signed up for. The local authority escapes responsibility for the taking in charge of such developments and is happy to look the other way. It is the best thing that ever happened to local authorities, given the backlog they already have in respect of the taking in charge of more conventional estates in urban and suburban areas. They are delighted at the new strategem by which so many units can grow up overnight, for which they do not have to take responsibility.

[Deputy Pat Rabbitte.]

Property management agents can obfuscate and delay in delivering the services it has contracted for. Many people who live in multi-unit developments would not be concerned about the detail of company law if the services for which they paid were delivered. Very often, in my experience, those services are not delivered and, when fees are arbitrarily increased, customers have no resort to the local authority and the management company, if it can keep track of the matter, which it usually cannot, will refer them to the management agent. The agent then claims he is helpless as he only has so much money in the kitty and is doing his best. In most cases, the agents have no experience of being a company, running it according to company law and requiring the services for which they have contracted be delivered. It is a mess.

It is very well for the Minister to say he looks forward to the final report of the Law Reform Commission. He said: "It will provide a foundation for which we can develop the necessary amendments to the legislation that regulate these corporate entities." That is a marvellous sentence. The Minister is well capable of such a sentence but I do not know if he came up with it himself because it needs to be worked on and there is a lot involved in it. If the 500,000 occupants of the developments to which I referred have to wait for the entire process to come to completion, this will be a project for the Minister's successor and that will not be greeted warmly outside this House. Thousands of people need redress now.

If the Law Reform Commission did such an excellent job as we have credited it with doing, in not only publishing the consultation paper but in producing the text of a draft Bill, surely the Minister can approach the commission to ask its members to undertake a similar task in respect of this more modern problem, and to resource it accordingly. The Minister is now saying that the Department of Enterprise, Trade and Employment, the Companies Registration Office, the Office of the Director of Corporate Enforcement, the National Consumer Agency and the Department of Justice, Equality and Law Reform are involved. Anyone with any experience of Government knows that the drafting process in such circumstances is a never-ending project and its effect is to put it on the long finger. Who will take the lead? Will it be the Companies Registration Office or the Department of Enterprise and Employment?

Deputy Brian Lenihan: We are taking the lead.

Deputy Pat Rabbitte: I am glad to hear that. This is the first time it has been made clear in this House which Minister will take responsibility for bringing legislation before the House. Given the amount of contact there would have to be between officials in the Department of

Enterprise, Trade and Employment and the Department of Justice, Equality and Law Reform in terms of the consumer, enforcement and company law angles, it would take an unconscionably long time if we were to go down the traditional route.

The more modest step proposed by the Minister in respect of property management agents to bring them within the remit of the licensing system proposed for auctioneers or the National Property Services Regulatory Authority is welcome but it will make little impact on the substantive issue I am trying to ventilate. It is clear from what the Minister has said that at least we now have a situation where a single senior Minister is responsible for the task of initiating legislation and bringing it before the House. The Minister may consider that he is embarking on a thankless task because the issue is quite complex. However, he must have tens of thousands of people in his constituency who are awaiting redress. There may be more of an electoral dividend in this than the Minister considers. There may be one or two developers with their noses out of joint, but it would never cause Fianna Fáil any grief to bring that about. I ask the Minister to come down on the side of the tens of thousands of oppressed owner occupiers who are in the circumstances I describe.

The Bill does not deal with landlord and tenant law to any significant extent and that is also an area of the law which requires overhauling and codification. There is a definite need to review all landlord and tenant legislation for the purpose of establishing a clear, simple, consolidated statutory code. Otherwise the law will be seriously out of touch with modern practice. Only last week I was consulted about a case where a tenant of 23 years standing was obliged to vacate her apartment on the pretext of necessary repairs and thus contract for new accommodation for 11 months, 11 months being the period that she was told would be needed for the repair and refit of her accommodation. Without notice, she was then required to return to her original accommodation after only half of the time had elapsed, at a 220% increase in the rent. If she does not come up with the 220%, if she does not pay off the new landlord to whom she is pledged for 11 months, she will forfeit her original accommodation. I have no doubt that was the purpose of the exercise.

It seems to be public policy to encourage a shift towards apartment living. If that is the case, the law lags seriously behind in terms of dealing with landlord and tenant law and protecting tenants in the kind of situation I have described. In that case, a woman who has been in her apartment for 23 years at a particular rent, who has been evicted on the pretext of necessary refurbishment which will take 11 months, had to contract for new living accommodation paying seriously increased rent, only to be told halfway through that if she does not come back to the original accommodation immediately she will forfeit it and that the new

rent will be 220% of what she was paying originally. We are far behind the play in that regard.

Historically, Irish law has always been protective of a landowner who has become mentally incapacitated. There is a high degree of certainty in terms of persons with a disability. Section 35 seems to bear that out. However, section 35(2) seems to inject uncertainty into the position and seems to offer less protection for such a vulnerable person. It leaves it open to a court to consider whether it would be reasonable in all the circumstances to have expected some other person, for example, a trustee or the committee of a ward of court, to have acted on behalf of the incapacitated owner. It is very difficult to know how this situation might be construed. What would the test be as to what a court might or might not consider reasonable in these circumstances?

An issue that arises from time to time is where one is prevented from carrying out essential repairs to one's property because, in the absence of consent from the adjoining owner, a technical trespass occurs. At the moment there is a legal vacuum in that regard. I do not know if I am correct but I understand that when this Bill is enacted a party may go to the District Court for a works order, which should bring clarity to the situation. It is an issue that most Deputies in this House have encountered in their clinics and a clear answer would be appreciated.

Another controversial area that gives rise to disputes between neighbours relates to rights of way and the extinguishment of same. As the law stands, 20 years abandonment or non-usage would not in itself automatically give rise to extinguishment. To prove that a right of way over land has been extinguished, it must be proved that the holder of the right not alone has ceased to exercise it for a minimum of 20 years but has also demonstrated a firm intention of not using it again. It is extremely difficult to prove abandonment, as the case law shows. Subject to correction by the Minister, the position under the proposed section 37 will be that a right of way is extinguished after 12 years continuous non-usage unless it is protected by registration in the Registry of Deeds or the Land Registry.

In chapter 12 of this consultation paper from the Law Reform Commission on adverse possession, the commission seems to expect that the opportunity would be taken to deal with this issue. Perhaps I am reading that incorrectly but it seems that the 2002 report on title by adverse possession of land has not been implemented. It appears that in a number of areas the law of adverse possession, known as squatter's title, needs to be clarified and improved. Judges do not always agree as to what amounts to adverse possession in Irish law. We need a clear, simple definition of adverse possession. There is a need to end the difference in treatment between tenants who hold under a written tenancy agreement and tenants who do not have a written tenancy

agreement when it comes to squatter's title to the property they occupy. At present, the Statute of Limitations 1957 treats both categories differently. I fail to see the justification for this difference.

Another matter that is not included in the Bill, and that the Minister has avoided, has arisen more frequently in recent years than previously, namely, the question of the right to roam. My colleague, Deputy Quinn, produced a very thoughtful and innovative way of addressing this issue. It was also very timely because I believe it caused our vote in the farming community to rise exponentially in the general election.

Apart from that consideration, the fact is that there is a real issue to be dealt with and Deputy Quinn's Bill is a thoughtful effort at doing so. It does not affect land that is capable of being cultivated or land above 500 m sea level. I take no comfort from the fact that the matter is in the possession of the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. Whatever hope I carry in my heart that the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, might bring forward a Bill to curb and regulate property management companies, the prospect of the Minister, Deputy Ó Cuív, emerging with legislation that will bring the farmers of Ireland in behind the right to roam is very remote.

An Leas-Cheann Comhairle: I ask the Deputy to move the adjournment of the debate.

Deputy Pat Rabbitte: I will be glad to do so. I ask the Minister for Justice, Equality and Law Reform to turn his mind to this subject when he is replying.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Public Transport.

1. **Deputy Fergus O'Dowd** asked the Minister for Transport and the Marine the progress that has been made to address the lack of park and ride facilities in Dublin; if his Department has plans to meet the target of 74 park and ride sites in Dublin as was stated at the outset of Transport 21; the number of additional sites that have been provided since they were announced in December 2005; his plans to introduce park and ride sites in the commuter towns outside Dublin that have no such facilities; and if he will make a statement on the matter. [24668/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Good progress is being made on the provision of park and ride facilities in the

[Deputy Noel Dempsey.]

greater Dublin area, GDA. Iarnród Éireann is currently undertaking a nationwide programme of expanding and upgrading station car parks and 17 of these are in the GDA. New facilities at Leixlip Louisa Bridge and Adamstown were opened already this year and plans are well advanced at Donabate, Rush, Lusk and Sallins. Upgraded facilities at Gormanstown for 250 cars have also recently been provided. To date, 800 extra spaces have been provided in the GDA, along with the 200 extra spaces at Sallins which will be opened shortly. I have approved funding for Iarnród Éireann for a further 600 spaces at three other sites and proposals for a further 500 spaces are being considered by my Department.

The park and ride sites on the proposed Luas and metro lines will open simultaneously with the start-up of services. The extension of the Luas line to Cherrywood will include a park and ride site with 350 spaces at Carrickmines which will open in late 2010. Proposals from local authorities for rail-based park and ride facilities will also be considered for Transport 21 funding.

A DTO report has concluded that bus-based park and ride has a limited role in Dublin because of the city's size and consequent distances. Nonetheless, where there is a sound business case, my Department will give favourable consideration to funding. I understand that Dublin South County Council is awaiting the outcome of its application to An Bord Pleanála for permission for a bus-based park and ride facility close to Leixlip. I am confident that the Transport 21 commitments on park and ride facilities will be comprehensively delivered.

Deputy Fergus O'Dowd: Park and ride facilities are well below what were targeted in the national plan in Transport 21. There are no park and ride facilities on the approaches to Dublin from the main motorway between Belfast and Dublin. If there were such a facility, it would prevent the delays people experience, notwithstanding the option of the port tunnel. While it is up to the local authorities in theory to make the proposals, we need a Dublin transport authority and a more dynamic team to drive the agenda. The local authorities are in some cases playing their part, but in other cases they are not doing so. Will the Minister make it happen?

Last week, people were waiting in traffic for an hour, having passed the entrance to the port tunnel, because they could not pay €12 before they got to Whitehall. If a park and ride option was available, people could take the bus.

Deputy Noel Dempsey: I do not disagree with the Deputy. There is an emphasis on Transport 21 and some local authorities have been better than others in providing facilities. When the work starts on the metro and the joining of the Luas lines in the centre of the city, we must ensure we have plenty of park and ride facilities on the out-

skirts. I will encourage the local authorities to provide facilities.

Deputy Fergus O'Dowd: The park and ride facilities are being provided by the taxpayer through the grants given to Iarnród Éireann. In Gormanstown, in the Minister's constituency, Iarnród Éireann is charging for the use of the park and ride facilities. The taxpayer has paid for them and Iarnród Éireann is hiking up the prices on people who want to use public transport. It is inequitable to take taxpayers' money to build park and ride facilities and then charge for using them. People who use rail transport are very angry, particularly in the Minister's constituency. Will he address this issue with Iarnród Éireann and ensure that taxpayers' money is not used to generate more money for itself? It should be running a more efficient service in any event.

Deputy Noel Dempsey: I have a fundamental disagreement with the Deputy on charges for park and ride, regardless of whether the facilities are in my constituency.

Deputy Fergus O'Dowd: Gormanstown.

Deputy Noel Dempsey: Gormanstown is in my former constituency; it is in Deputy Shane McEntee's constituency. It gives him an issue that he can talk about. The charges of €2 per day or €5 per week are very modest. The charges were designed to prevent people using the facilities who were not using the trains. It is modest and it provides some deterrent, although the evidence is that it does not deter everybody.

Over the lifetime of Transport 21, a total of €180 million is available to local authorities for providing park and ride facilities in the greater Dublin area. When the facilities are in place, there is a need to service and maintain them. One of the principles of the provision of park and ride facilities is that the cost of the facilities should not be added to rail fares. I am happy that the charges are reasonable. The facilities offer an incentive and the small charge is a deterrent to those who wish to park but not travel by train.

Aer Lingus Group.

2. **Deputy Thomas P. Broughan** asked the Minister for Transport and the Marine if he will call an extraordinary general meeting of Aer Lingus to deal with the proposed loss of Shannon Airport's Heathrow slots; when he will fill the two vacant Government directorships on the board of Aer Lingus; the directions and roles these two directors will be mandated with; the contacts he has had with Aer Lingus management, unions or State industrial relations bodies in terms of the current industrial relations turmoil and the possible effects of same on the social partnership process if the current approach is allowed to proceed; if he will use the powers available to the Government under section 38 of

the Industrial Relations Act 1990 to refer the dispute to the Labour Court or the Labour Relations Commission or to request the commission, the court or another body to conduct an inquiry into the dispute and to report back to him; and if he will make a statement on the matter. [24529/07]

Deputy Noel Dempsey: The Government's legal advice is that, having regard to the duties of the board of directors pursuant to the Companies Acts and the memorandum and articles of association of Aer Lingus, shareholders do not have the power to overrule management decisions on business matters. In effect, this means that even if the Government on its own, or in combination with other shareholders, called an EGM, management of Aer Lingus is not obliged to follow any directions from shareholders regarding business matters or to obey any resolution regarding such matters.

Regarding the appointment of directors, the State is entitled under the memorandum and articles of association to appoint three directors to the board of Aer Lingus. Currently, there is one State appointed director serving on the board and it is now proposed that two further appointments will be made in the near future.

The State's appointees will seek to ensure that all future decisions of the company that have significant implications for wider Government, aviation or regional development policies are considered 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. The State appointees to the board do not have a veto on board decisions. It is not possible for the State to avail of its shareholding to seek to impose non-commercial obligations on the company.

With regard to questions raised regarding industrial relations at Aer Lingus, these are matters for the company and the trade unions to address. The assistance of the industrial relations machinery of the State is regularly used to good effect by both parties and the need to avail of the provisions of section 38 of the Industrial Relations Act does not arise. I welcome, as I am sure Deputy Broughan does, the recent agreement reached at the LRC between management and Aer Lingus pilots.

Deputy Thomas P. Broughan: Is it not a fact that the Minister seriously misled this House on 26 September 2007 when responding to the debate on Shannon Airport? I note that the 2006 annual report clearly states on corporate governance that the board is responsible for establishing overall group strategy, including new activities and withdrawal from existing activities.

The Minister and his predecessor, Deputy Martin Cullen, knew of the danger to slots at Shannon and possibly at Cork and Dublin since

the expansion project. Is it not clear that Mr. Francis Hackett, the existing governor appointed by the Government, would have known of this expansion plan and would have been duty bound to bring it to the Minister's attention, notwithstanding the presence of directors such as Mr. Chris Wall and Mr. Ivor Fitzpatrick on the board?

The Minister now says that the two new directors will receive a mandate to look at regional policy and protect connectivity in Ireland. Surely that was the existing mandate for Mr. Hackett? Did the Minister, therefore, mislead the House on the matter during his speech on Shannon? Either the Minister should resign, with the Minister for Social and Family Affairs, or he is leading a totally dysfunctional Department, in which case he should still resign.

Is there a management committee structure in the Department? I certainly could not find any minutes of such a committee on the website. I shadowed the Minister when he was Minister for Communications, Marine and Natural Resources and there was a management committee to which the Minister referred me several times. Why was this not passed up the line from Mr. John Murphy to the Secretary General to the Minister?

On the day he entered the Department, the Minister was given this document, a briefing of all the activities of the Department as of 14 June. Ms Julie O'Neill kindly gave me a copy when I became Labour Party spokesman on transport. It refers to a wide range of problems that might arise, but it does not mention the elephant in the room. Was the Minister not duty bound to ask if there were problems with the ongoing privatisation of Aer Lingus and Shannon Airport? Did the Minister not fail in that duty and mislead the House and should he not now resign?

Deputy Noel Dempsey: It usually takes Deputy Broughan a little longer to call for the resignation of the Minister he is shadowing.

Deputy Thomas P. Broughan: This is unprecedented.

Deputy Noel Dempsey: Inevitably, however, he does it fairly often during the course of a Government. The briefing document the Deputy refers to is the one I got containing information about various aspects of the work of the Department. I am glad the Deputy confirms there is nothing in it to indicate a problem.

Deputy Thomas P. Broughan: It mentions Shannon Airport several times, saying it has an unsustainable cost base.

Deputy Noel Dempsey: That is a totally separate issue to do with Shannon Airport generally. The Government, my predecessor and I were always aware when the company was to be privatised that the slots were among the most valu-

[Deputy Noel Dempsey.]

able assets, with staff and aircraft. We can see the competition for them and we endeavoured in the privatisation to put in place as much of a safeguard as we could to prevent the disposal of the slots. I am still confident that the rules, regulations, memorandum and articles of association protect the slots from disposal and they have served their purpose.

Air Services.

3. Deputy Fergus O'Dowd asked the Minister for Transport the way he will prevent further loss of connectivity of Irish airports, such as Cork and Shannon, to major air traffic hubs, such as Heathrow; if the delay in appointing new directors to the Aer Lingus board is jeopardising the connectivity of Irish airports served by Aer Lingus; and if he will make a statement on the matter. [24669/07]

Deputy Noel Dempsey: The Government will seek to ensure that connectivity at Irish airports is maintained and developed through the continued implementation of its aviation strategy, which is to promote the development of as wide a range as possible of competitive international air services to and from Ireland to underpin our economic growth and competitiveness.

We need regular, safe, cost-effective and competitive air services linking the country to key business and tourism markets around the world. To this end, within the European Union, Ireland has consistently supported market liberalisation measures which have served as the platform for the rapid expansion of aviation generally. We have also promoted liberalisation on a wider basis, most recently in pressing for the conclusion of the EU-US open skies agreement and in concluding a more liberal agreement on a bilateral basis with Canada.

I should add that our approach to the encouragement of air services is complemented by our policy on the development of airport infrastructure within the country. The main objective is to ensure that the three State airports have sufficient capacity to respond to the growth opportunities of a competitive airline sector and to provide vital international access. In addition, the six regional airports have a key role to play in promoting regional development.

It is open to each airport authority to introduce incentive schemes to attract new business, subject to EU competition and state aid rules. I welcome the initiative taken by the Shannon Airport Authority to introduce a new hub airport incentive scheme to encourage airlines to commence new services to and from Shannon, including Shannon to Heathrow.

I have decided to appoint two further directors to the board of Aer Lingus. I will ask the State appointees to seek to ensure that all future decisions of the company that have significant

implications for wider Government aviation or regional development policies are considered at board level. That will give the State appointees the opportunity to raise the public policy implications of each decision and to ensure the full commercial implications for the company are taken into account. The State appointees to the board do not, nor will they, have a veto on board decisions. All directors, including the State appointees, will be bound by their fiduciary responsibilities under the Companies Acts.

Additional information not given on the floor of the House.

Under company law it is not possible for the State or any other shareholder to overturn a decision taken by the company on day-to-day business matters. The legal advice to the Government has been clear and unequivocal. Neither is it possible for the State to avail of its shareholding to seek to impose non-commercial obligations on the company. By appointing our full board complement it will be possible to seek to ensure that the full ramifications of all significant strategic decisions are fully discussed by the board.

The appointment of these extra directors would not have changed the decision on the Shannon to Heathrow service. The board gave the management a mandate to pursue all commercial opportunities for the airline. On foot of this mandate, management decided to discontinue the service between Shannon and Heathrow. It did not have to get the further approval of the board. The appointment of two extra directors would not have made any difference to this decision. Even if board approval was a requirement, the emphasis that the company has put on the commercial advantages of Belfast over Shannon suggests that a better understanding of the wider implications for the Shannon region and wider commercial issues for the company would not have tipped the balance in this case.

Deputy Fergus O'Dowd: Is the Minister's reply not an example of total incompetence on the part of the Government? I asked about the vacant seats on the board of directors of Aer Lingus, but in reply the Minister talked about what the directors will do when they are appointed. He refused to appoint them when he could have done so and, therefore, when the slots were being discussed, two of the Government seats were vacant and no one could articulate the policy for Shannon, the region or connectivity to Heathrow.

It is utterly unbelievable that, while everyone seems to have known about the decision of Aer Lingus; the Dublin Airport Authority knew, the board of Aer Lingus knew, the Department of Transport and the Marine knew and the Belfast groups knew, the only person who did not know was the Minister. Not alone did he not know but for 44 days he sat in the Department and no one

told him that he was not the mighty Minister, but the mighty mouse.

Deputy Noel Dempsey: Was there a question there?

An Leas-Cheann Comhairle: There may have been.

Deputy Noel Dempsey: I did not notice it. The Deputy's original question was concerned with how we will continue connectivity, it had nothing to do with what the Deputy then said.

The appointment of the extra directors, which is referred to in the question, would not have changed the decision on the Shannon to Heathrow service. The board gave the management a mandate to pursue all commercial opportunities for the airline. On foot of that mandate, management decided to discontinue the service between Shannon and Heathrow. Management did not have to get further approval from the board. The appointment of two extra directors would have made no difference to that decision, even if board approval was a requirement. The emphasis the company has put on the commercial advantages of Belfast over Shannon suggests that a better understanding of the wider implications for the Shannon region and wider commercial issues for the company would not have tipped the balance in this case.

Deputy Fergus O'Dowd: The decision was made by the board. The board discussed it before the executive went ahead. The Government seats on the board were vacant. The vow of *omerta* of the Government about Aer Lingus was in operation.

Did the Taoiseach's monitoring unit, which costs so much and which he praises so highly, not report to him the article in *The Examiner* on 13 June that stated that Aer Lingus hub plans would mean 1,000 jobs for Belfast and a loss of services in Shannon? The question is simple. The Taoiseach's office must have known about this because it monitors the media, even if the Minister was unaware of it. Was the Minister informed and, if not, why not?

The Minister is incompetent, he has failed in his duty of care and has shown an incredible lack of competence. He should tell the whole truth now.

Deputy Noel Dempsey: If the Deputy is let shadow me for the full five years, he will find that is exactly what I always do, sometimes at great inconvenience to myself. He is incorrect when he says the board decided on this issue, discussed it and knew all about it.

Deputy Fergus O'Dowd: On a point of order, I said it was discussed by the board and that the Minister was not represented by his regular nominees.

Deputy Noel Dempsey: That is not true.

Deputy Fergus O'Dowd: It is.

Deputy Noel Dempsey: The Deputy is confusing two separate issues, but I hope we will be able to give him clarity later. As far back as the IPO launch and the documentation for it, it was made clear that an expansion of Aer Lingus was envisaged and that at least there would be one other hub. Even on 13 June it was generally known that Aer Lingus was examining possibilities for other hubs. The Deputy is confusing the issue that all the slots were going to be taken from Shannon for that particular hub, which was not known.

Road Safety.

4. **Deputy Fergus O'Dowd** asked the Minister for Transport and the Marine if, in view of the transfer of responsibility for regional roads to his Department, he will delegate responsibility for the safety auditing of roads to the Road Safety Authority; and if he will make a statement on the matter. [24670/07]

Deputy Noel Dempsey: I am not considering the extension of the Road Safety Authority's remit to include road safety audits of the public road network. Safety is a fundamental consideration in the provision and maintenance of the national and non-national road networks. As such, safety issues are built in to the processes of planning, design, operation and maintenance of the roads systems. As part of my responsibility for road safety policy, I have a keen interest in ensuring road transport infrastructure and services are provided, managed and used in a manner that protects people from death and injury.

The National Roads Authority funds an extensive programme of engineering works with the aim of improving road safety and dealing with accident black spots on national roads. My Department provides funding for local authorities for the same purposes in respect of non-national roads. Ongoing responsibility for the monitoring, review and enhancement of the safety of specific road infrastructure rests with the National Roads Authority and the relevant local authorities.

Deputy Fergus O'Dowd: The whole idea behind transferring responsibility from the Department of Transport and the Marine to the Department of the Environment, Heritage and Local Government was that the condition of the roads would receive greater attention. The key to this is the necessity for an overseeing body to ensure equal standards apply throughout the country. I apologise for the error, as this question should have been put by Deputy McEntee, although my name appears on it. He has made a strong play on this issue, particularly in County Meath. We are seeking a six point road safety plan. Does the Minister agree that, in keeping

[Deputy Fergus O'Dowd.]

with international best practice, there should be a safety audit of roads? An independent authority such as the Road Safety Authority should undertake such an audit which cannot be left in the hands of those who do the work to be audited. An independent audit is required.

Deputy Noel Dempsey: I agree with the Deputy that it is extremely important that safety standards and specifications should, at all times, be a priority in the design, construction and maintenance of roads. A disagreement arises — if one wishes to call it that — in asking the Road Safety Authority to fulfil that role. I am satisfied with the role played by the authority, as well as by local authorities and council engineering staff. I do not want to comment on a specific case, but the Health and Safety Authority has been involved, even though it is probably acting *ultra vires*. An amount of work is being done on road safety, including road design. Arising from the HSA's interventions, new guidelines are being put in place. Other issues will arise from the road safety strategy, including that of soft engineering. The Garda Síochána now has a forensic unit and every accident location is treated as a crime scene. The information is fed into the system since it is important to have access to information on a combination of all these aspects. At this point, I would not like to distract the Road Safety Authority from its important job, otherwise it may have to acquire a range of skills it may not have, but I will keep the matter under review.

Deputy Fergus O'Dowd: The way forward would be for the RSA to appoint independent companies to do contract work on its behalf, including road work analysis and auditing. I would not expect the authority to take on more staff. However, the key point is that 33% of deaths on the roads are due to poor road surfaces and bad signage.

The issue concerning the Health and Safety Authority is an important one. The authority is involved because of the work done by people employed there. The budgets of many counties do not permit all necessary works to be undertaken in line with new standards. More investment is required to provide for better roadworks, better management and, in particular, an independent auditing system.

Deputy Noel Dempsey: The Deputy and I are at one in that general aim. Accident black spots, including blind spots, are being dealt with. I will certainly keep the matter under review and no doubt the Deputy will raise it again.

Drogheda Port Company.

5. **Deputy Fergus O'Dowd** asked the Minister for Transport and the Marine his Department's position on the proposals for Drogheda Port and

Bremore; and if he will make a statement on the matter. [24671/07]

Deputy Noel Dempsey: It is my intention to give approval for Drogheda Port Company to enter into a joint venture agreement to develop a new port facility at Bremore in Fingal county, subject to the enactment of necessary legislation. I am advised that an amendment to the Harbours Act 1996 is necessary to enable the port limits of the Drogheda Port Company to be extended to include Bremore and to enable me to convey approval of the joint venture agreement. The joint venture proposal is in line with established ports policy. Subject to the necessary further feasibility, commercial and regulatory work, it also presents a unique opportunity to provide significant additional port capacity in a prime location on the east coast. It is intended to develop the new facility in a number of phases. The actual capacity of the first phase will be determined by the joint venture partners in the light of the further work referred to which has yet to be carried out.

As I indicated, an amendment to the Harbours Act 1996 will be necessary to enable the joint venture to be formalised, but the feasibility work I referred to can be put in hand in the meantime. More generally, the existing legislation is more than ten years old and requires updating. My Department has made substantial progress in preparing the heads of a new harbours Bill to support further implementation of ports policy and update existing legislation. I propose to seek early Government approval for the drafting of the Bill and intend to pursue its enactment as quickly as possible.

The joint venture will help to promote competition while relieving congestion at Dublin Port. The proposal is being advanced as a stand-alone project and is not dependent or linked to any relocation of capacity from Dublin Port.

Deputy Fergus O'Dowd: I welcome the Minister's reply. As a Deputy for County Louth — I realise the Minister represents part of the adjoining county of Meath — it is important to reiterate my support for everything the Government has done on this issue. A modern deep-water port such as that to be constructed at Bremore is critical for the infrastructural development of the country. I will fully support the proposed legislation. When does the Minister intend to bring it before the House? I understand it will take approximately one year for Drogheda Port Company to go through the required process, having received commitments from the Department of Transport and the Marine yesterday or the day before. It is all systems go for the new port which will make a significant contribution to the country's economic well-being, particularly counties Louth and Meath.

4 o'clock

Deputy Noel Dempsey: I thank the Deputy for his support. While I cannot outline a specific timescale, I intend to examine the progress of the Harbours Bill with a view to ascertaining if it can be completed and brought forward relatively quickly. If it can, I will table the relevant amendments. If the legislation is likely to be delayed, I will proceed with something separate in order to amend the Bill. The necessary assurances and undertakings have been given.

Other Questions.

Question No. 6 withdrawn.

Port Development.

7. **Deputy Eamon Gilmore** asked the Minister for Transport and the Marine when he will bring the harbours Bill before Dáil Éireann in order to facilitate the plans of the Drogheda Port Company; if there will be separate legislation needed to establish Bremore Port; and if he will make a statement on the matter. [24278/07]

54. **Deputy Mary Upton** asked the Minister for Transport and the Marine the stage the Government's comprehensive study of the role of Dublin Port which was to take account of locational considerations, in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the national spatial strategy and national economic policy are at; if he will bring forward a Green Paper on Dublin Port; and if he will make a statement on the matter. [24258/07]

86. **Deputy Róisín Shortall** asked the Minister for Transport and the Marine if he will report on the recent decision to approve the development of a new €210 million port at Bremore, County Dublin; the expected capacity of the new Bremore development; the further feasibility, commercial and regulatory work that will be carried out on the Bremore project; the expected timeframe for the commencement and completion of Bremore; when he expects to receive Dublin City Council's land review of Dublin Port; if he will be issuing a Green Paper on the future of Dublin Port; the effect the Bremore Port plan will have on Dublin Port's capacity and its €40 million expansion plan; and if he will make a statement on the matter. [24247/07]

Deputy Noel Dempsey: I propose to take Questions Nos. 7, 54 and 86 together.

It is my intention to give approval for Drogheda Port Company to enter into a joint venture agreement to develop a new port facility at Bremore in Fingal County, subject to enactment of necessary legislation. I am advised that an amendment to the Harbours Act 1996 is necessary to enable the port limits of the Drogheda Port Company to be extended to include

Bremore and to enable me to convey approval of the joint venture agreement.

The joint venture proposal is in line with established ports policy. Subject to the necessary further feasibility, commercial and regulatory work, it also presents a unique opportunity to provide significant additional port capacity in a prime location on the east coast. It is intended to develop the new facility in a number of phases. The capacity of the first phase will be determined by the joint venture partners in the light of the further work referred to above, which has yet to be carried out.

Amendment of the Harbours Act 1996 will be necessary to enable the joint venture to be formalised, but the feasibility work I referred to can be put in hand in the meantime. More generally, the existing legislation is more than ten years old and requires updating. My Department has made substantial progress in preparing the heads of a new harbours Bill to further support implementation of ports policy and to update existing legislation. I propose to seek early Government approval for the drafting of the Bill and I intend to pursue its enactment as quickly as possible.

The joint venture will help to promote competition while relieving congestion at Dublin Port. This proposal is being advanced as a standalone project and is not dependent on, or linked to, any relocation of capacity from Dublin Port.

Earlier this month, Dublin City Council launched an eight week public consultation period on the report of its Dublin Bay study. That study's report looks at a wide range of economic, amenity, recreational and environmental issues linked to Dublin Bay, including the port area. The national development plan, NDP, indicates that the Government will undertake a comprehensive study of the role of Dublin Port, taking account of locational considerations, in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the national spatial strategy and national economic policy.

Dublin City Council has indicated that its Dublin Bay study is aimed at launching a public debate. The council will submit the findings of its report and any public submissions it receives thereon to me for consideration as part of the NDP study, which I intend to initiate shortly. I have no plans to issue a Green Paper on the future of Dublin Port.

Deputy James Reilly: I welcome the Minister's initiative in this area because it has major implications and possibilities for Dublin North where it will be located. Will the Minister use the opportunity afforded by the harbours Bill to ensure that provision is made to avoid the situation that has arisen in Skerries Harbour where dredgers have been abandoned and left for several months at a time? There will also be a significant opportunity to exploit the tourism potential of the area. The introduction of car ferries might also be con-

[Deputy James Reilly.]

sidered, as well as the possibility of creating a marina at Balbriggan Harbour.

The Minister said that this is a standalone project but I know he agrees with my suggestion that this development not take place in isolation but that there will be proper connectivity, including an outer orbital road which will draw traffic away from the port, to Navan, Trim and Naas to connect with other roadways. The people of Balbriggan have recently suffered enough excessive development, without the contingent infrastructure. I hope that the Minister for Transport and the Marine will use his good offices and influence with his fellow Ministers to ensure that we get the educational, law and order and other facilities that the people of Dublin North, particularly Balbriggan, so badly need.

Deputy Thomas P. Broughan: I welcome the announcement about the development of the new port at Bremore and I met the Minister a few years ago about this matter. I hope, however, that he has uppermost in his mind the traffic impact on the town of Balbriggan of a vast new port which is destined to become a significant small city. I support the last speaker's comments on this subject.

Will the Minister say categorically that he has no plans to move Dublin Port? He has decided that there will be no Green Paper but he is waiting for a report from Dublin City Council. Dublin Port, however, is the country's major port, through which 80% of its ro-ro traffic passes. It is vital to our trade that it continues to be healthy. Does the Minister agree with the chief executive, Enda Connellan, that the Irish Continental Group's 33 acre site in Dublin dock has no development value?

Deputy Noel Dempsey: I thank Deputy Reilly for bringing me on a tour of his constituency and the various issues arising there. All the matters raised in respect of the ports, the abandonment of dredgers and so on, can be taken into account. Legislation exists to deal with these matters but is probably not effective. During the election campaign I was shown what is happening there. The harbours Bill will provide an opportunity for us to see if that can be improved.

Before a major port such as Bremore can be developed it must go through a full planning process which must take into account its effect on traffic and the neighbourhood generally. Unless there is sufficient road and rail infrastructure to the port there will be little point in providing it. I am interested in advancing the outer orbital route. It would be important from the economic and environmental points of view.

Dublin Port Company is a semi-State company that operates like other companies we have discussed and no doubt will discuss later, and makes its own decisions. I will not direct it on the commercial decisions it must make. The study aims to

take into account the port and its place in Dublin. The Deputy is right to say that it is crucial to our economic growth and development. A significant amount of our trade goes through Dublin Port. It does, however, need further capacity but I do not intend to decide on its location.

Deputy Thomas P. Broughan: In other words, the Minister is not ruling anything in or out.

Deputy Noel Dempsey: No. That is entirely up to the company.

Deputy Thomas P. Broughan: That is a cop out.

Road Network.

8. **Deputy Liz McManus** asked the Minister for Transport and the Marine the stage plans the development of the Leinster orbital route have reached; his plans to fund such a project in the lifetime of this Government; if he has plans to extend this road to Arklow or Gorey; and if he will make a statement on the matter. [24250/07]

45. **Deputy Billy Timmins** asked the Minister for Transport and the Marine the situation with regard to the proposed outer orbital route for the greater Dublin area; and if he will make a statement on the matter. [23882/07]

71. **Deputy Alan Shatter** asked the Minister for Transport and the Marine his proposals for the Leinster outer orbital route, which will connect the towns of Drogheda, Navan, Naas and Newbridge; his views on whether such a proposal is economically viable, technically feasible and strategically beneficial; if the proposed orbital route is Government policy; the expected cost of same; and if he will make a statement on the matter. [24339/07]

Deputy Noel Dempsey: I propose to take Questions Nos. 8, 45 and 71 together. As Minister for Transport and the Marine I have responsibility for overall policy and funding in respect of the national roads programme element of Transport 21. The implementation of individual national road projects is a matter for the National Roads Authority, NRA, under the Roads Act 1993, in conjunction with the relevant local authorities.

Both Transport 21 and the national development plan committed the NRA to carrying out a feasibility study on the orbital route. Earlier this year, the NRA completed an updated feasibility study which built on a 2001 study which considered, in particular, the costs and benefits of such a route. The updated NRA study finds that there is merit in constructing an orbital route linking Drogheda, Navan and Naas. As part of the study, various possible route corridors were examined in detail. A corridor linking Drogheda to Navan to Naas was identified as the optimum

route having regard to the policy objectives set out in the various policy documents on the route. There are no plans to extend the route through the Wicklow Mountains to Arklow or Gorey.

Neither Transport 21 nor the national development plan provide any funding for the scheme to be brought through planning and preliminary design or to construction in the period to 2015. The study is under detailed consideration within my Department.

Deputy Liz McManus: Does the Minister not appreciate that there is considerable concern in Wicklow, Wexford and Carlow at the Government proposal for an outer orbital route that does not complete the orbit but ends at Naas?

The south east has already experienced certain difficulties in economic development and employment. Does the Minister agree that this area would lose out badly if it is not included in this major infrastructural development? Will he reconsider the exclusion of the last leg of the orbital? Will the Government accept in principle that there is an issue for the south east and that it is important that a connection be made to the N11? Will the Minister talk to people in the NRA about the very dangerous section of the N11 between The Tap pub and The Beehive pub? This section will take more lives unless action is taken to upgrade it.

Deputy Noel Dempsey: The Government is not proposing this outer orbital yet. It is for consideration in the programme for Government. The report commissioned by the NRA is still under consideration. Any proposal that comes forward will be from the NRA, and it would then have to be accepted by the Government.

I think the Deputy recognises the reason the route is as such is largely due to the technical difficulties in trying to get through the barrier of the Wicklow mountains. I do not accept that if the outer orbital is provided and the remaining leg is left out, this will cause a major disadvantage to the south east in terms of roads. There will be two major routes to the south east along the east coast and to Waterford. The south east will be well served by a good road network. The other part of the equation, but slightly further back in planning, is the study on what was always called the eastern bypass. The bypass would continue from the port tunnel and would be another major advantage to County Wicklow. Both of these will be looked at together. Wicklow will not lose out as a result of decisions that were taken.

I acknowledge what the Deputy said about the N11. We have had much correspondence from almost every Deputy and councillor from Wicklow on this issue. I have taken it on board and I have raised the issue with the NRA. It is dangerous and about €27 million has been spent on it, but it would be desirable if we could move it forward very quickly.

Deputy Liz McManus: I appreciate that, but I urge the Minister to keep dealing with that issue which is so fundamentally important. I ask him not to exclude the last leg of the outer orbital on the basis that the Wicklow mountains are in the way. It has been proposed that the road could skirt the southern end of the mountains, but if that does not happen, the south east of Ireland will be at a great disadvantage. There will be no linkage between the N11 and the new Waterford road, which is where the problem lies.

Deputy Fergus O'Dowd: Is it not a fact that the Taoiseach promised, during the general election campaign in Laytown, County Meath, that this road would be built? The Minister states today that it is not being proposed. Is it not true that the Green Party is opposed to this? Deputy Cuffe, as chairperson of the Green Party transport committee, is opposed to this route and there is disagreement in Cabinet about this. Let us have the facts. It was not included in the national development plan and it is not in Transport 21. The Taoiseach stated that it would be built, but the Minister has stated otherwise and the Green Party is opposed to it. The Minister also stated that he would build Bremore Port and we need that very badly. Infrastructure around Dublin will collapse if we do not have this outer orbital route.

Deputy James Reilly: Bremore Port cannot go ahead and the people of Balbriggan will be further disadvantaged unless this road is built. It is absolutely key.

Deputy Noel Dempsey: I was picking Deputy McManus up on a statement she made that the Government was proposing the particular route. I corrected her and stated that the NRA was proposing the route. The document shows that the cost benefit analysis is very positive.

The Government consists of Fianna Fáil, the Green Party and the Progressive Democrats and there is a commitment in the programme for Government to bring this to design stage during its lifetime.

Deputy Thomas P. Broughan: There is a Green Party veto on this.

Deputy Noel Dempsey: Up to that time, it was not in any programme. It was not included in the NDP or in Transport 21. The intention is——

Deputy Fergus O'Dowd: The Minister could have done that.

Deputy Noel Dempsey: It was put into the programme for Government to try to advance it to design stage. It will take five to six years to get it to the stage where it can be put out to tender. That is the intent during the lifetime of this Government.

Private Notice Questions.

Aer Lingus Proposal.

An Ceann Comhairle: I will call on the Deputies who tabled questions to the Minister for Transport and the Marine in the order in which they submitted their questions to my office.

Deputy Jan O'Sullivan asked the Minister for Transport and the Marine if he will make a full statement on the disclosure that his Department was aware of plans by Aer Lingus to scrap its Shannon to Heathrow routes and transfer the service to Belfast six weeks before he claims to have been made aware of the proposals; the reason he took no action in regard to such a major threat to job creation and economic investment in the west and the mid-west regions; and if he will appoint an independent figure from outside the Civil Service to carry out an investigation to establish exactly who in his Department was aware of the Aer Lingus plans and the reason no action was taken.

Deputy Fergus O'Dowd asked the Minister for Transport and the Marine if he will explain all the facts about his and his Department's knowledge of the Aer Lingus board decision to withdraw services from Shannon to Heathrow.

Deputy Kieran O'Donnell asked the Minister for Transport and the Marine the reason he was unaware of what was happening in his Department between the 13 June 2007 and 27 July 2007 in relation to the Aer Lingus Shannon to Heathrow slots; and if he will make a statement on the matter.

Deputy Arthur Morgan asked the Minister for Transport and the Marine the circumstances surrounding the fact that while officials within his Department were aware on 13 June 2007 of implications for the Shannon to Heathrow route of proposals from Aer Lingus management to establish a new base in Belfast, he maintains that he was not made aware of these matters until 27 July 2007; and if he will provide full details regarding briefings which he received on developments in Aer Lingus upon taking office.

Deputy Simon Coveney asked the Minister for Transport and the Marine if he will provide a detailed and credible explanation for the way a senior official in his Department was fully aware of the Aer Lingus decision to transfer a Heathrow service from Shannon to Belfast on 13 June 2007 and yet he was not informed of this decision until 3 August 2007, six weeks later.

Deputy Joe Carey asked the Minister for Transport and the Marine the position regarding

Aer Lingus's decision to remove the Shannon to Heathrow route in view of the fact his Department had knowledge of the proposal to remove the Shannon to Heathrow service on 13 June 2007.

Deputy Bernard J. Durkan asked the Minister for Transport and the Marine when he, his Department or other Departments or office holders first became aware of the Aer Lingus proposal to discontinue flights from Shannon to Heathrow; the person or persons to whom he or his office corresponded on receipt of such information; if the Taoiseach's office was informed; if the management of Aer Lingus was contacted; if an inter-departmental memo was circulated on the issue, then or thereafter; and if he will make a statement on the matter.

Minister for Transport and the Marine (Deputy Noel Dempsey): I thank Members for their questions. Hopefully I will be able to clarify this matter as there appears to be some confusion among them.

A media article on 13 June 2007 reported the possibility of Aer Lingus opening a new base at Belfast. Aer Lingus confirmed that a number of possible locations were being considered. Following a query to the company by my Department on foot of that article, the company, on 13 June, indicated it was considering the opening of a new base at Belfast and that, were the proposal to proceed, there would be implications for Shannon. An official conveyed the Department's concerns from the perspective of aviation and regional policy regarding the implications for Shannon and asked the chief executive to give full consideration to the ways in which a new base might be accommodated before arriving at a decision, which he agreed to do. The matter was not brought to my attention.

Subsequently, an official of the Department contacted Aer Lingus on 27 July arising from a query to the company on industrial relations matters. Again, it should be noted that contact was initiated by my Department. In the course of that conversation, it was confirmed that the company's plans for a new base had solidified and that a formal announcement was to be made on 8 August. It was also confirmed that opening the new Belfast base would entail the reallocation of Shannon to Heathrow slots to Belfast from early 2008. The official expressed concern regarding the impact of the loss of a Shannon to Heathrow service from an aviation and regional policy perspective, emphasised the importance of Aer Lingus's commitment to Shannon and indicated that these matters would be raised with the chief executive of the company.

In an e-mail to my private office on 27 July, the official stated the company intended to announce the new Belfast base on 8 August, which would entail the reallocation of Shannon to Heathrow slots to Belfast from early 2008, and referred to

the concerns he had raised. A meeting with the chairman and the chief executive was arranged for the earliest opportunity, that is 3 August, to enable me to discuss these matters with the company. At the meeting on 3 August with the chairman and chief executive of Aer Lingus, I was informed of the decision to open a hub in Belfast and the reallocation of all the Shannon to Heathrow slots to a new Belfast to Heathrow service.

A number of Deputies have asked questions regarding the period between 13 June and 27 July. It is important to make clear that officials were keenly aware that the company was in an offer period until the end of June, which meant that information obtained from the company had to be treated with absolute confidentiality. Even outside an offer period, the rules related to quoted companies impose tight confidentiality requirements relating to price-sensitive information. Aer Lingus did not indicate until late July that it had made a final decision. When contact was made in June, no decision had been taken and the company had agreed to reflect on the concerns raised by the Department.

As has been pointed out repeatedly in recent weeks, Aer Lingus is free to make such commercial decisions. It was clear from early August that the company was steadfast in its decision although the implications for Shannon had been brought to its attention and, as it stated, had been considered fully by it. Although the deeply-felt concerns of business and tourism interests in Shannon are well understood, it remains the case that Aer Lingus has not been convinced that there is a commercial case to reverse its decision.

An Ceann Comhairle: I will allow each of the questioners a supplementary question and will then ascertain how much time remains. I call Deputy Jan O'Sullivan.

Deputy Jan O'Sullivan: Will the Minister acknowledge that a document existed within his Department on 13 June that was marked for the attention of the Minister and that indicated specifically this concern? Can the Minister comment on, or explain, how the document did not reach him? This is the crux of the matter.

Does the Minister seriously expect Members to believe that during the one and a half months in question, no one informed him, the Government, the Taoiseach or the Minister for Defence, Deputy Willie O'Dea? This is despite the fact that the issue had been brought to the attention of his officials, who considered it sufficiently serious to warrant contacting the chief executive of Aer Lingus. Does the Minister seriously expect Members or the people to believe this to be the case? I find it to be incredible.

Will the Minister hold an independent investigation into this matter rather than an internal departmental investigation? Clearly, both departmental officials and the Minister are directly

implicated in this business. It is essential to have an independent investigation into this matter.

Given the issue regarding corporate governance raised earlier today by my colleague, Deputy Broughan, in Priority Question No. 2, will the Minister ask his two board members to raise as a matter of urgency at board level the need to re-investigate the entire issue pertaining to the withdrawal of the Shannon to Heathrow slots? The company's corporate governance documents state that the board is responsible for overall group strategy, including new activities and withdrawal from existing activities.

The Minister should respond to these four direct, clear questions. The people of the mid-west are horrified that this information was available, the decision could have been pre-empted and an alternative decision could have been agreed with the Government, had the Minister and his Department done their jobs. I agree with my colleague, Deputy Broughan. The buck stops with the Minister and he should consider seriously his position as Minister for Transport and the Marine.

Deputy Noel Dempsey: The Deputy asked whether there was a document in the Department on 13 June. There was, and the document in question was released under freedom of information legislation. As the Deputy noted, it was headed, "For the information of the Minister". Neither I nor my predecessor ever received that document. While everyone within the Department accepts I should have been informed of the document's contents and should have received it, I was not so informed and did not receive it.

Deputy Simon Coveney: This is rubbish.

An Ceann Comhairle: The Minister, without interruption.

Deputy Noel Dempsey: As for the reason, basically it was human error. While I do not wish to pre-empt the report, my information is that it was human error—

Deputy Simon Coveney: A civil servant is the scapegoat.

An Ceann Comhairle: The Minister, without interruption please.

Deputy Noel Dempsey: — within the Department. This is now the subject of a report.

The Deputy asked whether I seriously expect her or anyone else in the Opposition to believe what I am saying. No, I do not expect Opposition Members to believe anything that does not suit them from a political point of view.

Deputy Jan O'Sullivan: When the Government privatised Aer Lingus, Labour Party Members stated these issues would be central.

An Ceann Comhairle: The Minister must be allowed to complete his answer without interruption.

Deputy Noel Dempsey: The Deputy asked about independent investigations. It is important to establish the facts clearly and I have asked for this to be done. The resultant report will be made public.

Deputy Jan O'Sullivan: Will it be independent?

Deputy Kieran O'Donnell: Will it be an independent report?

Deputy Thomas P. Broughan: By whom?

Deputy Noel Dempsey: As for the review of Aer Lingus's decision and the appointment of directors, I have already indicated the Government will appoint two additional directors to the board of Aer Lingus. As the Deputy may not have been present in the Chamber during my reply to previous questions, I will repeat it.

Deputy Thomas P. Broughan: What is their function?

Deputy Noel Dempsey: The decision of the board in this regard was that the specific issue of the transfer of the slots was not brought before the board. The board gave a general mandate to the company and its executive to make decisions in the best commercial interests of the company. Consequently, the executive made that decision on foot of that mandate.

Deputy Jan O'Sullivan: It is the board's responsibility to make such decisions.

Deputy Fergus O'Dowd: It is incredible that the Minister has given such a response. I find it completely unbelievable that he can state he did not see anything, hear anything or know anything. Neither his press office, his advisers nor his programme managers told him anything. I wish to ask the Minister a question in respect of the Taoiseach.

Is it not a fact that there is a media watch unit in the Department of the Taoiseach and that the Taoiseach, as he said on the record of the House, circulates media reports to the relevant Departments? Did the Minister receive such a report from the Taoiseach? The reports are here and the Minister could have seen them himself if he had done a Google search. They are on the *Irish Independent* and *Irish Examiner* websites.

My second question is about the credibility of the Minister. He seems to be saying that members of the Dublin Airport Authority, the Aer Lingus board, the Belfast groups, and the Department of Transport and the Marine — at the level of assistant secretary — all knew about this issue and were talking about it, yet none of them spoke to the Minister about it. Nobody told the Minister

anything. It is as though he were in an isolated cell where nobody could communicate with him. I would have expected the Minister to meet with people such as these, including the aviation experts and the assistant secretaries, on his first day in office to find out about any big issues that would have to be faced. Were they not there? I would have expected him to find out about the matters that would affect him, the Minister, Deputy O'Dea, and the other members of the Cabinet. It is not credible for the Minister to say that he did not know. I do not accept that, nor will anyone on this side of the House. Deputy Dempsey has been a Minister for ten years in at least four different Departments. He has no credibility on this issue. I ask him again. Did the Taoiseach's media unit contact him or his Department about this issue?

Deputy Noel Dempsey: If Deputy O'Dowd can produce a newspaper article from that time that stated that Belfast would be a new hub and the slots would be removed from Shannon, I would like to see it.

Deputy Thomas P. Broughan: What about the *Irish News*?

An Ceann Comhairle: There should be no interruptions.

Deputy Thomas P. Broughan: The Minister asked a question.

Deputy Noel Dempsey: Quite clearly, that did not happen. Deputy O'Dowd is trying in his questioning to muddy the waters as much as he can——

Deputy Fergus O'Dowd: Not at all.

Deputy Noel Dempsey: ——so I will try to keep things clear.

Deputy Bernard J. Durkan: There is no need for that.

Deputy Simon Coveney: There is only one problem.

A Deputy: The Minister should answer the question.

An Ceann Comhairle: The Minister without interruption.

Deputy Noel Dempsey: It was well known — perhaps it escaped Deputy O'Dowd's attention during the course of debates on the privatisation of Aer Lingus, the production of IPO literature and so on — that Aer Lingus intended to set up hubs in other parts of Ireland or in the UK. I am not sure how many people here knew, but it was public knowledge that at least five different centres were being considered, including Belfast,

Birmingham and Glasgow. In the story that appeared on 13 June, it was stated that Belfast was a likely choice. It was not stated that all the slots would be removed from Shannon Airport——

Deputy Simon Coveney: Did it mention that some of the slots would be removed?

Deputy Noel Dempsey: ——so let us separate the two issues.

Deputy Fergus O'Dowd: Did the Taoiseach's Department contact the Minister? That is the question.

A Deputy: How many slots——

Deputy Noel Dempsey: It may suit——

Deputy Fergus O'Dowd: Did the Taoiseach's Department contact the Minister? Yes or no?

An Ceann Comhairle: The Minister should be allowed to answer without interruption.

Deputy Fergus O'Dowd: He is not answering the question.

(Interruptions).

Deputy Noel Dempsey: How can I answer when the Deputies will not let me finish?

Deputy O'Dowd should take note of what I said. It was a media report spotted by officials from my own Department that gave rise to the contact with Aer Lingus.

Deputy Fergus O'Dowd: But the Minister said he did not know about that.

Deputy Noel Dempsey: I did not say that.

Deputy Fergus O'Dowd: The Minister said the official did not tell him about the conversation he had with the chairman of Aer Lingus.

Deputy Noel Dempsey: I said I did not get the note——

Deputy Fergus O'Dowd: The Minister did not know about it?

Deputy Noel Dempsey: No, he did not tell me. That is correct.

Deputy Simon Coveney: Did the Minister know about the conversation?

Deputy Fergus O'Dowd: I am asking the Minister whether the Taoiseach's people told him about the media report.

Deputy Noel Dempsey: The Taoiseach's people did not know that the official had had a conversation with——

Deputy Fergus O'Dowd: No, but did they know about the media report? Did they tell the Minister about the report?

Deputy Noel Dempsey: No, the official in the Department told me. There is no mystery about the media report. I was not in the Department at the time the media report appeared. It was spotted by the official, who had the conversation as a result of that.

Deputy Fergus O'Dowd: The media report was dated 13 June, so it was printed on the——

Deputy Noel Dempsey: Yes.

Deputy Tom Kitt: There was no involvement.

Deputy Fergus O'Dowd: Did the Taoiseach's office contact the Minister about it?

Deputy Noel Dempsey: There was no involvement, to my knowledge, of the Taoiseach's Department.

Deputy Fergus O'Dowd: No one contacted the Minister?

An Ceann Comhairle: He said no.

Deputy Kieran O'Donnell: It defies belief that a Minister of Deputy Dempsey's experience would not have realised when he took over the Department that the key issue was the privatisation of Aer Lingus. Surely he would have asked whether there were any issues regarding the privatisation of Aer Lingus that needed to be brought to his attention. The memo he received was dated 13 June. He took over as Minister on 14 June. I expect the memorandum was prepared before he went in as Minister, and he would have been given a separate briefing on this issue. Did the former Minister, Deputy Cullen, brief the Minister on Aer Lingus and the Heathrow slots?

The Minister received information on 27 July to the effect that his Department had known since 13 June that Aer Lingus was considering pulling the Shannon to Heathrow slots. At that stage did the Minister not consider appointing two directors to the board with a mandate to protect the Heathrow slots? Does he agree that if he had appointed the directors back on 14 June when he took over as Minister we would not be in this situation now? The Heathrow slots in Shannon would have been protected.

When did the Taoiseach become aware of the proposed decision of Aer Lingus? When did the Minister first discuss it with the Taoiseach? These are critical matters. What the Minister is presenting here today does not stand up to scrutiny. Clearly, the Government knew as far back as 13 June that the decision was to be made, and it could have made certain it would not happen.

Deputy Noel Dempsey: I will go through this one more time. The official who saw the information in the newspaper on 13 June tried himself to make contact with Aer Lingus to establish the truth of the matter. He was unable to make contact directly. Another official was asked to do it because the first official had a number of meetings that morning. The second official made contact with a person in Aer Lingus and had a conversation, which he recorded and placed in the memo of 13 June. In case people are becoming confused, I will mention that this was the principal officer. In the meantime the other official, the assistant secretary, made contact with or was contacted by — I cannot say which — somebody in the company, who told him——

Deputy Simon Coveney: On a point of information, when the Minister first gave an explanation he said quite clearly that his Department made contact with Aer Lingus, not *vice versa*. Now he is saying he is not sure who made contact with whom. Could he clarify this, please?

Deputy Noel Dempsey: The official made an attempt to ring the chief executive of Aer Lingus in the morning——

A Deputy: Did he get through?

Deputy Noel Dempsey: ——but did not succeed in making contact. He told the principal officer to make contact, which was initiated. There was a conversation. I do not want to be accused of misleading the House, because I am not sure of this, but there was a conversation in the afternoon between the assistant secretary and the chief executive of Aer Lingus in which the information about the Belfast hub was conveyed. He was told that Belfast was one of a number of places being considered but that no final decision had been made, and that there could be implications for Shannon if it was chosen. The assistant secretary indicated what he knew to be Government policy——

Deputy Kieran O'Donnell: Surely he would have brought——

Deputy Noel Dempsey: He knew that this would have implications and that anything to do with Shannon Airport was sensitive. Any issue such as this would come under the remit of Government policy in the areas of aviation, regional development and so on.

Deputy Kieran O'Donnell: He must have brought it to the Minister's attention.

Deputy Noel Dempsey: He asked the chief executive——

Deputy Kieran O'Donnell: He must have.

Deputy Thomas P. Broughan: Did he tell the Secretary General?

Deputy Kieran O'Donnell: He must have brought it——

Deputy Noel Dempsey: ——to consider all of these matters——

Deputy Thomas P. Broughan: Did he tell the Secretary General?

Deputy Noel Dempsey: ——which the chief executive agreed to do. As I said, the next contact was initiated by the Department on 27 July. To answer the specific question again, neither that conversation nor the memo was brought to my attention.

Deputy Kieran O'Donnell: Who briefed the Minister in the Department?

An Ceann Comhairle: Deputy Morgan is next to speak. We are running out of time. I have no power to amend a Standing Order. This is over in five minutes.

Deputy Kieran O'Donnell: The Taoiseach will not answer.

Deputy Arthur Morgan: Will the Minister accept that it is normal practice for a Minister moving to a new Department to be given a briefing by the Civil Service on important matters within that Department? I assume the answer to that is "Yes" or "No". Was the Minister offered such a briefing? Did he ask for one, and if not, why? Did he discuss any matter related to Aer Lingus with officials in his Department prior to 27 July, and if so, with whom did he discuss them?

Why will he not ask an independent body rather than an internal departmental inquiry to investigate these matters? Who is running the Department of Transport and the Marine? Is it the Minister with responsibility or is it the Civil Service? The Government at the time blamed Aer Lingus management for removing the Shannon-Heathrow slots, describing it as regrettable. It now seems that the Minister is blaming the Civil Service for that.

Would the Minister accept that, had he acted properly with management in a timely fashion from early June, such an intervention could have led to a much better solution, salvaging the Shannon-Heathrow slots and thereby offering significant infrastructure to that part of this island?

An Ceann Comhairle: I ask everybody to be brief. Deputy Coveney will be followed by Deputies Carey and Durkan, and that is it.

Deputy Simon Coveney: I will try to be brief. On 14 June Deputy Dempsey became Minister for this, his fourth Department. He is an extremely experienced politician at this stage. He

got a written briefing from his Department, which we have seen, containing a section on the Shannon tourism and economic development and another section on the development of Shannon Airport. Is he seriously expecting us to believe that he got that written briefing but that he got no verbal briefing relating to those two sections——

Deputy Ruairí Quinn: Exactly.

Deputy Simon Coveney: ——of the briefing we have seen, and that a Minister of his experience did not ask his senior officials the basic question, whether there was likely to be a political time-bomb that is about to explode over the summer——

Deputy Ruairí Quinn: Exactly.

Deputy Simon Coveney: ——or whether he could go on holidays safe in the knowledge that the biggest political story of the summer was not about to break? Is it reasonable to be sceptical when, the day before he got this briefing, the second in command in his Department was so concerned about a political story that was about to break that he rang Mr. Dermot Mannion, chief executive of Aer Lingus, yet the following day, despite the fact that the Minister would have been required to ask questions about his written briefing, nobody chose to mention this?

This is not the Opposition looking for a political opportunity. Pure and simple, it is that we do not believe what the Minister is saying. That is why these questions have been tabled. It is not credible.

Deputy Joe Carey: I do not believe the Minister either. I want to establish when the Taoiseach was informed of all this. Was he informed, like the Minister, on 13 June? The Minister was informed on that date, he was briefed by his official and he washed his hands of it. He did not act and he turned his back on Shannon.

I want to know when the Government found out about this and when all the officials knew about it. The Minister has turned his back on us. He has sold out the people of Shannon and he must be held accountable for that.

Deputy Bernard J. Durkan: When the Minister or his Department discovered the emerging situation, what was his first reaction and what was the reaction of the official who had the information?

The Minister states he was not contacted, that he was not informed. Were other Departments informed? Was the Taoiseach's office informed and did the Minister himself ring that office?

What action did the Minister or anybody else take, to his knowledge, to ascertain whether Aer Lingus had an alternative plan to reschedule

some of its other services with a view to retaining services at Shannon?

An Ceann Comhairle: The Minister has 30 seconds.

Deputy Ruairí Quinn: The flight is closed.

Deputy Noel Dempsey: It is normal procedure to brief a Minister. I got a brief and the Deputies opposite have a copy of that brief. On 19 June I had a divisional briefing, which was verbal and around a table. I was not told at that stage——

Deputy Ruairí Quinn: It is not credible.

Deputy Noel Dempsey: I do not really care whether Deputies on the opposite side want to make a political football out of this.

Deputy Ruairí Quinn: We do not. It is not credible.

Deputy Thomas P. Broughan: The Minister himself should take responsibility.

Deputy Noel Dempsey: As I stated, I do not expect anybody in the Opposition to believe anything — it does not suit them.

Deputy Jan O'Sullivan: That is rubbish.

Deputy Joe Carey: This does not stand up.

Deputy Ruairí Quinn: We know the Civil Service.

An Ceann Comhairle: The time has expired. I must ask the Minister to conclude.

Deputy Thomas P. Broughan: The Minister should resign.

An Ceann Comhairle: I must ask the Minister to conclude, without interruption.

Deputy Thomas P. Broughan: He should resign.

An Ceann Comhairle: He must be allowed conclude without interruption.

Deputy Ruairí Quinn: The Minister has not answered the questions.

An Ceann Comhairle: He must be allowed conclude without interruption.

Deputy Noel Dempsey: Deputy Coveney asked if there was a briefing and stated that I am an experienced Minister. There was a briefing. There was a briefing document and there was a briefing session. I can tell the Deputy that I was not told of the contents of that information.

Deputy Ruairí Quinn: Not credible.

Deputy Noel Dempsey: If Deputy Quinn wants to call me a liar, he should come out and be man enough to do it.

Deputy Ruairí Quinn: It is not credible.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann 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 Ruairí Quinn — the allocation of an extra primary school teacher to a school in Dublin 2; (2) Deputy Damien English — the proposed closure of the north-east regional orthopaedic unit at Our Lady's Hospital, Navan, County Meath; (3) Deputy Tony Gregory — the application by the Ward Union Hunt for a licence to hunt; (4) Deputy Thomas P. Broughan — the need to address the decision of the HSE to withdraw funding for new bed facilities at the Hamilton Park Nursing Home in Balrothery, Balbriggan, on 3 October last where 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; (5) Deputy Chris Andrews — the measures proposed to tackle the odour problem occurring in Dublin South-East as a result of the waste water treatment plant; (6) Deputy Jan O'Sullivan — the disclosure that the Department of Transport was aware of plans by Aer Lingus to scrap its Shannon-Heathrow routes and transfer the service to Belfast six weeks before the Minister for Transport and the Marine claims to have been made aware of the proposal and the need to outline why the Government took no action in regard to such a major threat to job creation and economic investment in the west and mid-western region; (7) Deputy Joe Costello — the need for the Minister for Justice, Equality and Law Reform to enact the Judicial Council Bill without delay; and (8) Deputy Alan Shatter — the subject matter of Question No. 257 of Wednesday, 17 October 2007.

The matters raised by Deputies Damien English, Ruairí Quinn, Tony Gregory and Chris Andrews have been selected for discussion.

Adjournment Debate.

Regional Orthopaedic Unit Closure.

Deputy Damien English: I am delighted to raise this serious matter on the Adjournment. I take it that the Minister for the Environment, Heritage and Local Government, Deputy Gormley, is dealing with this as I note that once again the Minister for Health and Children,

Deputy Harney, is not here because she is denying these facts. It is disgraceful that the Minister for Health and Children and the Government are downplaying this serious issue. The Minister's take on it is nothing short of a con job.

Why must the patients of the north-east region suffer because of Government cutbacks? We were promised this would not happen. In May, before the election, the Taoiseach and the then Tánaiste and Minister for Health and Children, Deputy Harney, stated there would be no cutbacks to frontline staff. In September and October when they were asked about cutbacks they stated no patients would suffer.

The north-east regional orthopaedic unit will close for a month. This unit serves a population of 400,000. It does on average 200 operations a month. The Minister is trying to dispute that, saying it does only six. According to her own figures yesterday, she admitted that the unit has looked after 16,000 patients in the first nine months. If one divides that number by nine, one gets 177 patients, which is much more than six. It is an insult to the people of the north east and to this country that the Minister keeps speaking of the figure six. It is a disgrace. I want that confirmed and I want her to come in here at some stage and admit that she was misleading people with that figure. Her own regional organiser employed by the HSE, which reports to the Government, has admitted publicly that the figure is approximately 180. The consultants have stated it is approximately 180. Who does the Minister think she is to continue misleading us by telling us lies, that the figure is six, which is wrong?

Acting Chairman (Deputy Brian O'Shea): Deputy English should not use the word "lies".

Deputy Damien English: I feel strongly about it. It is "mistruths", which is the same. I should not use the word "lies". "Mistruths" is probably a better word to use and I apologise.

Acting Chairman: Deputy English should withdraw the word "lies".

Deputy Damien English: I withdraw the word "lies". It is a mistruth, but the figure is still wrong. It is much more than six. It is 177 to 180, according to her own figures. When this unit closes—

Deputy Ruairí Quinn: Would it be acceptable if Deputy English said it was deliberately wrong?

Acting Chairman: The Deputy has withdrawn the remark.

Deputy Damien English: Deputy Quinn is correct. It is better to say it was deliberately wrong. This unit will close for a month, which will affect people scheduled for treatment in December, but it will also have a knock-on effect on every month during 2008. Each of the approximately 500 patients on the waiting list will suffer because of

this cutback. It is wrong and deliberately untrue to continue saying only six people will be affected. Many more people will be affected. These patients will be left in serious pain.

Why were the consultants not informed when the decision was taken to close this unit? It is a disgrace that consultants who know how much pain patients are suffering were not even consulted about the closure of the unit. How is it safe for patients for someone to decide at the stroke of a pen to close this unit? This is a disgrace.

I accept the Minister may not have all the answers today but I have some questions to put to him. Why were the consultants not consulted on this serious decision? Why are the patients the ones who will suffer due to cutbacks when we were promised they would not? Does the Minister care about Our Lady's Hospital in Navan or this orthopaedic unit?

I did not receive any answers in the Minister's replies to parliamentary questions I tabled in recent days. She informed me it is not her responsibility. What exactly is the Minister for Health and Children supposed to do if not be in charge of our hospitals? It is ridiculous to say it is not her responsibility. Will the Government step in and prevent the closure of this unit? Will the Minister accept the figure of six patients is incorrect and totally and utterly misleading? Will the unit be fully operational in January?

If the unit is closed in December, no pre-operation assessment cases can be dealt with, so no patients will be ready for operation in January. In effect, this would result in two months of closure, which would be very serious. I seek clarification on this point. How much money does the Minister for Health and Children intend to save by closing the unit for a month? When a manager is absent due to illness, he or she can be replaced by a memo sent around the health service to find a replacement. A manager can be replaced but in this case it appears a unit must be closed.

Last April or May, prior to the election, we were promised in a big announcement by the Minister, Deputy Dempsey, that Our Lady's Hospital, Navan was due to get a medical assessment unit which would solve the problems experienced by the casualty department. We were promised it would open in July 2007 but construction has not even started yet and it is not due to open until 2008. This is another promise on which we have been let down.

We were also led to believe the medical assessment unit would be a permanent one but we have learned since the initial announcement that it is an interim unit which will close in 2009. Why are the people of the north east expected by the Government to accept a second-class health service? This is not good enough. People are suffering and will continue to suffer. What does the Government intend to do?

I have respect for the Minister for the Environment, Heritage and Local Government, Deputy Gormley, but I no longer respect the

Minister for Health and Children, Deputy Harney, since she got her figures wrong. I hope the Minister will bring the message to the Government that the north east can no longer endure constant cutbacks.

Since the election three announcements have been made about Navan Hospital: first, the closure of this unit; second, that there would be no medical assessment unit; and third, the withdrawal of cancer services. I am convinced all this information was available prior to the election. It was misleading and a con job not to have told people the truth in the north east. For years the people there have suffered from a lack of investment in the health service, yet they are expected to continue accepting the situation. This is not good enough.

It was confirmed during the week by the Health Service Executive's regional network manager that many vacant posts in the north east were not filled in 2007. Therefore, the current cutbacks do not look as bad as they would otherwise have. We do not appear to have to cut back as much as is actually the case. Posts were deliberately not filled in order to save money and it was decided to postpone the bad news regarding cutbacks for November and December. We need answers.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I thank Deputy English for raising this matter. I will be taking the matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney.

The Department of Health and Children is advised by the Health Service Executive that the orthopaedic department in our Lady's Hospital Navan, which performs elective orthopaedic procedures, will not be admitting patients for the month of December.

The Health Service Executive has advised that each year, before, during and after Christmas, there is a reduction in demand for elective orthopaedic services, such as hip replacements, in Our Lady's Hospital. Last year the orthopaedic unit closed completely for the month of December.

Deputy Damien English: Construction work was under way.

Deputy John Gormley: The Health Service Executive advises that six patients who have had procedures booked for December will be given alternative appointments for January 2008. Patients suffering fractures or trauma, as well as day cases and those with outpatient appointments, will continue to be treated during the month of December.

The Health Service Executive has indicated that the orthopaedic department in Navan is ahead of its set targets for procedures for 2007.

Deputy Damien English: With respect, this is not a factory.

Acting Chairman: The Minister should be allowed to speak without interruption.

Deputy Damien English: I understand that, but this is an insult to the people of the north east.

Acting Chairman: The Minister should be allowed to speak without interruption.

Deputy Damien English: There is no point in reading out the reply. It is a waste of time. It is an insult.

Deputy John Gormley: If there is no point in reading it out, I will not read it.

Deputy Damien English: It does not say anything. We can go on the figures.

Acting Chairman: The Minister should be allowed to speak without interruption.

Deputy Damien English: This is a crazy situation.

Deputy John Gormley: At the end of September the total number of elective procedures performed was 1,603, of which 331 were major joint replacements and 1,272 were other orthopaedic procedures.

The overall context for public hospital services in the country is that for each of the past three months of this year, we can still expect about 100,000 patient discharges, on a day case and inpatient basis. This excludes accident and emergency services. I say this to illustrate the high levels of service that continue to be offered in our public hospitals.

School Staffing.

Deputy Ruairí Quinn: I acknowledge the presence in the House of the Minister for Education and Science, Deputy Hanafin. I appreciate that she has chosen to reply to this matter, as in my experience this has not necessarily been the practice.

The measure of any good bureaucracy is its ability to be both consistent and flexible at the same time. The allocation of resources, especially public resources, must respect the taxpayer and be fair in terms of distribution, especially when there are so many competing demands. The allocation of an additional primary school teacher to existing school is a good example of what I mean.

The system has worked well in St. Mary's boys national school in Haddington Road. Advance notice in spring 2007 of an increase in numbers resulted in the Department indicating to the school that it would be entitled to take on an extra teacher, which it duly did. In order to do so a classroom was found within the building, but

this led to the closure of a pre-school group which affected many parents of children already in the school and others, and the redundancy of two pre-school teachers whose redundancy payments had to be funded out of the internal resources fund-raised by the school, which went for non-visible expenditure.

By the end of September this year, under the bureaucratic system I described with some praise, which I mean, the school properly informed the statistical unit within the Department it was three pupils short of the total number of extra children required. In this instance the unit in question replied that it operated on a numerical basis but an appeals procedure existed. I address this appeal to the Minister who recently visited the school. When she had a brief word with the principal in question, Liam Ó Frighil, he brought the matter to her attention. She may not recall the details as she is a busy person.

The net point of this appeal is the following. We know five extra children will be in the school by Christmas. The school caters for a large section of newcomers, as the school describes these foreign nationals. I will not use the term non-Irish population which is a most insulting designation of people. The Minister may have had a chance to read the documentation sent to her Department which outlines that many of them are people who have come here to ensure the Celtic tiger continues to work. Three of the young children who will arrive in the school before Christmas are Filipinos. They are the sons of people who are making our health system work. By Christmas the school will have the required numbers to meet the understandable criteria that have been set by the Minister and her predecessors in the Department. I urge her to exercise the discretion she possesses to look at the details of the files in her Department, which I do not propose to go into given the time constraints, and to ensure that this happens. The consequence of not doing so is the internal disruption of the school. The Minister will know what that means as she is a professional teacher. It will give rise to mixed classes.

The Minister, Deputy Gormley, who shares a constituency with me will share my concern that the closure of the pre-school and the non-appearance of the extra school teacher will be blamed on the newcomers and their children. That will have a negative effect which none of us wishes to see. I should have acknowledged the presence of another Dublin South-East Member, Deputy Chris Andrews from Fianna Fáil who is seated behind the Minister.

We all know the good work done by both the girls school and boys school. The boys come from junior and senior infants into the boys school. I ask that the Minister read the file of the case carefully and make the decision the three Deputies present would wish her to make.

Minister for Education and Science (Deputy Mary Hanafin): I thank the Deputy for raising this issue and thank the Minister, Deputy Gormley, and Deputy Andrews for being present. As noted by Deputy Quinn, I met the school principal in the forecourt of the girls school, which I was visiting, and he outlined the situation raised by Deputy Quinn, namely, that new students will be arriving at the school. The school is part of the Delivering Equality of Opportunity in Schools, DEIS, disadvantage programme, which is an inclusive programme that for the first time draws together schools, pre-schools and second level schools in an integrated programme. We have all recognised in the past that funding needs to be focused on the most disadvantaged, which is happening for the first time in DEIS, rather than having a scattered approach where funding is spread among too many schools.

St. Mary's boys national school, Haddington Road, is in band 2 of DEIS but it is as a result of its previous participation in the Giving Children an Even Break programme that it qualified for the class sizes allocation, which is 20:1 in the junior classes and 27:1 in the senior classes. This obviously allows for the allocation of additional posts.

There is a very objective system for the allocation of teachers.

Deputy Ruairí Quinn: There has to be.

Deputy Mary Hanafin: There has to be. It works on the following basis. There are 4,000 schools in the country. Traditionally, the only way teachers were allocated was on the basis of numbers on 30 September of the preceding year. Given increasing population and school numbers, we then introduced allocation on the basis of projected numbers. It was on this basis that St. Mary's boys national school made its submission and was allocated the teaching post. I was not aware it had shut down a pre-school, nor am I aware from where it got the money to pay for the two pre-school teachers — I am sure it did not come from its capitation or DEIS funding.

Deputy Ruairí Quinn: It came from the fund raised by the parents.

Deputy Mary Hanafin: The allocation was made on the condition it would reach the required enrolment by 30 September 2007. The school wrote to the Department stating it had not reached the enrolment.

Notwithstanding this, there is an independent appeals process. There are two times when this adjudication panel meets: the first is when the original allocations are made early in the summer and the second when schools apply for a review in the first week of October, as I understand it. The independent panel is genuinely independent of the Department of Education and Science and

the Minister. Were any Minister to get involved with an individual school, not only would the Minister have 4,000 schools coming after him or her, but 165 Deputies, 60 Senators and everyone else would do so also. That would not be an objective way to allocate teachers.

The allocations are not made on the basis that the pupils are newcomers or do not have English as a first language. There are classes throughout west County Dublin which hardly have native-born Irish pupils due to arrival of many newcomers. Teachers are not allocated on that basis.

I suggested to the principal of the boys school that he should indicate increased numbers were arriving and that he knew this for a fact. He indicated to me that the class guidelines under the Giving Children an Even Break scheme would be broken but that he still would not have very large classes when compared to others. However, he is making his appeal on the basis of newcomers arriving and the fact that he genuinely thought he would have them. Many schools——

Deputy Ruairí Quinn: They will be there by Christmas. If the Department of Justice, Equality and Law Reform issued the visas and all the other——

Deputy Mary Hanafin: The principal is making his appeal on that basis but he lost out on the September number because some families moved — I remember him telling me this.

It is a very objective system. At the outset Deputy Quinn stated the school was only down by three pupils but there are schools which are down by only two or one. Teachers are employed in different schools on the basis of a panel. It is a good system that has worked well given 28,000 primary teachers are now employed.

The principal's appeal will be considered on 23 October, which is next week. I hope he will be successful in that.

Deputy Ruairí Quinn: The Minister can find a way.

Hunting Licences.

Deputy Tony Gregory: I thank the Acting Chairman for allowing me to raise this issue. I also thank the Minister for the Environment, Heritage and Local Government for being present. I understand the Minister is considering a request from the Ward Union hunt for a licence to hunt domesticated deer with packs of hounds. I have a number of concerns which I hope the Minister will consider when making his decision.

I am aware the Attorney General has given the view that because section 26(1) of the Wildlife Act 1976 refers to a licence to hunt deer, this reference alone makes it irrelevant whether the deer are wild or domesticated. However, I wish to draw the Minister's attention to the alternative view that the Wildlife Act 1976 in its entirety, in particular the part which contains section 26,

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deals exclusively with wild animals and the reference to “deer” is of course intended to refer to wild deer, not farmed, domesticated deer. It is, after all, a Wildlife Act, a point I hope the Minister will accept.

I draw attention to the report of the then Department of Agriculture, Food and Forestry’s veterinary inspector, Mr. K. W. S. Kane, originally obtained under the Freedom of Information Act, of which I then placed a copy in the Oireachtas Library. Mr. Kane’s report states: “As the Red Deer at Green Park are obviously not wild animals it is equally hard to see how they fall into the ambit of the Wildlife Act, 1976 which specifically refers to ‘Wildlife’ defined therein as meaning ‘fauna and flora’, the word ‘fauna’ being further defined as meaning ‘wild animals’.” The Department inspector, an expert in his field, also states: “As the Red Deer herd ... [has been] maintained in captivity [by the Ward Union hunt] for something in the region of 150 years and is augmented regularly by stock from captive herds farmed solely for venison production, it is hard to see how they avoid falling into the category of ‘domestic animal’ for the purposes of the Protection of Animals Acts, 1911 and 1965.” The inspector’s conclusion is as follows: “It could be argued ... that the stags are domestic animals and do not fall within the ambit of the Wildlife Act, 1976 and thus that the hunts contravene the Protection of Animals Acts, 1911 and 1965.”

It was for the same reason that in the same year, 1997, the department of agriculture in the North, having taken legal and veterinary advice, decided to regard such deer as domestic animals and hunting them as an act of cruelty. It proceeded to outlaw the practice in the North.

In a Dáil reply to me yesterday, the Minister stated the Department has never granted a wildlife dealer’s licence to the Ward Union hunt, despite the fact it maintains a large herd of red deer. Surely this is further evidence that we are not dealing with wild animals but farmed, domestic, tame animals. If so, let us examine what happens to them during the hunt. For the sake of accuracy, I will quote directly from the Department inspector’s report, where he refers to stags being terrified, apparently distressed and exhausted, and concludes the hunt “must be terrifying and stressful to the animal”. My case is that there must be, at the very least, a serious concern that the hunting with packs of hounds of these tame, domesticated deer causes unnecessary suffering to the animals and must therefore be in breach of the Protection of Animals Act 1911.

I have been present to monitor the activities of the Ward Union Hunt and witnessed Mr. Bailey, Mr. Ronan and others like them at their entertainment. In terror of the hounds, the deer frantically tries to stay in front of them but, being in unfamiliar territory, the route is hazardous and it crashes through hedges, jumps over walls and ditches, crosses busy roads and even runs down

busy streets. It is a gruelling ordeal which can last for up to three hours and result in tears, bruises, bites, lameness and exhaustion.

Veterinary documents obtained by the Irish Council Against Blood Sports under the Freedom of Information Act have exposed some of the fatalities arising from the Ward Union Hunt’s activities, including a deer which died as a result of fractured ribs, two deer which died from ruptured aortic aneurysms, a deer which drowned in a quarry and a deer which collapsed and died after desperately trying to escape over an 8 ft. high wall. When the animal becomes so depleted it can no longer run, hunt members move in to tackle it violently to the ground.

I hope the Minister will consider the issues I have raised, as he must clearly recognise that this activity involves terrifying an animal unnecessarily, which is in breach of the Protection of Animals Act.

Deputy John Gormley: I thank Deputy Gregory for raising this matter. Section 26(1) of the Wildlife Act 1976, as amended, provides that the Minister for the Environment, Heritage and Local Government may grant to the master or other person in charge of a pack of stag hounds a licence authorising the hunting of deer by that pack during such period as specified in the licence. I know there are different views as to whether activities of the Ward Union Hunt are licensable, given that the deer owned by the hunt are considered domesticated animals. Accordingly, my Department obtained legal advice from the Office of the Attorney General which confirms the previous interpretation of section 26, to the effect that this section provides for the licensing of carted deer hunting irrespective of the status of the deer, wild or captive.

The Ward Union Hunt made an application to my Department in August 2007 for a licence under section 26 for the coming season. My Department wrote to the hunt on 10 September advising that I was considering not granting a licence to the hunt due to serious concerns relating to conservation and the protection of stags generally and failure to comply with previous licence conditions. I am aware that Deputy Gregory has attended hunt meetings as an observer. Officials of my Department then met with representatives of the Ward Union Hunt on 18 September and strong concerns put to the hunt representatives were discussed. Subsequently, the Ward Union Hunt responded by letter of 28 September.

I wish to see a number of issues clarified with the Ward Union Hunt and my Department will write to the hunt shortly. Following a further response from the hunt on these issues, I will be in a position to make a decision on the licence application.

Animal welfare and legal protection of animals from cruelty are the responsibility of my colleague, the Minister for Agriculture, Fisheries

and Food. The programme for Government includes a commitment to introduce a comprehensive animal welfare Bill, which will update existing legislation to ensure the welfare of animals is properly protected and penalties for offenders are increased significantly.

Water and Sewerage Schemes.

Deputy Chris Andrews: I am pleased to have an opportunity to raise this matter on the Adjournment and thank the Minister for coming to the House to discuss the issue. He is obviously conscious of the difficulties being created by the waste water treatment plant in Ringsend, which cost €300 million to construct. I am not convinced by claims that the plant has delivered an improvement in water quality around Sandymount and Dublin Bay. Those who walk along the strand, from the Tara Towers up to the Poolbeg Peninsula, will have noted what appears to be a serious rat infestation in the area. I am not keen to bring children to the area and having visited the strand a couple of times over the summer, I decided not to return such was the number of rats. I am not convinced the plant has provided a panacea for the poor quality of water in the area.

An e-mail sent to me recently by residents in the Sandymount area states:

As you will be aware the odour from the sewage plant has been a major imposition on the residents of much of Dublin South East for the past few years. We have taken up this matter with Matt Twomey Assistant City Manager and were assured that the problem would be solved by late November by installing a higher quality of dryers and covers on the sewage tanks. Two weeks ago we wrote to Mr Twomey to ask him if the installation of the dryers was on schedule (we had been told in July that the first of three dryers would be installed in August, another in October and the last in November). The reply received last week informed us that these improvements will now not be in place until some time in 2008. No target date in 2008 was given.

The odour on Friday night last (Oct.12) was the most vile and noxious to date. It was so bad in our area that my wife thought that there was a gas leak! Given the amount of time that the City Council have had to date to fix this problem and the fact that they cannot now even keep to their own remedy schedule we believe that it is now time for the government to intervene.

Before his appointment, the Minister, referring to problems with the plant, called on the Department of the Environment, Heritage and Local Government to "conduct its own investigation and reveal who is responsible for this cock-up". I appreciate, therefore, that he understands the gravity of the situation. Around this time last year, the Minister also asked when someone

would be held accountable for the problem. It appears no one will be held to account for this engineering and public relations disaster by Dublin City Council, which has affected the quality of life of people living in the area. While water quality may have improved, air quality has been particularly poor in the years since the plant was constructed.

People have given up telephoning Dublin City Council's complaints department because they have had enough and no longer have faith in the council. My office has tried to contact Dublin City Council in recent days but to no avail. Why would a member of the public bother his or her backside to contact the council when public representatives are unable to do so?

The Minister must ensure someone is held to account and made to pay for three years of failed attempts to control the odours emanating from the Ringsend plant. Why could the original contractors not fix the problem? Dublin City Council wants to increase the size of the plant while developing the Poolbeg area. While efforts to address the odour have resulted in some improvement, the problem is not nearly solved and the issue must be addressed as a matter of urgency.

I appreciate the Minister is precluded from discussing many issues affecting our constituency. Although the odour problem in the Sandymount and Poolbeg areas may not be a burning issue, it is a serious one. I am confident the Minister will deal with it as a matter of urgency.

Deputy John Gormley: I thank Deputy Chris Andrews for raising this matter. I am not precluded from discussing the issue. As the Deputy will be aware, as residents of Ringsend my family and I are personally affected by the smell emanating from the waste water treatment plant in the area. It is completely unacceptable that residents must endure this odour nuisance.

On taking office, I asked for a full report on this issue. The odour incidences at the Ringsend plant centre around an on-site sludge treatment facility and a treatment process. In 2005, Dublin City Council engaged independent consultants CDM of Boston, acknowledged experts in this area, to undertake an extensive technical examination of the processes at the Ringsend plant and to identify all possible sources of odours. Following this examination, a programme of works was commenced by the contractor operating the plant on behalf of the council. Unfortunately, the odour problem has periodically re-emerged and this has been attributed to maintenance procedures and equipment failure in the sludge process.

The first phase of the work programme to deal with odours, which eliminated the potential for odour releases from the thermal hydrolysis plant, was completed in mid-2006. The covering of the primary settlement inlet and outlet channels and the fitting of odour control units to these channels was also completed in 2006. Further works still to

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be completed include the provision of new enlarged combustion chambers to the sludge dryer units, covering the remaining open primary settlement tanks and the installation of additional odour control units for these tanks.

The three sludge dryers are being fitted with new combustion chambers. It is expected work on the first unit will be completed by the end of 2007. The second should be completed by mid-2008 and the last one by the end of 2008. Work on the 12 primary settlement tanks will be completed, starting in February 2008 and finishing in November 2008.

Some odour emissions originating from the sludge dryers have been exacerbated by the prevailing atmospheric and wind conditions. Where such unfavourable weather conditions are predicted in the short term pending the completion of the odour action programme, the operations contractor has given the council an undertaking that the sludge production operation will be adjusted to avoid the need to use the dryers.

While there has been a gradual improvement, I regret that progress has been punctuated by intermittent problems. Complaints to the council numbered approximately 100 in June 2007. Complaints in July, August and September were considerably reduced to 18, 7 and 26, respectively. There have been 13 complaints to date during October. Many people have given up calling the council. Fed up with the situation, they feel they are not getting action on their complaints.

The Deputy will accept that I am only too well aware of the annoyance and upset of people who cannot enjoy their homes or gardens because of these odours. However, I am satisfied that the council regards the putting in place of a permanent solution as a top priority and is maintaining ongoing contact with local residents' groups. I will

tell the city manager again that the council must——

Deputy Chris Andrews: Who is responsible and who will be made accountable?

Acting Chairman (Deputy Brian O'Shea): The Minister without interruption.

Deputy John Gormley: It is clear that the council of which the Deputy was a member is responsible. Unlike the Deputy, I live in the area in question and am affected by this issue.

Deputy Chris Andrews: Who will be made responsible? The Minister is in a position to make someone responsible and to hold people accountable. He should use his opportunity to do so.

Deputy John Gormley: I am making people accountable.

Deputy Chris Andrews: Who is being made accountable?

Deputy John Gormley: An independent examination of the plant has been undertaken by international consultants. They have identified the problems, remedial measures have been devised and a programme of works to resolve the situation permanently is in progress. It will be approximately one year before all remedial measures are completed, but both the council and the contractor on site are committed to doing everything possible to minimise any odour emissions in the meantime. I assure the Deputy that I will be keeping a close eye on the works' progress and on the ongoing efforts to minimise nuisance to the public. I accept that people in the area are fed up with this issue and action will be taken.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 23 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 8, inclusively, answered orally.

Public Transport.

9. Deputy Pádraic McCormack asked the Minister for Transport and the Marine the role his Department has in the provision of bus services to utilise the port tunnel; and if he will make a statement on the matter. [24403/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The provision of any public bus services on a specific route by a private bus operator is subject to the 1932 Road Transport Act. In the case of the State bus companies, the initiation or alteration of a bus service is subject to compliance with a Ministerial requirement to give advance notice to my Department and to compliance with the provisions of section 25 of the Transport Act 1958 concerning competition with licensed private operators.

It is an operational matter for the private bus operators themselves to apply for a licence or in the case of Dublin Bus and Bus Éireann to notify my Department of their intention to provide public bus services which utilise the Port Tunnel. The Tunnel is currently being used by Dublin Bus, Bus Éireann and a number of private operators, resulting in significant time savings for commuters. My Department is open to authorising additional services through the Tunnel, given the benefits it offers to commuters.

Road Safety.

10. Deputy Eamon Gilmore asked the Minister for Transport and the Marine the reason for his decision not to provide a default speed limit on non-public roads in view of the fact that it means that no urban speed limit is applied to estates not taken in charge by the local authority; and if he will make a statement on the matter. [24277/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the provisions of road traffic legislation a speed limit applies to every public road and the legislative basis for the application of speed limits on public roads is set out in the Road Traffic Act 2004. A county council or a city council can only make special speed limit bye-laws in relation to public roads that they are responsible for. A county or city manager can only make a road works speed limit order in respect of a public road. A road authority can only provide traffic signs, including speed limit signs, on a public road and the Garda Síochána can only enforce speed limits on a public road.

However, non-public roads in housing estates are classified as 'public places' since the public have access to them with vehicles. Provisions of the road traffic legislation relating to drink driving, careless driving, driving without reasonable consideration, dangerous driving, dangerous parking, obligations to use seat belts and a range of other road traffic offences can be enforced by the Garda Síochána where an offence is committed in a public place. I have no authority to apply a default speed limit to non-public roads in private residential developments.

Rail Network.

11. Deputy Róisín Shortall asked the Minister for Transport and the Marine his views on the slippage in the originally proposed planning and construction times for metro north; if he will report on his Department's invigilation of the work of the Railway Procurement Agency in this regard; the timeframe for the planning, construction and opening of metro north; and if he will make a statement on the matter. [24281/07]

35. Deputy Andrew Doyle asked the Minister for Transport and the Marine when a definitive route for the metro north will be established;

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when public consultation will cease; and if he will make a statement on the matter. [24352/07]

40. **Deputy John Perry** asked the Minister for Transport and the Marine the cost cutting measures for the metro north line that were recommended; the decisions that have been taken in this regard; and if he will make a statement on the matter. [24396/07]

112. **Deputy Richard Bruton** asked the Minister for Transport and the Marine if he is satisfied with the planning and the analysis of the metro service. [23573/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 11, 35, 40 and 112 together.

Metro North is a project of critical importance to the sustainable growth of the economy of the Dublin region. Current projections indicate that in the next ten years the population of Fingal in North Dublin will nearly double and employment will continue to grow significantly particularly in the city. There is a clear transport case for a new high capacity rail link connecting Fingal with the city centre to meet both existing demand and projected future demand. It is also a prerequisite for the construction of Metro West.

The Metro North project has been through a rigorous economic and transport evaluation undertaken by the Railway Procurement Agency in accordance with Guidelines issued by the Department of Finance and which was independently assessed for the Department of Finance and the Oireachtas Transport Committee. I am satisfied that the economic and transport evaluation of Metro North has been in accordance with best practice for such a project.

In February 2006 public consultation on the preferred alignment for Metro North got underway and in October of that year my predecessor announced the preferred alignment selected by the RPA. Since then the RPA has undertaken significant detailed design work and engaged extensively with local communities and businesses. Arising from these consultations local alterations have been made to the preferred alignment. These changes include the decision to go underground through Ballymun and to maximise the green space under which the Metro will run in the Drumcondra area. Both of these changes arise from concerns from local interests raised in public consultations and the RPA has at all times sought to address these legitimate concerns whilst ensuring the overall integrity of the project.

Clearly, these public consultations and consequential design changes already referred to have impacted on the timescale for the project. However, I am satisfied that the approach taken by the RPA in seeking to address the concerns of local communities is the correct one. The Agency

hopes to be in a position to lodge an application for a railway order to An Bord Pleanála early next year. The railway order, where granted by An Bord Pleanála, will determine the final alignment for Metro North. Subject to the grant of an enforceable railway order the RPA plans to commence construction of the project in 2009 with a target of commencing Metro operations in 2013.

Throughout the planning and design process, the RPA has sought, and continues to seek, to identify measures to reduce the cost of the overall project. The RPA is responsible for delivery of Metro North and a number of other public transport projects under Transport 21. My Department approves the budget and business cases for these projects. It also monitors the work of the Agency and a joint Department/RPA Monitoring Committee meets monthly to review projects and there are also regular ad hoc meetings on project-specific issues. My Department has also retained independent advisers to review business cases and to advise on specific issues as the need arises, right across the Transport 21 investment programme.

Air Services.

12. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine the extent to which discussions took place with Government or representatives of Government prior to the cessation of Aer Lingus flights from Shannon; and if he will make a statement on the matter. [24463/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): A media article on 13th June 2007 reported the possibility of Aer Lingus opening a new base at Belfast. Following a query to the Company by my Department on foot of that article, the Company, on 13th June, indicated that it was considering opening a new base at Belfast and that, if the proposal proceeded, there would be implications for Shannon. An official conveyed the concerns of the Department, from an aviation and regional development perspective, about the implications for Shannon and asked the Chief Executive to give full consideration to the ways in which a new base might be accommodated before arriving at a decision, which he agreed to do. The matter was not brought to my attention.

Subsequently, an official of the Department contacted Aer Lingus on 27th July arising from a query to the Company on industrial relations matters. In the course of that conversation, it was confirmed that the Company's plans for a new base had solidified and that a formal announcement was to be made on 8th August. It was also confirmed that opening the new Belfast base would involve the reallocation of Shannon Heathrow slots to Belfast from early 2008. The official expressed concern about the impact of the loss of a Shannon — Heathrow service from an

aviation and regional policy perspective, emphasised the importance of Aer Lingus commitment to Shannon and indicated that these matters would be raised with the Chief Executive of the company.

In an e-mail to my private office on 27th July the official stated “The Company intends to announce the new Belfast base on 8 August. This will involve the reallocation of Shannon-Heathrow slots to Belfast from early 2008” and referred to the concerns that he had raised. A meeting with the Chairman and Chief Executive was arranged for the earliest opportunity — 3rd August — to enable me to discuss these matters with the Company. At the meeting with the Chairman and Chief Executive of Aer Lingus on 3rd August, I was informed of the decision to open a hub in Belfast and of the re-allocation of all the Shannon-Heathrow slots to a new Belfast Heathrow service.

It is very clear with the benefit of hindsight that any possibility that Aer Lingus might withdraw its Shannon Heathrow service should have been brought to my attention immediately. I have asked my Secretary General for an urgent report setting out fully the circumstances and sequences of events which led to me not being informed or briefed on the matter before end July. I intend to make this report public.

Road Safety.

13. **Deputy Frank Feighan** asked the Minister for Transport and the Marine the proposals his Department has to deal with regulating boy racers; and if he will make a statement on the matter. [24404/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): This cohort of drivers, generally men aged between 17 and 25 years, are the target of much road safety effort in Ireland and other countries. That effort is directed through road safety advertisement, education and enforcement measures. The Road Safety Authority has developed advertising campaigns targeted at encouraging young people to consider their attitudes, behaviour and the consequences of their actions as road users, especially as drivers. Those campaigns are supported by high visibility enforcement by the Garda Síochána, particularly in relation to speeding, seat belt wearing and intoxicated driving.

The introduction of Mandatory Alcohol Testing (MAT) and the proposed privatised operation of speed cameras, will have a significant impact on such driving behaviour. Measures have also been introduced by the RSA to reduce driving test waiting times, a critical contribution to road safety and improved driver behaviour, with the recent announcement by the RSA that the average waiting time for a driving test is now down to 23 weeks. This represents a 30% drop in waiting times as the average waiting time stood at 33

weeks a year ago. The RSA have also said that they will reduce the average waiting time down to 10 weeks by March next year.

Road Network.

14. **Deputy Leo Varadkar** asked the Minister for Transport and the Marine if he is satisfied that all motorways under construction and planned will include an adequate number of rest areas and service stations; and if he will make a statement on the matter. [24378/07]

75. **Deputy Enda Kenny** asked the Minister for Transport and the Marine the progress of plans to retrofit rest areas on motorways here; and if he will make a statement on the matter. [24377/07]

80. **Deputy Brian O'Shea** asked the Minister for Transport and the Marine the action he proposes to take under section 41 of the Roads Act 1993 or otherwise, to ensure that the National Roads Authority provides a more effective policy on the provision of lay-bys and set down areas on motorways and major inter-urban routes; and if he will make a statement on the matter. [24255/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 14, 75 and 80 together.

As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The detailed planning, design and implementation of national road projects including the possible provision of service and/or rest areas on or near these routes, is a matter for the National Roads Authority under the Roads Act 1993, as amended by the Roads Act 2007, in conjunction with the relevant local authorities concerned.

In recognition of the important role service area facilities can play in improving the safety of the national road network my predecessor as Minister for Transport asked the NRA in late 2005, to review their service area policy. Arising from this review the NRA announced a strategy to provide service areas at intervals (where feasible and practicable) of approximately 50-60kms along national routes. I understand that these service areas will offer a full range of services including retail services as well as extensive car and HGV parking facilities.

Late last year, the NRA identified optimum locations for up to 12 service areas on the major-inter-urban routes (M1, M4/N4, N6, M7/N7, N8, N9) as well as the N6/N18 and N11 routes. The NRA is giving priority to the roll out of the service areas programme in view of the range of facilities they will afford to road users. The distribution envisaged, approximately at intervals of 50-60 kms, should substantially cater for road user needs. I understand that they are in dialogue with local authorities on issues relating to the pro-

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vision and operation of rest areas, including operational and maintenance issues. Future strategy in this regard will be kept under review in light of these discussions and the extent to which the prioritised service areas programme addresses user needs taking account of the characteristics of the national road network, including distances between urban centres and journey times.

Service area facilities will be procured through open, competitive tendering using the Public Private Partnership (PPP) mechanism. The NRA has already begun the PPP procurement process for two service areas on the M1 and one on the M4. They are also actively pursuing site acquisition for other proposed areas on the rest of the national road network. It is anticipated that the first service area facilities will begin to come on stream on Ireland's motorway network by 2009.

Air Services.

15. **Deputy Noel J. Coonan** asked the Minister for Transport and the Marine if he will ensure that Aer Lingus will call an EGM of the board of Aer Lingus to reverse its decision to abandon the Shannon-Heathrow connection; and if he will make a statement on the matter. [24333/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The legal advice available to the Government is that shareholders do not have the power to over-rule management decisions on business matters. Even if the Government on its own or in conjunction with other shareholders called an EGM and voted for the restoration of the Shannon Heathrow service, the directors of Aer Lingus would not be obliged to follow any direction from its shareholders. The management of Aer Lingus has made it very clear that they are not minded to reverse their decision.

Public Transport.

16. **Deputy Dinny McGinley** asked the Minister for Transport and the Marine when he will update the bus licensing system; when that legislation will be published; and if he will make a statement on the matter. [24360/07]

19. **Deputy Pat Rabbitte** asked the Minister for Transport and the Marine the way he proposes to reform bus licensing; the timescale he is working to in this regard; when legislation will be published; and if he will make a statement on the matter. [24267/07]

73. **Deputy Catherine Byrne** asked the Minister for Transport and the Marine when the 100 private buses promised in 2006 will be provided; and if he will make a statement on the matter. [24368/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 16, 19 and 73 together.

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 precise arrangements for the procurement of buses from the private sector will be dealt with in this context. The new licensing regime will be designed in a manner consistent with the recently adopted 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 Network.

17. **Deputy James Bannon** asked the Minister for Transport and the Marine if he will make a statement on the proposed Navan railway link. [24402/07]

78. **Deputy Michael D. Higgins** asked the Minister for Transport and the Marine the status of the Navan rail line project; when the Navan rail line will be reopened; if the scoping study has been completed; if so, if he will publish it; and if he will make a statement on the matter. [24249/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 17 and 78 together.

Transport 21 provides for the re-opening of the railway line to Navan in two phases — Clonsilla to Pace and Pace to Navan. The position regarding Phase 1 is that Irish Rail submitted an application for a Railway Order to An Bord Pleanála in September 2007. 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.

Proposed Legislation.

18. **Deputy Jack Wall** asked the Minister for Transport and the Marine if he will introduce

primary or secondary legislation to set higher standards for the testing of heavy goods vehicles in view of the high percentage of Irish trucks found to be in breach of standards in the UK; and if he will make a statement on the matter. [24276/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Commercial vehicle testing is currently provided by independent garages around the country, supervised and regulated by the local authorities. A review of these arrangements was undertaken by PriceWaterhouseCoopers (PwC) on behalf of the Road Safety Authority (RSA). The Report of that review, which has been submitted to me, includes among its proposals the recommendation that the Road Safety Authority, rather than the Local Authorities, is best placed to manage future service delivery and that the function of supervision and regulation of the network of garages should be transferred to the RSA from the local authorities. Subject to finalising the necessary consultation with the Department of Environment, Heritage and Local Government on this recommendation, I intend to conclude my consideration of the PWC report and respond to the Road Safety Authority in the coming weeks.

Question No. 19 answered with Question No. 16.

Road Safety.

20. **Deputy Michael Creed** asked the Minister for Transport and the Marine the progress to date on the discussions his Department is having with relevant bodies in relation to the issue of road safety and the new role being adopted by the Health and Safety Authority; and if he will make a statement on the matter. [24407/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Department of Transport, The National Roads Authority and (until responsibility for non-national roads was transferred to the Department of Transport) the Department of Environment, Heritage and Local Government, have worked closely with local authorities and the Local Government Management Services Board to develop comprehensive new guidelines for the control and management of road works sites, for use within the local government sector. The Guidelines represent best practice and, inter-alia, address concerns which have been raised by the Health and Safety Authority. The Guidelines have issued this week to local authorities under cover of a Circular Letter from my Department.

Foreshore Licences.

21. **Deputy Joe McHugh** asked the Minister for Transport and the Marine the progress regarding the lease of a foreshore (details

supplied); and if he will make a statement on the matter. [24320/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): This matter is not under the remit of this Department.

Transport 21.

22. **Deputy Lucinda Creighton** asked the Minister for Transport and the Marine if, in view of the fact that the Government commissioned communication strategy sees its role as demonstrating value for money, openness, and full accountability, he will provide information to the public in respect of the individual costings, timing, business cases, and priority accorded to the 39 major Transport 21 projects; and if he will make a statement on the matter. [24398/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): When Transport 21 was launched in November 2005, details of the major projects to be implemented in the ten-year period 2006 to 2015 were provided together with an indicative completion date for each. Updated information on all major projects is provided on my Department's Transport 21 website and on the websites of the relevant implementing agencies.

Every project in Transport 21 is required to be evaluated in accordance with the Department of Finance Capital Appraisal Guidelines and Value for Money criteria. Most of the projects must also go through statutory approval processes, which usually means a public hearing before an independent inspector where the case for the project, including the overall business case, is set out. Only when statutory approval is given can the implementing agency award the relevant construction contracts.

I do not consider it prudent to release commercially sensitive information on projects while these processes are continuing. However, it is my intention to provide relevant business case information and cost details once a project has successfully completed the statutory processes, all contracts have been awarded and the project is underway.

Departmental Functions.

23. **Deputy Jim O'Keeffe** asked the Minister for Transport and the Marine the marine related functions for which he has responsibility in view of the considerable confusion that exists in relation to ministerial responsibility. [22325/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Responsibility for functions related to maritime safety, maritime security, ship-source pollution prevention, national ports policy, shipping and maritime commerce policy transferred to the Minister for Transport on 1st January 2006. I have confined my reply to the

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maritime functions directly within my sphere of responsibility.

Cycle Facilities.

24. **Deputy Terence Flanagan** asked the Minister for Transport and the Marine if he will appoint a national cycling and walking officer to his Department who would co-ordinate all bicycle commuting issues such as the provision of cyclecraft training free to all primary and secondary students; and if he will make a statement on the matter. [24321/07]

92. **Deputy Phil Hogan** asked the Minister for Transport and the Marine the steps he has taken to introduce a new national cycle network to promote both local and long distance cycling; and if he will make a statement on the matter. [22739/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 24 and 92 together.

My Department has provided funding to support the development of cycle routes and facilities. It has also assisted specific initiatives such as the Safe Routes to Schools Programme supported by the Dublin Transportation Office. I am committed to increasing the use of cycling as a mode of transport and I am commissioning research on international best practice at present, which will inform the development of a National Cycle Policy. This, in turn, will feed into a Sustainable Travel and Transport Action Plan, which I intend publishing in 2008 after a full public consultation process. The process will inform the precise measures to be adopted in relation to cycling and other issues.

State Airports.

25. **Deputy Ciarán Lynch** asked the Minister for Transport and the Marine the position regarding the establishment of an independent Cork Airport; the way the debt associated with this process is to be allocated; and if he will make a statement on the matter. [24280/07]

50. **Deputy Deirdre Clune** asked the Minister for Transport and the Marine when he will establish Cork and Shannon Airports as independent entities as outlined under the State Airports Act 2004; and if he will make a statement on the matter. [23977/07]

69. **Deputy Simon Coveney** asked the Minister for Transport and the Marine the status of the business plan for Cork Airport in view of the State's offer to absorb a proportion of its debt; if it is envisaged that autonomy is imminent for Cork Airport; and if he will make a statement on the matter. [24345/07]

70. **Deputy Deirdre Clune** asked the Minister for Transport and the Marine if he will transfer the new airport terminal to the Cork Airport Authority on a debt free basis; and if he will make a statement on the matter. [23978/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 25, 50, 69 and 70 together.

The State Airports Act, 2004 provides the framework for the establishment of Shannon and Cork as independent airports. Under the Act, both the Minister for Finance and I will have to be satisfied as to the state of operational and financial readiness of the three airports before any vesting of assets can take place. The actual timing of airport restructuring will continue to depend on the creation of the appropriate conditions that will ensure the financial sustainability of each State Airport. The airports will require coordinated strategies for the achievement of operational and financial readiness and the Dublin Airport Authority (DAA) has a key role to play in finalizing the financial framework and coordinating business plans that would enable airport separation to take place. I will be considering the complex issues involved in the coming months.

I understand that the Dublin Airport Authority (DAA) has been advised by consultants on an appropriate financing proposal that would facilitate the statutory objective of the separation of Cork Airport from the DAA in a timely manner, consistent with the requirements of the State Airports Act 2004 and the Companies Acts. The approach to the debt issue is crucial to the business planning process and will have to be addressed by the Cork airport board and the DAA, in the first instance, before any business plan is submitted to me and the Minister for Finance for our approval under the State Airports Act 2004.

The Government's position is that the funding of the new terminal and other works at Cork Airport will have to take account, not only of what is commercially and financially feasible for Cork Airport, but also what is commercially and financially feasible for Dublin Airport. In deciding what level of debt is to be borne by Cork, it will have to be manifest to all concerned that it is a manageable debt burden that would not put at risk the airport's commercial future.

Railway Stations.

26. **Deputy Fergus O'Dowd** asked the Minister for Transport and the Marine if he will make a statement on the proposed new railway station at Drogheda north. [24401/07]

102. **Deputy Fergus O'Dowd** asked the Minister for Transport and the Marine his proposals regarding his plans to reopen Dunleer railway

station; and if he will make a statement on the matter. [24400/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 26 and 102 together.

Decisions in relation to the location and development of new stations and the reopening of closed stations are operational matters for Iarnród Éireann.

Air Services.

27. **Deputy John Deasy** asked the Minister for Transport and the Marine the reviews the Government is planning for its aviation policy in response to the precedent set by the Aer Lingus pull out of Shannon; and if he will make a statement on the matter. [24392/07]

41. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine if an aviation policy for Ireland must encourage attracting a range of airlines rather than continued dependence on one or two providers; and if he will make a statement on the matter. [24348/07]

64. **Deputy Ruairí Quinn** asked the Minister for Transport and the Marine if he will publish a Green Paper on aviation policy and on the Government's strategy for the future of aviation here; and if he will make a statement on the matter. [24260/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions No. 27, 41 and 64 together.

As I have said previously, the Aer Lingus withdrawal of its Shannon-London Heathrow service is very disappointing. However, I do not believe that this specific action requires that a fundamental review of our aviation policy be undertaken or that a Green Paper be published. In line with the requirements of the Public Service Management Act, 1997, my Department is currently preparing a new Statement of Strategy for the period 2008-2010 which will, inter alia, set out our aviation strategy for the period.

In general terms, our strategy to date has been to promote the development of as wide a range as possible of competitive international air services to and from Ireland to underpin our economic growth and competitiveness and this will continue to be the case. We need to have regular, safe, cost-effective and competitive air services linking the country to key business and tourism markets around the world.

To this end, within the European Union, Ireland has consistently supported market liberalisation measures, which have served as the platform for the rapid expansion of aviation generally. We have also sought to influence the emerging EU and wider international framework for aviation to ensure that it continues to promote competition and innovation in the market-place.

We have promoted market liberalisation on a wider basis most recently in pressing for the conclusion of the EU-US Open Skies agreement and in concluding a more liberal agreement on a bilateral basis with Canada.

I should add that our approach to the encouragement of air services is complemented by our policy on the development of airport infrastructure within the country. The main objective is to ensure that the three State Airports have sufficient capacity to respond to the growth opportunities of a competitive airline sector and to provide vital international access. In fulfilling this objective it is proposed to establish Cork and Shannon as independent airports, once financial and operational readiness has been demonstrated under the State Airports Act 2004. In addition the six regional airports have a key role to play in promoting regional development.

The further key components of our strategy are to ensure that our aviation safety and security policies comply with, or exceed, the highest international standards and that the policy framework for air navigation services ensures that the requirements of airlines for efficient routings and the avoidance of delays are met as far as possible without compromising safety. My Department's Statement of Strategy will be published before the end of the year within the prescribed statutory timeframe.

28. **Deputy Liz McManus** asked the Minister for Transport and the Marine the position regarding preparations for the final implementation of the EU-US open skies agreement; and if he will make a statement on the matter. [24265/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The full provisions of the EU US Open Skies Agreement will come into effect from 30 March 2008. However, the transitional measures which had been agreed, relating to Ireland, came into effect following political agreement at the Council of Ministers on 22 March 2007. In accordance with Article 26 of the Agreement, formal entry into force requires an exchange of diplomatic notes between the parties confirming that all the necessary procedures for entry into force have been completed. We are taking the necessary steps to comply with these arrangements.

Proposed Legislation.

29. **Deputy Ruairí Quinn** asked the Minister for Transport and the Marine the status of the proposed establishment of the new Dublin Transport Authority; when the Dublin Transport Authority Bill will be introduced; the responsibilities and functions the DTA will be mandated with; if any of the present responsibilities of the Railway Procurement Agency or other national, regional or local transport agencies will be transferred to the DTA; the timeframe for the full establishment

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and effective functioning of the DTA; and if he will make a statement on the matter. [24259/07]

33. **Deputy Andrew Doyle** asked the Minister for Transport and the Marine when the legislation to establish the Dublin Transportation Authority will be published; and if he will make a statement on the matter. [24351/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 29 and 33 together.

The Agreed Programme for Government includes a commitment to expediting the establishment of a statutory Dublin Transport Authority. The new Authority will have overall responsibility for surface transport in the Greater Dublin Area (GDA) subject to direction by Government in respect of significant policy issues. Accordingly establishment of the new Authority will involve some alteration to existing institutional arrangements for the planning and delivery of surface transport in the GDA. The details will be set out in the planned legislation.

The principal functions of the proposed Authority will include:

- strategic transport planning.
- procurement of public transport infrastructure.
- procurement of public transport services.
- allocation of current and capital Exchequer funds for the provision of public transport infrastructure and services.
- regulation of public transport fares, routes, and service levels.
- delivery of integrated ticketing, integrated passenger information and integrated fares.
- better integration of transport and land use planning.
- ensuring effective traffic management.

Preparation of the necessary legislation is well advanced and I will bring a Memorandum to Government in due course. My overriding priority is to establish as quickly as possible a statutory Authority which will be effective.

Railway Stations.

30. **Deputy Willie Penrose** asked the Minister for Transport and the Marine if he is currently reviewing a feasibility study carried out by the Athlone Institute of Technology on the redevelopment of Killucan station, County Westmeath and the provision of a park and ride facility there to facilitate a large catchment area of commuters including Ballivor, Rochfordbridge and east Mullingar on the Dublin to Sligo railway line; when he will respond publicly to this report; and

if he will make a statement on the matter. [24251/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Decisions in relation to the redevelopment of Killucan station are a matter for Iarnród Éireann in the first instance. I understand from the company that Westmeath and Meath County Councils have submitted to them the results of a feasibility study on the re-opening of a station at Killucan or Hill of the Down. I understand that Iarnród Éireann are currently considering this report and will respond in due course to the Councils.

Road Traffic Offences.

31. **Deputy Seán Sherlock** asked the Minister for Transport and the Marine the progress made on the mutual recognition of penalty points between Northern Ireland and the Republic of Ireland; the reason for the ongoing delay; when he will bring the full list of penalty point categories into force; and if he will make a statement on the matter. [24272/07]

103. **Deputy Brian Hayes** asked the Minister for Transport and the Marine the discussions that have taken place between his Department and the relevant Department in Northern Ireland regarding the introduction of a system of mutual recognition of penalty points to north and south of the Border; and if he will make a statement on the matter. [22323/07]

105. **Deputy Leo Varadkar** asked the Minister for Transport and the Marine when the remaining unimplemented penalty points will be brought into force; and if he will make a statement on the matter. [24379/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 31, 103 and 105 together.

The North/South Work Programme, which was agreed by the North South Ministerial Council, included a commitment to examine the mutual recognition of penalty points between the Republic of Ireland and the North. However, separate penalty point systems operate in the two jurisdictions on this island, and the system that operates in Northern Ireland differs from that applying in Great Britain.

For that reason, it was agreed that it would be more appropriate to pursue the question of mutual recognition of penalty points on the basis of the operation of the three systems and that it would also be more appropriate that it would be dealt with under the auspices of the British Irish Council (BIC). As Northern Ireland has the lead role for transport matters in the BIC, the authorities in that jurisdiction are taking the lead in considering this issue.

The development of any bilateral agreement on such mutual recognition will require consideration of complex legal questions, which will take time and may require the passage of primary legislation to support such an agreement. The terms of reference for a feasibility report have been agreed at Ministerial level and a scoping report has been commissioned by the UK Department for Transport (DfT), with our agreement and that of our Northern Ireland colleagues. The DfT's In-House Policy Consultancy is carrying out the scoping exercise. This process is at an advanced stage.

The focus of the roll-out of the penalty points system to date is on offences that relate primarily to the behaviour of drivers. This reflects the fact that 86% of all road deaths can be attributed to driver behaviour in its broadest sense. The relevant support systems must be put in place to support the extension of the penalty points system, and where applicable, the fixed charge system. Discussions are held in advance with the Department of Justice, Equality and Law Reform and other relevant agencies regarding the timing of each scheduled roll-out of new offences to ensure that the relevant interfaces are in place between the Garda Síochána and the Court Services IT systems, and the administration of the National Driving File. The progressive extension of the penalty point system will continue to be pursued.

Marine Accidents.

32. **Deputy Seán Sherlock** asked the Minister for Transport and the Marine the progress made to date with regard to plans to recover the fishing vessels, the *Pere Charles* and the *Maggie B*, which sank off the south-east coast; and if he will make a statement on the matter. [21786/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Contract to raise the two vessels was awarded to Irish Diving Contractors Ltd (IDC) on 19th September. Phase 1 of the operation, which involved the mobilisation of equipment to Dunmore East and the placing of wire slings on the wrecks in preparation for the lifting of the vessels, has now been completed. For phase 2, IDC are mobilising a crane barge to lift the vessels from the seabed. Completion of this phase is subject to suitable weather and sea conditions.

Question No. 33 answered with Question No. 29.

Road Network.

34. **Deputy Olwyn Enright** asked the Minister for Transport and the Marine if he has examined the implications of health and safety imposed costs on local authority roads programmes; and if he will make a statement on the matter. [22391/07]

84. **Deputy Olwyn Enright** asked the Minister for Transport and the Marine if his attention has been drawn to the cost implications for local authority roads programmes as a result of health and safety compliance; if he will assist local authorities in meeting this commitment; and if he will make a statement on the matter. [22390/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 34 and 84 together.

Overall responsibility for local government finance is a matter for my colleague, the Minister for the Environment, Heritage and Local Government. In so far as roads are concerned, the improvement and maintenance of non-national roads in its area is a statutory function of each road authority in accordance with the provisions of Section 13 of the Roads Act, 1993. Accordingly, in the case of works on non-national roads, costs associated with the proper and safe management of such works are a matter for local authorities to be funded from their own resources supplemented by State road grants provided by my Department.

My Department provides grants to local authorities for works on non-national roads under a number of grant categories. The level of grants allocated to individual authorities is determined each year having regard to a number of factors including the total funds available in a particular year, eligibility criteria for the different grant schemes, road pavement conditions, length of road network, the need to prioritise projects and competing demands from other local authorities. In determining the annual non-national road grant allocations, the overall objective is to resource each local authority appropriately in relation to their ongoing and special needs.

All non-national road grants for 2007 have now been committed and there are no additional funds at my disposal from which further grant allocations could be made at this time. Road grants for 2008 will be determined early in the New Year. Funding of works on national roads is a matter for the National Roads Authority.

Question No. 35 answered with Question No. 11.

Greenhouse Gas Emissions.

36. **Deputy P. J. Sheehan** asked the Minister for Transport and the Marine the proposals he envisages for the reduction in greenhouse gases arising from fossil fuels used in the State's transport sector; and if he will make a statement on the matter. [24358/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): As part of my overall objective for sustainable urban transportation I have requested CIE to move to a 30% bio-diesel blend in all new buses as part of their fleet replacement policy commencing in 2008. In line with the Prog-

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ramme for Government I have also asked the company to set out an action plan to convert the existing fleet to a 5% biofuel blend taking account of logistical, technical and financial issues. Discussions are ongoing with CIE to determine a specific programme to meet the above.

Public Transport.

37. **Deputy Paul Kehoe** asked the Minister for Transport and the Marine if he will significantly increase the Dublin Bus fleet in order to justify future quality bus corridors in Dublin; and if he will make a statement on the matter. [24393/07]

51. **Deputy Joe Costello** asked the Minister for Transport and the Marine the number of buses currently in the Dublin Bus fleet; when he will increase the size of the bus fleet; when he will ensure that all Dublin bus routes are fully accessible for citizens with disabilities; and if he will make a statement on the matter. [24262/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 37 and 51 together.

Transport 21 provides for a programme of investment to fund increased integrated radial and orbital bus services in the Dublin area. Dublin Bus are currently bringing into service the 100 additional buses for which Exchequer funding of €30 million was approved in September last year. This will bring the total Dublin Bus fleet to 1,182 buses — up from just over 900 in 1997. A further €15.04 million was approved earlier this year towards the cost of 100 replacement buses for the Dublin Bus fleet; 50 of these replacement buses will be tri-axle buses, which offer greater passenger carrying capacity than the buses being replaced.

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. This increase reflects the fact that many of the replacement buses purchased over this period were of higher capacity than the smaller, single decker buses being replaced. Over the same period, Dublin Bus passenger numbers have grown from 134 million to 146 million passengers per annum, an increase of 9%. The provision of additional buses, over and above the 100 currently being brought into service, is currently being considered in the context of the Programme for Government.

As regards accessibility, all buses purchased by Dublin Bus since 2000 are low-floor wheelchair accessible. I understand from Dublin Bus that currently over 60% of the fleet is accessible and that the company plans to have all of the fleet accessible by 2012. The policy of purchasing accessible buses will continue as the bus fleet is replaced and expanded over time.

Air Services.

38. **Deputy Kieran O'Donnell** asked the Minister for Transport and the Marine the reason he did not appoint the Government's two nominees to the Aer Lingus board of directors at the earliest date; and the date he will do so. [24423/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Immediately after the Aer Lingus IPO, Ryanair's attempted takeover bid was launched. Under the applicable law, the State representative on the board was excluded from board meetings at which the takeover was discussed. It would not have made any sense in such circumstances to have appointed all three State directors at that time. The circumstances are now different and it is appropriate to make those appointments. I hope to be in a position to make the appointments shortly.

Road Safety.

39. **Deputy Shane McEntee** asked the Minister for Transport and the Marine his views on the recent report of the European Transport Safety Council which found that Ireland was ranked 20 out of 29 countries in reducing road deaths since 2001; and if he will make a statement on the matter. [24314/07]

88. **Deputy Alan Shatter** asked the Minister for Transport and the Marine his views on the recent report of the European Transport Safety Council which found that Ireland has reduced road deaths since 2001 by 10.9% compared to France which has reduced road deaths by 42.3%; and if he will make a statement on the matter. [24316/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 39 and 88 together.

According to the recent report published by the European Transport Safety Council, Ireland has improved its road safety standing in Europe by climbing 4 places in the last year to become the 12th lowest country for road deaths per million population of the 29 countries surveyed. The report also shows that road deaths in Ireland have dropped by 11% since 2000. While the report has tracked Ireland's progress up to the 31st December 2006, the downward trend in road deaths and collisions, which commenced in August 2006 with the introduction of roadside Mandatory Alcohol Testing, is clearly evident in 2007.

Since the introduction of key changes in the road safety area including Mandatory Alcohol Testing, the increase in penalties for drink driving offences, the extension of the penalty points system, greater Garda visibility and enforcement and, the establishment of the Road Safety Authority, there has been a marked reduction in the number of road deaths, despite ever increasing numbers of vehicles on our roads. The number of

road deaths in 2006 at 368 was the second lowest rate recorded in 40 years and the downward trend continues.

Question No. 40 answered with Question No. 11.

Question No. 41 answered with Question No. 27.

Greenhouse Gas Emissions.

42. **Deputy Joanna Tuffy** asked the Minister for Transport and the Marine the action he will take through mechanisms such as vehicle standards, road pricing, public transport provision or otherwise to reduce greenhouse gas emissions from the transport sector here; and if he will make a statement on the matter. [24269/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): A number of measures relating to transport are included in the revised National Climate Change Strategy to reduce greenhouse gas emissions. These include technology improvements, rebalancing of motor taxes and fuel economy labelling, Dublin Traffic measures, Mineral Oil Tax Relief for biofuels, modal shift through Transport 21, alignment of transport investment with spatial planning, and the achievement of a 5.75% biofuels blend in fuels by 2010. In all the transport sector will provide up to 13% in total national emission savings under that Strategy.

I have also announced the preparation of a Sustainable Travel and Transport Action Plan, which will set out a broad suite of policies and measures to help the transport sector progress along a more sustainable trajectory and make a further contribution to reducing emissions to 2020. The Action Plan will consider measures necessary to achieve reduction in greenhouse gas emissions along with other elements of sustainability relating to economic competitiveness and quality of life. The aim is to publish the Plan in the Spring of 2008.

Taxi Regulations.

43. **Deputy Ciarán Lynch** asked the Minister for Transport and the Marine if he has made a decision in respect of the proposal by the office of the taxi commissioner for the introduction of a subsidy scheme to assist with the purchase of wheelchair accessible taxis and hackneys; and if he will make a statement on the matter. [24274/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Commission for Taxi Regulation is completing an assessment of the submissions received to its consultation paper on vehicle standards for small public service vehicles. The consultation paper incorporated a number of proposed changes in vehicle specifications and standards, including in the area of accessibility. It is understood that the Commission has com-

menced a regulatory impact assessment on these proposals and continues to liaise with key stakeholders, and will publish revised vehicle specifications for small public service vehicles before the end of 2007.

While this process of public consultation is underway, my Department is in discussion with the Commission about an outline proposal for a draft subsidy scheme or some other mechanism to assist with the purchase of wheelchair accessible taxis and wheelchair accessible hackneys. The subsidy proposal and associated vehicle specification are still being researched and developed by the Commission. The proposal is to provide assistance with the purchase of a fully accessible small public service vehicle, the specification for which is being developed by the Commission.

Upon completion of the consultation process and the preparation and introduction of new and fully accessible vehicle standards by the Commission, with definitive associated costs, a final decision will be made on the subsidy scheme proposal.

Road Safety.

44. **Deputy Thomas P. Broughan** asked the Minister for Transport and the Marine the number of cars classified as write-offs in 2005, 2006 and to date in 2007; when he expects the conclusion of the investigation led by his Department into the allegations that cars classed as total write-offs and unfit for road use are being put back on the road; his views on whether the national vehicle file may have to be reviewed and overhauled in view of these allegations; and if he will make a statement on the matter. [24245/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Details received from vehicle insurers in relation to write offs are included among the general category of vehicle scrapped entries recorded on the National Vehicle and Driver File (NVDF) in relation to scrapped vehicles. In 2005 some 21,817 notices of scrapped vehicles were recorded on the NVDF, in 2006 the number was 23,955 and to date in 2007, a total of 25,571 instances of scrapping have been recorded.

The arrangements covering the treatment and notification of write-offs are currently being examined by the RSA, the Garda Síochána, the Revenue Commissioners who are responsible for the registration of vehicles and my Department in its role in relation to the NVDF. This examination will be concluded as soon as possible and any recommendations arising there from will be considered.

Question No. 45 answered with Question No. 8.

Road Network.

46. **Deputy Kathleen Lynch** asked the Minister

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for Transport and the Marine the directions he has made to the National Roads Authority under section 41 of the Roads Act 1993 since coming into office; and if he will make a statement on the matter. [24252/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I have given no direction to the National Roads Authority (NRA) under Section 41 of the Roads Act, 1993. As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of and allocation of funding to individual national road projects is a matter for the NRA under the Roads Act, 1993 in conjunction with the relevant local authorities concerned.

Traffic Management.

47. **Deputy Jan O'Sullivan** asked the Minister for Transport and the Marine the measures he will introduce under his recently established One Small Step campaign in view of recent statistics indicating that less than 40% of children walk to school even though they live two kilometres or less from their school, to address this issue; and if he will make a statement on the matter. [24261/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The public information campaign One Small Step encourages drivers in the Greater Dublin Area to examine their car usage patterns and to think about using other ways of getting around, such as walking, cycling or public transport, whenever they can. The campaign targets car drivers specifically. The campaign promotes cycling as one of the best ways of getting fresh air, regular exercise, saving money, saving journey time and benefiting the local and general environment.

It also emphasises safety and points to improved conditions for cyclists in Dublin City Centre since the Port Tunnel opened. There are now far fewer heavy vehicles in the city centre and extra sections of cycle lane and bus lane (which cyclists can use) on the north quays and, in general, an improved traffic environment in the city centre.

My Department has also provided funding to the Dublin Transportation Office who initiated the Safer Routes to School project in 2000, with 6 pilot schemes being implemented. The objectives of the Green Schools Initiative are to raise awareness of sustainable travel and transport, increase the number of children who walk and cycle, increase the number of families who 'park and stride' or 'carpool', improve safety on the school run by promoting safe practices and awareness of hazards, reduce school-related congestion, and improve physical health and fitness.

The programme was extended and currently has 29 schools with a combined student popu-

lation of approximately 10,400 with 545 teachers. Results from the initiative show that, of journeys to school, between March and June 2006, walking increased by 7% to 40%, and car use decreased by 8% to 46%, while, on the journey from school, walking increased by 4% from 37% to 41% and car use fell by 9%. A further roll-out of the programme is being considered at present.

My Department is currently in the process of commissioning research in relation to best practice which will assist in the development of a National Cycling Policy. This will, in turn, feed into the Sustainable Travel and Transport Action Plan, which the Government is committed to publishing in the Spring of 2008. That Plan will specifically address the issues relating to children travelling to and from school.

Public Transport.

48. **Deputy Paul Kehoe** asked the Minister for Transport and the Marine the position regarding the European Commission's investigation of payments and grants awarded to Dublin Bus and Bus Éireann to determine if they are compatible with the EU state aid rules; if he anticipates that this investigation will instigate a change in Government policy; and if he will make a statement on the matter. [24383/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The European Commission informed my Department in July 2007 that, as a result of a complaint received by them, it had decided to initiate a formal investigation into whether the Exchequer capital and current funding provided to CIÉ contravenes European Union law. My Department is currently preparing its response to the considerations raised by the Commission and a reply will be issued very shortly. Any change in Government policy will depend on the outcome of the investigation.

Rail Services.

49. **Deputy John O'Mahony** asked the Minister for Transport and the Marine if Transport 21 will result in the upgrading of the western rail corridor; and if he will make a statement on the matter. [24323/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Transport 21 provides for the reopening of the Western Rail Corridor on a phased basis. Phase 1, between Ennis and Athenry, on which work is underway, is due for completion by late 2008.

Question No. 50 answered with Question No. 25.

Question No. 51 answered with Question No. 37.

Port Development.

52. **Deputy Bernard Allen** asked the Minister for Transport and the Marine the role he envisages for himself in the implementation of ports policy and specifically in ensuring this island has sufficient capacity to allow for the growth of imports and exports; and if he will make a statement on the matter. [24350/07]

53. **Deputy Phil Hogan** asked the Minister for Transport and the Marine if his attention has been drawn to the recent concerns expressed by business and exporter interests regarding the lack of capacity in ports here and international ports; the impact that these capacity constraints will have on exporters and importers; the steps his Department has taken to address these matters in the context of their impact on trade; and if he will make a statement on the matter. [19316/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 52 and 53 together.

The most recent capacity study carried out by my Department indicates that Irish ports are well positioned to supply sufficient capacity to serve the growing demand. Carried out in 2005/2006, the study concluded, inter alia, that: There is currently significant available capacity for further growth in LoLo traffic at Irish ports; Current available capacity for RoRo traffic also exists, although less so than in the case of LoLo. The study demonstrated that the projects being progressed by the ports sector have the potential to deliver adequate capacity going forward, in line with the established policy.

I believe that our key commercial ports are well positioned to continue to function efficiently as vital economic gateways to the rest of the world. My Department is continuing to actively monitor the capacity situation and has recently received update reports from the seven ports that made submissions as part of the study. I am encouraged by the fact that the ports continue to make significant progress with their proposals.

With regard to capacity at international ports, it is true to say that Ireland relies heavily on the European hub ports such as Antwerp and Rotterdam. Capacity is being increased at these and other transshipment ports. The healthy competition that exists for port services in the EU should deliver adequate capacity to serve our needs. The Irish Maritime Development Office, which advises my Department on these matters, keeps in close contact with relevant international developments.

Question No. 54 answered with Question No. 7.

Ferry Services.

55. **Deputy Jim O'Keeffe** asked the Minister for Transport and the Marine his views on the re-

establishment of the Cork Swansea ferry; and if he will make a statement on the matter. [23843/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I welcome the renewed interest in the re-establishment of the Cork Swansea ferry. I have been assured that every effort is being made by the Port of Cork Company to facilitate resumption of the Swansea Cork Ferry Service at the earliest possible date. The Irish Maritime Development Office is supporting the Port of Cork Company on this issue. Recent mid-year traffic data published by the IMDO indicates a positive 5 per cent increase in passenger traffic on sea ferries to the UK for the first 6 months of 2007. This should further add to the current level of interest being expressed in development of new services.

State Airports.

56. **Deputy Brian O'Shea** asked the Minister for Transport and the Marine if he will introduce a public service obligation contract between Waterford Airport and Dublin Airport; and if he will make a statement on the matter. [24254/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I refer the Deputy to my earlier written reply of 2nd October 2007, (Dáil Question 286), which sets out the position regarding this matter.

Driving Licences.

57. **Deputy Catherine Byrne** asked the Minister for Transport and the Marine when legislation for changing the driver licensing laws will be introduced; and if he will make a statement on the matter. [24369/07]

63. **Deputy Joe McHugh** asked the Minister for Transport and the Marine when the promised new regime in respect of provisional drivers will be introduced and specifically those relating to the requirement for an accompanying driver and other such restrictions which would encourage a serious attitude in taking and passing the driving test; and if he will make a statement on the matter. [24359/07]

98. **Deputy Jan O'Sullivan** asked the Minister for Transport and the Marine when he will introduce a graduated drivers licence system scheme; the measures he will include in this new system; and if he will make a statement on the matter. [24263/07]

110. **Deputy Denis Naughten** asked the Minister for Transport and the Marine the steps he is taking to reform the provisional driving licence; and if he will make a statement on the matter. [23034/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 57, 63, 98 and 110 together.

Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has responsibility for the oversight of the operation of the driver licensing system including the preparation of proposals for draft regulatory provisions relating to driver licensing and testing. At my request the Road Safety Authority has examined the driver licensing system, so as to identify what further reforms might be introduced in the interests of road safety.

Road Traffic Offences.

58. **Deputy Emmet Stagg** asked the Minister for Transport and the Marine if he has reviewed the comments made by the Courts Service to find an alternative method for the collection of fines for motoring offences; if he has made a submission to the Department of Justice, Equality and Law Reform or had discussions with the Department of Justice, Equality and Law Reform in this regard; his views on further comments by the Courts Service that urgent changes to road traffic legislation are necessary after Garda figures show that up to 50% of all motorists are failing to pay fines for offences such as speeding and the non-wearing of seat-belts; and if he will make a statement on the matter. [24246/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department is liaising with the Department of Justice, Equality and Law Reform and the Courts Service in relation to these issues

Parking Regulations.

59. **Deputy Pat Rabbitte** asked the Minister for Transport and the Marine his policy in relation to the growing problem of larger vehicles parking in residential areas; the measures he will take to combat same; when he will comprehensively update the law in relation to parking; the further measures he will introduce in a newly updated law; and if he will make a statement on the matter. [24266/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Road authorities already have power under article 38 of the Road Traffic (Traffic and Parking) Regulations 1997 to apply restrictions on the parking of large vehicles at any location on the public road. It is a matter for each road authority to identify locations where they wish to apply the prohibition on the parking of large vehicles and to identify the weight threshold that would apply an appropriate measure at each location. No road authority has sought any updating or amendment to the 1997 provisions in relation to the parking of large vehicles.

The application and enforcement of parking controls under the road traffic law only applies to public roads which are roads that have been taken in charge by a road authority. The imposition of parking controls in private residential developments is a matter for the management company of that estate to pursue under contract and civil law remedies as applicable.

A road authority has no remit to provide traffic signs and apply parking controls on private property. The Garda Síochána, local authority traffic wardens or clamping immobilisation operators engaged by the local authority have no power to enforce parking on private property. I do not propose to seek to extend the application of the road traffic statutes to private roads i.e. non-public roads.

State Airports.

60. **Deputy David Stanton** asked the Minister for Transport and the Marine the plans he has for progressing the promised third terminal at Dublin Airport in view of the An Bord Pleanála decision to grant permission for a smaller terminal than that envisaged necessary in the medium term by the DAA; and if he will make a statement on the matter. [24349/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Government's primary concern over the last number of years in relation to Dublin Airport has been to ensure that the capacity needs of the airport in the short to medium term were addressed. An Bord Pleanála's recent decision with regard to the granting of permission for the development of phase one of Terminal 2 now provides the basis for moving ahead with that much needed additional capacity.

As to a third terminal, based on current passenger growth rates, I understand that there will be a need for such a terminal in the medium to long term when terminals one and two are at full capacity. My Department is in discussion with the DAA on the future infrastructure needs of the airport. This includes the timescale for planning for the delivery of a third terminal, in line with the Government decision of May 2005. This set as an objective of Government policy the cost effective, efficient and timely delivery of Terminal 3, in line with emerging aviation trends, through an open transparent and competitive process.

Road Safety.

61. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine the safety reviews taking place in view of the fire brigade's concerns over the transit of fuel tankers via the port tunnel, and its opinion that one fire officer accompanying the tanker is not sufficient protection; and if he will make a statement on the matter. [24389/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Issues such as those raised by the Deputy are operational matters for the NRA and Dublin City Council.

Road Traffic Offences.

62. **Deputy Mary Upton** asked the Minister for Transport and the Marine the legislative or other measures he will introduce to ensure that foreign registered vehicles are subject to the same laws, regulations and penalties as Irish registered vehicles and that fines or penalties accrued by a driver of a foreign registered vehicle are realised; and if he will make a statement on the matter. [24257/07]

90. **Deputy Denis Naughten** asked the Minister for Transport and the Marine the steps he will take to attach penalty points to persons holding a licence other than an Irish driving licence; and if he will make a statement on the matter. [23643/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 62 and 90 together.

All drivers are subject to road traffic law and it is a matter for An Garda Síochána to enforce the law. Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for ensuring that penalty points are endorsed on a licence record. Data in relation to penalty points is held on the National Driver File. As foreign licence holders do not have an Irish driving licence record, penalty points incurred in this State are recorded against that person on a separate record in the National Driver File. The realisation of fines and penalties imposed by the Courts is a matter for the Courts Service.

I am conscious that enforcing penalties for road traffic offences on foreign registered drivers raises many legal, organisational and procedural issues, which make it very difficult for any one State to enforce such penalties. For that reason, my Department is pursuing this question at the European, British/Irish and North/South levels where mutual recognition and cross border enforcement possibilities are under consideration.

Question No. 63 answered with Question No. 57.

Question No. 64 answered with Question No. 27.

Air Services.

65. **Deputy Kieran O'Donnell** asked the Minister for Transport and the Marine the reason the Government through its nominees on the Aer Lingus board of directors did not retain executive

powers over the Heathrow slots at all times; if the Government will seek to regain these executive powers; and if, following the appointment of the two further Government nominees to the Aer Lingus board, there will be a request for a special meeting of the board to demand an immediate reversal of the decision to end the Aer Lingus Shannon to Heathrow route. [24424/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Heathrow slots are the defined time intervals during which aircraft are scheduled to take-off from and land at Heathrow airport. In view of the scarcity and value of slot allocations at Heathrow, it was considered appropriate to put in place measures to prevent the sale of Aer Lingus' slot allocation to other airlines. Arrangements to safeguard the Heathrow slots are built into the Company's Memorandum and Articles of Association. The effect of these arrangements is that any sale or long-term lease of Heathrow slots to other airlines can be prevented by 30.4% of the votes cast at an Extraordinary General Meeting.

The re-deployment of slots and other resources in this particular case was a commercial decision made by the executive management team in the Company. The decision was taken by management of Aer Lingus on foot of a mandate from the Board to examine and develop commercial opportunities, in accordance with the Memorandum and Articles of Association of the Company. There is clear legal advice to the effect that, having regard to the duties of the Board of Directors pursuant to the Companies Acts and the Memorandum and Articles of Association of Aer Lingus, shareholders do not have the power to overrule management decisions on business matters.

In law, the Directors are responsible for managing the company's business and all Directors, including the State appointees, are bound by their fiduciary responsibilities under the Companies Acts. I have decided to appoint two further directors to the board of Aer Lingus. I will ask the State appointees to seek to ensure that all future decisions of the company, that have significant implications for wider Government, aviation or regional development policies, are considered at board level. That 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. The State appointees to the board do not, nor will they, have a veto on board decisions.

At the time of the IPO it was recognised that there was a need to balance the State's strategic interests in relation to Heathrow slots with a need to allow the company to have reasonable commercial flexibility in its operations while respecting the EU Treaty requirements relating to

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'golden shares'. The safeguards put in place at the time of the IPO against disposal of slots were devised on the basis of legal advice. It was clear from contacts with the European Commission that any measure for the protection of Heathrow slots that could be solely exercised by the Government would be regarded by the Commission as a special right, which would be challenged before the European Court of Justice.

Public Transport.

66. **Deputy Joan Burton** asked the Minister for Transport and the Marine the position regarding the integrated ticketing project following the recent report of the Comptroller and Auditor General; the timescale and budget this project is working to; and if he will make a statement on the matter. [24270/07]

109. **Deputy Richard Bruton** asked the Minister for Transport and the Marine when it is envisaged that integrated ticketing will be available. [24365/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 66 and 109 together.

The Chairman of the Integrated Ticketing Project Board has informed me, in a recent report, that he is pleased to be able to report good progress with the project progressing in accordance with the agreed programme. The Integrated Ticketing Project Board has agreed a programme for the delivery of an integrated ticketing system in the Dublin area within a capital budget of €49.6 million. 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, by end August 2009.

Irish Rail DART and commuter rail services will be included within a further 12 months, and Bus Eireann 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 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.

Motor Fuels.

67. **Deputy Bernard Allen** asked the Minister for Transport and the Marine when the biofuel usage requirements outlined by Government will be introduced; and if he will make a statement on the matter. [24367/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Government remains com-

mitted to meeting the indicative target agreed in the Biofuels Directive 2003/30/EC of 5.75% by 2010 through 5% obligatory fuel blending by 2009 and excise relief. Ireland remains on course to meet its revised interim target of 2% for 2008, which was agreed by the EU, through the Mineral Oil Tax Relief (MOTR) Scheme II, announced in November 2006. This Scheme will place 163 million litres of biofuels on the market at a cost to the Exchequer of €200 million over the period 2006-2010. It is expected that, at full capacity in 2008, the Biofuels MOTR Scheme II will result in 2.2% of transport fuels being met by biofuels resulting in savings of over 1.2 million tonnes of carbon dioxide (CO₂) over the five-year period.

As part of my overall objective for sustainable urban transportation I have requested CIE to move to a 30% bio-diesel blend in all new buses as part of their fleet replacement policy. In line with the Programme for Government I have also asked the company to set out as quickly as possible an action plan to convert the existing fleet to a 5% biofuel blend taking account of logistical, technical and financial issues.

Transport 21.

68. **Deputy Simon Coveney** asked the Minister for Transport and the Marine his views on the recent reported delays in the provision of Transport 21 projects and the potential to fast-track other projects in Transport 21 as a result of those delays; and if he will make a statement on the matter. [24355/07]

106. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if the full Transport 21 programme is expected to be implemented on time and within budget; and if he will make a statement on the matter. [24464/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 68 and 106 together.

Transport 21 is, essentially, a financial framework representing the funding that the Government has indicated it is prepared to commit for capital investment in transport for the ten-year period 2006-2015. At the launch of Transport 21, the Government identified the projects in the national roads, public transport and regional airports sectors that it wishes to see prioritised for development in the ten-year period and estimated the cost of implementing these projects at €34 billion, in current cost terms. An indicative timetable for completion of the major projects was also provided at that time.

The original timetable was designed to set challenging targets for the agencies and was drawn-up at a time when many of the projects mentioned were only at design/planning stage. Inevitably, within a programme of this scale, it will be necessary to amend estimated completion dates

as projects develop. Final completion dates for projects will only be determined when the planning process and contract negotiations have been concluded. So far, it has been necessary to revise the indicative completion dates for some projects because of circumstances arising before construction, while other projects have been delivered ahead of schedule.

My Department is closely monitoring and very actively managing the Transport 21 programme to ensure that projects are delivered in the shortest possible timescale, consistent with the annual funding available. In overall terms, there is no evidence to suggest that all of the projects identified in Transport 21 will not be completed by 2015, within the overall budget of €34 billion.

Question No. 69 answered with Question No. 25.

Question No. 70 answered with Question No. 25.

Question No. 71 answered with Question No. 8.

Greenhouse Gas Emissions.

72. **Deputy P. J. Sheehan** asked the Minister for Transport and the Marine his proposals to reduce the CO₂ emissions from transport; and if he will make a statement on the matter. [24357/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): A number of measures relating to transport are included in the revised National Climate Change Strategy to reduce greenhouse gas emissions. These include technology improvements, rebalancing of motor taxes and fuel economy labelling, Dublin Traffic measures, Mineral Oil Tax Relief for biofuels, modal shift through Transport 21, alignment of transport investment with spatial planning, and the achievement of a 5.75% biofuels blend in fuels by 2010. In all the transport sector will provide up to 13% in total national emission savings under that Strategy.

I have also announced the preparation of a Sustainable Travel and Transport Action Plan, which will set out a broad suite of policies and measures to help the transport sector progress along a more sustainable trajectory and make a further contribution to reducing emissions to 2020. The Action Plan will consider the reduction in greenhouse gas emissions along with other elements of sustainability relating to economic competitiveness and quality of life and the aim is to publish the Plan in the Spring of 2008.

Question No. 73 answered with Question No. 16.

Air Services.

74. **Deputy Dinny McGinley** asked the Minister for Transport and the Marine the position regarding the rapid provision of the promised marketing package for the mid-western region identified as essential in the context of open skies; and if he will make a statement on the matter. [24375/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department has prepared an Economic and Tourism Development Plan for the Shannon Airport catchment area. The Plan has been prepared in consultation with the Department of Finance, the Department of Arts, Sport & Tourism, the Department of Enterprise, Trade & Employment and the Department of Communications, Energy and Natural Resources and will be finalised in the context of the forthcoming Budget.

The purpose of the plan is to ensure that the region is well placed to respond to the challenges and opportunities emerging in the context of full liberalisation of the transatlantic aviation market and the phasing out of the Shannon Stop as envisaged under the EU-US Open Skies Agreement.

Question No. 75 answered with Question No. 14.

Proposed Legislation.

76. **Deputy Emmet Stagg** asked the Minister for Transport and the Marine the stage the proposed consolidation of the 32 Merchant Shipping Acts 1894 to 2005 is at; when he will bring the consolidated Act before the Houses of the Oireachtas; and if he will make a statement on the matter. [24279/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): This is a long-term project, given the number and complexity of the Acts involved and my primary objective of reviewing and updating the primary legislation on merchant shipping. The consolidation phase of this project is to provide a consolidated working text of all the extant Acts, on which the review can then be based. It is not my intention to prepare a Consolidation Act per se, but rather to introduce in due course a modern, updated and single replacement Merchant Shipping Act.

The informal consolidation phase of the project should be completed by the end of the year. The review will take place in 2008, to be followed by the preparation of a new Merchant Shipping Bill. Merchant shipping is a complex and rapidly evolving sector, given its globalised nature, the increasing focus on the safety agenda, the pace of change driven by international maritime conventions and the European Union, and the rise in marine leisure activities. It is important that the framework for Ireland's merchant shipping legis-

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lation is both up to date and flexible, and that is my objective in pursuing this project.

Road Safety.

77. **Deputy Thomas P. Broughan** asked the Minister for Transport and the Marine the progress in completing a new road safety strategy; the budget he proposes to allocate to it over its duration; when he expects to publish same; the action he proposes to take under section 41 of the Roads Act 1993 or otherwise to review the use of wire crash barriers on roads here; if he will make a submission on behalf of the Government to the EU Standards Committee review of the use of wire crash barriers; when he proposes to legislate for the compulsory fitting of cyclops mirrors on all heavy good vehicles; if he has plans to amend legislation to make it a specific requirement of cyclists to wear high visibility clothing and to require the mandatory usage of safety helmets by children and young people using bicycles; and if he will make a statement on the matter. [24244/07]

100. **Deputy Charles Flanagan** asked the Minister for Transport and the Marine if he has received recommendations from the Road Safety Authority on road safety measures; the details of those recommendations; the legislative changes required; and if he will make a statement on the matter. [24370/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Question Nos. 77 and 100 together.

The Road Safety Authority (RSA), who have responsibility for its development, have submitted to me a draft Road Safety Strategy for the period 2007-2012. I intend to launch this new strategy, in conjunction with the RSA in the coming weeks. The issue of the type of barrier to be used on national roads is a matter for the National Roads Authority (NRA) under the Roads Act 1993. The NRA is a member of the European Committee for Standardisation of Safety Barriers.

The NRA, as a matter of practice, keep road design standards, including safety aspects, under regular review and I understand that they are currently carrying out research on the use of wire barriers across Europe. In accordance with EU Directive 2003/97 new HGVs entering into service from 26 January 2007 must be equipped with enhanced mirrors including cyclops mirrors to improve the fields of indirect vision of drivers of these vehicles.

In the case of HGVs which entered into service between 1 January 2000 and 25 January 2007 the European Union has recently adopted a directive (EU Directive 2007/38) which provides for the retrofitting of enhanced mirrors on the passenger

side of these vehicles to be undertaken by 31 March 2009. During consideration of this directive as a proposal, Ireland together with a number of Member States, sought unsuccessfully to have it expanded to include the retrofitting of cyclops mirrors. However, the European Commission undertook to consider further the question of accidents associated with blind spots on HGVs.

Finally, under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the issue of wearing high visibility clothing and the mandatory usage of safety helmets by cyclists is now a matter for the Road Safety Authority.

Question No. 78 answered with Question No. 17.

Air Services.

79. **Deputy Kathleen Lynch** asked the Minister for Transport and the Marine the measures he proposes to introduce to ensure the maintenance of Aer Lingus' Cork-Heathrow and Dublin-Heathrow airport slots and the protection of critical air connectivity for both of these airports and regions; and if he will make a statement on the matter. [24253/07]

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 one State appointed director serving on the board and it is now proposed that two further appointments be made. I envisage that the State appointees, will be mandated to seek to ensure that future decisions of the company that have significant implications for wider Government aviation or regional development policies are considered at board level. This will give the State appointees the opportunity to raise the public policy implications of decisions and to ensure that the full commercial implications for the company are taken into account. All directors, including the State appointees, will of course be bound by their fiduciary responsibilities under the Companies Acts.

Question No. 80 answered with Question No. 14.

81. **Deputy Paul Connaughton** asked the Minister for Transport and the Marine the role the Government is playing in attracting new airlines to establish routes into this country in the context of open skies; and if he will make a statement on the matter. [24346/07]

89. **Deputy Paul Connaughton** asked the Minister for Transport and the Marine if he is satisfied that the national airports have made all the necessary efforts to attract users from new airport destinations in the US in the context of open skies; if his attention has been drawn to the intense competition from the airports of other European countries to make such arrangements for their countries; and if he will make a statement on the matter. [24347/07]

107. **Deputy Tom Sheahan** asked the Minister for Transport and the Marine the action the Government has taken to attract airlines to Shannon Airport in response to future pull outs; and if he will make a statement on the matter. [24391/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 81, 89 and 107 together.

The State airports at Dublin, Shannon and Cork are owned and managed by the Dublin Airport Authority (DAA) who operate them to a commercial mandate. The company has statutory responsibility for all day-to-day matters at these airports, including their marketing for new routes and new airlines.

Under its commercial mandate DAA has the key role in developing the airports and thereby promoting the provision of as wide a range as possible of air services into and out of Ireland. Recent traffic growth at the airports confirms the success of the DAA in attracting airline interest and developing new air routes. I envisage that this commercial approach to air services development will be central to the operation of the airports concerned in the future.

With specific reference to Shannon Airport I know that an incentive scheme for new services to European hubs was recently launched there. More generally, the Deputy will be aware that in the light of the recent report of the Senior Officials Group on Aviation the Government has asked relevant Ministers to consult further with the local and regional authorities and report back with proposals for unlocking the further development potential of the Limerick-Shannon Gateway and its wider region.

Transport 21.

82. **Deputy Terence Flanagan** asked the Minister for Transport and the Marine the Government initiatives under Transport 21 that will improve bus and train services to the west of

Ireland from Dublin; and if he will make a statement on the matter. [24322/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Bus and rail services to the west of Ireland will benefit from investment, under Transport 21, in the completion of the Railway Safety Programme, the introduction into service of 183 new inter-city railcars, the re-opening of the Western Rail Corridor, investment in other rail upgrade projects including removal of speed restrictions and investment in improved bus services such as the 235 new buses currently being purchased by Bus Éireann.

The investment in the railway network and rolling stock will facilitate the introduction of hourly peak and two hourly off-peak services between Dublin and Galway and two hourly services between Dublin and Sligo from 2009. It will also enable the company to increase the frequency of service on the Dublin/Westport line from the current level of three services each way to five services each way.

83. **Deputy Joanna Tuffy** asked the Minister for Transport and the Marine the action he will take to accelerate the interconnector project as announced on 24 March 2007; the timescale now proposed for this accelerated project; and if he will make a statement on the matter. [24271/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The planning, design and construction of the Interconnector is a matter for Iarnród Éireann in the first instance. Transport 21 currently provides for the completion of the Interconnector by 2015. The acceleration of the project will be considered in the context of the feasibility and planning design studies currently being undertaken by Iarnród Éireann and its consultants and due for completion this month.

Question No. 84 answered with Question No. 34.

Road Safety.

85. **Deputy David Stanton** asked the Minister for Transport and the Marine when the maximum vehicle height decision will be made; and if he will make a statement on the matter. [24372/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Regulations to give effect to a national maximum vehicle height of 4.65 metres are currently being prepared by the Road Safety Authority.

Question No. 86 answered with Question No. 7.

Taxi Regulations.

87. **Deputy Jack Wall** asked the Minister for

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Transport and the Marine his intentions to amend regulations to allow hackneys to use bus lanes; and if he will make a statement on the matter. [24275/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The current rules governing use of bus lanes were established through the Road Traffic (Traffic and Parking) Regulations 1997-1998. These regulations restrict the use of bus lanes to buses or minibuses operating under a public service license, as well as allowing taxis and pedal cycles to use bus lanes which are with-flow (as opposed to contra-flow).

I have now received a request from the Commission for Taxi Regulation to amend regulations so as to permit the use of bus lanes by hackneys and limousines. In considering this request, I have received the views of several interested bodies. However, a case is now pending before the High Court in which a limousine operator is challenging the provisions of the existing regulations. I intend to await the outcome of this case before making a final decision on the Taxi Regulator's request.

Question No. 88 answered with Question No. 39.

Question No. 89 answered with Question No. 81.

Question No. 90 answered with Question No. 62.

Public Transport.

91. **Deputy Brian Hayes** asked the Minister for Transport and the Marine his views on the need to establish a transport police for the purpose of deterring anti-social and violent behaviour on all public transport systems; and if he will make a statement on the matter. [24114/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Day to day operation of rail and bus services including the provision of supervisory and security personnel and facilities such as CCTV to deal with anti social behaviour is a matter for the transport operator in conjunction, where necessary, with the Garda Authorities.

Question No. 92 answered with Question No. 24.

Road Traffic Offences.

93. **Deputy Joan Burton** asked the Minister for Transport and the Marine when he will respond to the request from the Medical Bureau of Road Safety for increased funding and resources to allow for an expansion of its drug-testing programme; if he will bring forward a comprehensive

policy on drug-testing of drivers; and if he will make a statement on the matter. [24268/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): With regard to drug testing of drivers, the Road Traffic Acts already provide that a member of the Garda Síochána may, where he or she is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of that vehicle, require that person to go to a Garda station and further require that person to submit to a blood test or to provide a urine sample.

There is no feasible basis yet in Ireland or in Europe for the introduction of a preliminary roadside test for drugs as testing devices are still in the prototype stages. However, my Department with the MBRS, is keeping abreast of developments in this area. The issue of funding and resources for the MBRS is under consideration in the context of the overall funding and resources for my Department and its non-commercial state agencies for 2008.

Road Safety.

94. **Deputy Enda Kenny** asked the Minister for Transport and the Marine the progress made on the introduction of mandatory training for motor cyclists in view of the high death rate in this group of road users; and if he will make a statement on the matter. [24376/07]

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 Road Safety Authority has responsibility for the publication of a consultation document on compulsory training for motorcyclists.

Public Transport.

95. **Deputy Seán Barrett** asked the Minister for Transport and the Marine his proposals to enter into discussions with Dublin Bus, Iarnród Éireann and the Luas management company Veolia with a view to providing linking Imp buses between the three transport services; and if he will make a statement on the matter. [22321/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The provision of feeder and bus services to/from and between rail stations is a day-to-day operational matter for the relevant bus operators, Iarnród Éireann and the RPA and not one in which I have any role.

Light Rail Project.

96. **Deputy Joe Costello** asked the Minister for Transport and the Marine the status of the pro-

posed Luas D line to serve Grangegorman and Liffey Junction; the stage planning and development for this route is at; when he expects this line to commence and be completed; and if he will make a statement on the matter. [24264/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): 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 for which will be decided having regard to the route of Line BX.

Public Transport.

97. **Deputy Seán Barrett** asked the Minister for Transport and the Marine if he will enter into discussions with local authorities regarding policy in relation to introducing quality bus corridors and their locations, operating times and days with a view to ensuring some uniformity of approach; if he will ensure that public consultation will take place before they are introduced. [22290/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): In the Greater Dublin Area, the Quality Bus Network Project Office of Dublin City Council works to ensure that there a uniform approach to the design standards and specifications of the quality bus network among the local authorities in the Greater Dublin Area. The design and specification for each scheme is integrated to take account of the most appropriate bus priority measures for the route in question, the concerns of residential and business communities along the proposed route, the needs of all road users, including cyclists and pedestrians and the potential for road safety improvements.

The local authorities in Cork, Waterford, Limerick and Galway city regions are also involved in the provision of bus priority measures in their areas. The location of such measures as well as operational issues are addressed at the planning and design stages by the local authorities concerned, in the context of local development or transportation plans, such as the Cork Area Strategic Plan (CASP). Public consultations are undertaken as a matter of course by the spon-

soring agencies during the design and planning of all bus priority measures.

Question No. 98 answered with Question No. 57.

Road Network.

99. **Deputy Seymour Crawford** asked the Minister for Transport and the Marine the progress being made with the Northern Ireland authorities regarding the Dublin/Derry road where a dual carriageway has been promised under the St. Andrew's Agreement; if work has been carried out regarding the possible route; when this issue will come to public consultation; and if he will make a statement on the matter. [24116/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): A meeting of the North South Ministerial Council (Transport Sector) took place on 14th September 2007. The Council discussed and agreed the necessary steps to progress the A5 road project which will provide dual carriageway standard on the route within Northern Ireland serving the North West Gateway. The Council agreed to the formation of a management structure for the A5 project comprising a Cross Border Steering Group, Technical Group and a dedicated Roads Service Project Team to evaluate and monitor progress as required, and the early appointment of consultants to enable a route corridor study of the A5 project to commence. These arrangements are in hands.

Question No. 100 answered with Question No. 77.

Motor Fuels.

101. **Deputy Brendan Howlin** asked the Minister for Transport and the Marine his plans to introduce a grant scheme for people having their cars modified to enable them to use low CO₂ emission biofuels; and if he will make a statement on the matter. [24273/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Minerals Oil Tax Relief (MOTR) Scheme II, announced in November 2006, aims to place 163 million litres of biofuels on the market per annum at a cost of €200 million over the period 2006-2010. When the scheme is fully operational, it is expected that it will contribute 2.2% of total transport fuel consumption. In addition, obligatory fuel blending of 5% will be introduced by 2009 which will help to achieve the indicative target of 5.75% set out in the Biofuels Directive 2003/30/EC. The remainder will be achieved through higher biofuel blends and use of pure plant oil (PPO) in captive fleets maintained by private and public transport operators. My Department has also provided support for transport operators to convert their vehicles to

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run on 100% PPO as part of a scheme operated by the German-Irish Chamber of Industry and Commerce in 2007.

Despite the success of this pilot scheme and the interest expressed in it by operators, I have no immediate intention to extend it or provide any other additional grants for vehicle modification, until the proposed Sustainable Travel and Transport Action Plan emerges in 2008. Notwithstanding this, there is currently a provision for a 50% VRT relief on flexi-fuelled vehicles (FFV), which are capable of operating on 85% blend, for 2006 and 2007. Furthermore, it is expected that changes to the current VRT and motor tax system will reward purchasers and owners of low-carbon vehicles.

Question No. 102 answered with Question No. 26.

Question No. 103 answered with Question No. 31.

Park and Ride Facilities.

104. **Deputy John Perry** asked the Minister for Transport and the Marine the progress made to address the critical lack of park and ride facilities in Dublin; if he has plans to meet the target of 74 park and ride sites in Dublin as was stated at the outset of Transport 21; the number of additional such sites provided since they were announced in December 2005; and if he will make a statement on the matter. [24395/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Good progress is being made on the provision of park and ride facilities in the Greater Dublin Area (GDA). Iarnród Éireann is currently undertaking a nationwide programme of expanding and upgrading station car parks and 17 of these are in the GDA. New facilities at Leixlip Louisa Bridge and Adamstown were opened already this year and plans are well advanced at Donabate, Rush, Lusk and Sallins. Upgraded facilities at Gormanstown for 250 cars have also recently been provided.

To date, 800 extra spaces have been provided in the GDA, along with the 200 extra spaces at Sallins which will be opened shortly. I have approved funding for Iarnród Éireann for a further 600 spaces at 3 other sites and proposals for a further 500 spaces are being considered by my Department. The park and ride sites on the proposed Luas and Metro lines will open simultaneously with the start-up of services. The extension of the Luas line to Cherrywood will include a park and ride sites with 350 spaces at Carrickmines which will open in late-2010. Proposals from local authorities for rail-based park and ride facilities will also be considered for Transport 21 funding.

A DTO report has concluded that bus-based park and ride has a limited role in Dublin because of the city's size and consequent distances. Nonetheless, where there is a sound business case, my Department will give favourable consideration to funding. I understand that Dublin South County Council is awaiting the outcome of its application to An Bord Pleanála for permission for a bus-based park and ride facility close to Leixlip. I am confident that the Transport 21 commitments on park and ride facilities will be comprehensively delivered.

Question No. 105 answered with Question No. 31.

Question No. 106 answered with Question No. 68.

Question No. 107 answered with Question No. 81.

Road Network.

108. **Deputy Jimmy Deenihan** asked the Minister for Transport and the Marine if he will provide the necessary funding to enable a new bridge to be provided at Ballinagare, Lixnaw following the collapse of the original bridge; and if he will make a statement on the matter. [22292/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The provision or improvement of non-national roads, including bridges, in its area is a matter for Kerry County Council to be funded from its own resources supplemented by State grants. In August this year, applications were invited from road authorities for funding under the non-national roads Specific Improvements Grant scheme in 2008. The proposals submitted by Kerry County Council included an application for grant aid for a bridge at Ballinagare.

All applications received for funding under the scheme will be considered by my Department, having regard to compliance with eligibility criteria, the need to prioritise projects, competing demands from other local authorities and the funds available for the scheme in 2008. The 2008 non-national road grant allocations to local authorities will be announced early next year.

Question No. 109 answered with Question No. 66.

Question No. 110 answered with Question No. 57.

Airport Development Projects.

111. **Deputy John O'Mahony** asked the Minister for Transport and the Marine his views on the recent submission made to him by Ireland

West Airport Knock; and if he will make a statement on the matter. [24324/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I assume that the Deputy is referring to a letter sent by the Group Managing Director of Ireland West Airport Knock to the Secretary General of my Department following a media report concerning Shannon airport. My Department has acknowledged receipt of the letter and has indicated that a further reply will follow when the issues raised have been fully considered.

Question No. 112 answered with Question No. 11.

Site Acquisitions.

113. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Finance the status of the negotiations for the acquisition of a site for the proposed new community college in Skibbereen, County Cork; the number of sites that have been examined; and if he will make a statement on the matter. [24567/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Commissioners of Public Works in Ireland act as agents for the Department of Education and Science in the acquisition of sites for some schools. We were requested by the Department to acquire a site for the amalgamation of 3 schools in the Skibbereen area. A total of 12 site options were examined. However, none of the sites were considered suitable and the matter is presently with the Department of Education and Science who I understand will continue to explore options.

Tax Code.

114. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Finance the status of the claim for mortgage interest relief for persons (details supplied) in County Wexford; when it will be processed; and if he will make a statement on the matter. [24589/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that an application for mortgage interest relief for the current year was received from the persons in question on 4 September 2007. An application for interest relief for prior years was also received on the same date.

It is expected that the persons will receive mortgage interest relief for the current year from 1 November. The mortgage provider in this instance operates a gross payment policy, meaning that the persons will pay the full monthly mortgage amount and the mortgage provider will credit their funding account with the monthly tax credit. Mortgage relief for the earlier months of

this year will be the subject of a lump sum credit to the funding account.

With regard to the interest relief for prior years, this will be refunded during November — the mortgage provider will refund for the year 2006 and Revenue will refund for the years 2003-2005 inclusive.

National Development Plan.

115. **Deputy Enda Kenny** asked the Tánaiste and Minister for Finance the amount of PPP investment invested under the national development plan to date; the amount estimated to be invested by the end of the programme; and if he will make a statement on the matter. [24627/07]

118. **Deputy Enda Kenny** asked the Tánaiste and Minister for Finance the amount spent to date under the national development plan programmes; and if he will make a statement on the matter. [24630/07]

119. **Deputy Enda Kenny** asked the Tánaiste and Minister for Finance the amount of funding spent to date on the national development plan; the amount estimated to be spent by the end of the programme; and if he will make a statement on the matter. [24631/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 115, 118 and 119 together.

The National Development Plan (NDP) 2007-2013 was launched by the Government on 23 January of this year. Investment under the Plan is grouped under five Priorities: Economic Infrastructure; Enterprise, Science and Innovation; Social Infrastructure; Human Capital and Social Inclusion. Each Priority contains a number of programmes which are further divided into sub-programmes. In relation to funding total investment under the Plan in the period 2007-2013 will amount to approximately €184 billion which is broken down as follows:

| Priority | 2007-2013 |
|------------------------------------|-----------|
| | Total €m |
| Economic Infrastructure | 54,660 |
| Enterprise, Science and Innovation | 20,006 |
| Human Capital | 25,796 |
| Social Infrastructure | 33,612 |
| Social Inclusion | 49,636 |
| Total | 183,709 |

The €184 billion total investment under the NDP over the period 2007-2013 is comprised of approximately €100 billion of capital and €84 billion of current investment. Some €143 billion of investment over the period will be funded by

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the Exchequer. It is expected that PPPs will contribute some €13 billion and investment by Commercial State Bodies will total some €16 billion over the lifetime of the Plan. The remainder of the investment will be made up of Local Authority own resources and other sources (including the Local Government Fund, the Environment Fund and the National Training Fund).

Monitoring of progress under the Plan at Priority, Programme and Sub-Programme level will be undertaken by the Central Monitoring Committee (CMC) for the Plan which is chaired by my Department. The CMC is comprised of representatives from all relevant Government Departments, the Social Partners, Regional Assemblies and Authorities and Environmental Interests. The first meeting of the CMC is scheduled for later this year. As stated in the NDP, the CMC will assess progress under the NDP by reference to a Report which will be prepared by my Department based on material received from Departments and Implementing Agencies. My Department will also coordinate the drafting of an Annual Report on NDP implementation which will be submitted to the Government and subsequently laid before the Houses of the Oireachtas where it shall be subject to debate.

Details of the first year of implementation figures in relation to spend in 2007, including PPP investment, will be set out in the 2007 NDP Annual Report which will be produced and submitted to the Oireachtas in 2008. I can, however, inform the Deputy that Exchequer capital issues were above profile for the period to end September and this indicates that NDP spending from that source is going well.

116. **Deputy Enda Kenny** asked the Tánaiste and Minister for Finance the amount spent to date on the south and east regional programme under the national development plan; the amount estimated to be spent by the end of the NDP; and if he will make a statement on the matter. [24628/07]

117. **Deputy Enda Kenny** asked the Tánaiste and Minister for Finance the amount spent to date on the Border midland western regional programme under the national development plan; the amount estimated to be spent by the end of the NDP; and if he will make a statement on the matter. [24629/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 116 and 117 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 childcare, 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 NDP/CSF 2000-2006 is implemented through seven Operational Programmes, two of these are the Border, Midlands and Western (BMW) Programme and the Southern and Eastern (S&E) Programme which are managed by the two Regional Assemblies. Both of these Regional Programmes complement the National Programmes and make a significant contribution to the socioeconomic development of the two regions.

The most recent information available to my Department, following the June NDP/CSF Monitoring Committee meeting, regarding expenditure under NDP/CSF 2000-2006 to the end of December 2006 indicates that some €2.8 billion and €4.1 billion has been invested under the BMW and S&E Programmes respectively.

The four priorities set out in the Regional Programmes are local infrastructure; local enterprise; local agriculture/rural development; and social inclusion and childcare. Highlights of the BMW programme include the improvement, restoration and maintenance of more than 26,000 kilometres of non-national roads; the creation of more than 18,500 jobs by County Enterprise Boards in supported enterprises; and the provision of over 12,000 additional childcare places. Highlights of the S&E Programme include the improvement, restoration and maintenance of more than 28,000 kilometres of non-national roads; the creation of more than 14,000 jobs by County Enterprise Boards in supported enterprises; and the provision of over 22,000 additional childcare places.

In terms of forecasting expenditure until the end of the NDP/CSF 2000-2006, it is important to point out that spending on EU co-financed measures can continue until 2008 as set out in the EU regulations. At this stage, based on the information available, it is estimated that some €3 billion and €4.3 billion will have been invested under the BMW and S&E Programmes, respectively, when the programme is completed.

Questions Nos. 118 and 119 answered with Question No. 115.

Tax Code.

120. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance, further to Parliamentary Question No. 181 of 10 October

2007, the estimate of the number and percentage of tax payers liable for income tax at the higher rate based on their gross income and before tax credits are deducted. [24638/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As the Deputy is aware, the data relating to the numbers paying tax at the higher rate, the standard rate and exempt were set out in my reply to her question on 10 October 2007. An explanation as to why the data are presented in this way is contained in the 2007 Budget booklet, pages C.23 to C.28.

What matters to earners is the amount of their earnings that they keep in their pockets. For all income earners, whether single or married, the position is that their take home pay has increased very significantly in real terms over the last ten years. As indicated in An Agreed Programme for Government, the aim over the next five years is to keep the overall tax burden low and implement further changes to enhance the reward for work while increasing the fairness of the tax system.

121. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance, further to Parliamentary Question No. 61 of 15 February 2007, if he will provide the information requested in relation to the highest individual pension relief

| Year | Contribution earnings cap | Highest proportion of contribution earnings cap allowable | Amount of highest contribution allowable | Top rate of income tax | Value of highest amount of contribution allowable in terms of tax saving |
|------|---------------------------|---|--|------------------------|--|
| | € | % | € | % | € |
| 2004 | 254,000 | 30 | 76,200 | 42 | 32,004 |
| 2005 | 254,000 | 30 | 76,200 | 42 | 32,004 |
| 2006 | 254,000 | 40 | 101,600 | 42 | 42,672 |
| 2007 | 262,382 | 40 | 104,953 | 41 | 43,031 |

The relief can be doubled in the case of a married couple where each spouse qualifies for the maximum individual relief.

On the basis of the information available from tax records, the highest values of tax relief allowed in 2004 (the most recent year for which the necessary detailed information is available) were €64,008 for RACs and €42,000 for PRSAs. These are the amounts of tax relief corresponding to allowable contributions of €152,400 and €100,000 respectively, as relieved at the top tax rate of 42%.

In relation to the numbers of single and married persons availing of the maximum pension relief allowable, the most recent year for which the necessary detailed information is available is also 2004. A breakdown of contributions to RACs and PRSAs by reference to age is not available.

Following are the figures that are available for income tax years 2003 and 2004:

in respect of each of the years subsequent to 2003. [24644/07]

122. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance the numbers of single persons and married persons availing of the maximum pension relief allowable in each of the age categories in 2003 and in each of the subsequent years. [24645/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 121 and 122 together.

With regard to occupational pensions (that is approved superannuation schemes set up by the employer) I am informed by the Revenue Commissioners that there is no statistical basis on which to provide an estimate of the highest individual value of tax relief as the required data at individual employee level is not available to the Revenue Commissioners. Individuals claiming tax relief on contributions to Retirement Annuity Contracts (RACs) or Personal Retirement Savings Accounts (PRSAs) make that claim by way of a tax return to the Revenue Commissioners.

Figures illustrating the highest value of tax relief achievable (and how this is arrived at) for pension contributions by individuals in the years 2004 to 2007 are set out in the table.

Numbers availing of the maximum pension relief allowable RACs

| | 2003 | 2004 |
|--------------------------|------|------|
| Single & widowed persons | 87 | 102 |
| Married persons | 463 | 688 |

PRSAs

| | 2003 | 2004 |
|--------------------------|------|------|
| Single & widowed persons | none | none |
| Married persons | 4 | 10 |

The figures provided for the numbers availing of the maximum pension relief allowable assume that, in the case of married couples where both spouses are earning, the maximum allowable con-

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tributions can be confined to €76,200 (where only one spouse is a contributor) or to any amount falling between €76,200 and double that amount at €152,400 (where both spouses contribute the maximum allowable).

Health Service Funding.

123. **Deputy Mary Upton** asked the Minister for Health and Children the funding available to public and private gyms and fitness clubs who wish to purchase an automated external defibrillator for the safety of their members; and if she will make a statement on the matter. [24572/07]

137. **Deputy Mary Upton** asked the Minister for Health and Children the State funding available to sports clubs and voluntary organisations who wish to purchase an automated external defibrillator for the safety of their members; and if she will make a statement on the matter. [24574/07]

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): I propose to take Questions Nos. 123 and 137 together.

The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

124. **Deputy Denis Naughten** asked the Minister for Health and Children if her attention has been drawn to the fact that as little as 10% of children will be eligible for some support under the new child care staffing grant and the impact this will have on the viable operation of community child care facilities and as a result the educational development of pre-school children; if she will reinstate the existing funding model from January 2008; and if she will make a statement on the matter. [24591/07]

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 conditional on a strong focus on disadvantage and that tiered fee structures were implemented by the services in question which ensured that childcare places subsidised were targeted towards those most in need.

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. In turn, the subvention received by the services will 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 and/or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

I cannot comment on the figure of 10% the Deputy has quoted for the number of children in participating facilities who will benefit from subvention, as until the childcare groups make their returns next month, it will not be possible to establish the relevant figure. I am however informed that such a percentage would be inconsistent with the data provided by groups when they applied for EOCP staffing funding.

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. 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 is due to be received from applicants in November. If appropriate, any adjustments necessary 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.

125. **Deputy Denis Naughten** asked the Minister for Health and Children if her attention has been drawn to the fact that application forms for the new child care staffing grants have not been issued to community groups; if it is acceptable to

leave such a short window to complete such forms in view of the confidential information which is required; if she will postpone the implementation of the new funding structure for a 12 month period due to the unacceptably tight timeframe; and if she will make a statement on the matter. [24592/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): 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 in the form of Child Benefit and the Early Childcare Supplement. 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. In turn, the subvention received by the services will be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme.

Following the Government decision in July 2007 to adopt the new Scheme, officials in my Office wrote to all of the community childcare services in receipt of existing grant support to advise them of the changes being introduced and inviting them to attend information seminars which were arranged in a number of venues around the country for late September and early October. These have taken place and have provided very useful feedback. The details of the new scheme, the rates of subvention which will be available to community childcare services in respect of disadvantaged parents, and the time-frame within which the new arrangements are being implemented, were also outlined. The information seminars have been followed up by updated information packs, which take account of some of the issues raised and responded to at the seminars. These have issued this week along with the forms which the services will need to complete and return by 2 November 2007 as part of the application process.

As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 will 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 is due to be received from applicants in November. Childcare providers are urged to respect the deadline and based on the data received, if appropriate, any adjustments necessary to the scheme to secure the best outcomes for childcare services and for disadvantaged parents and their children

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will be considered on this basis and well in advance of the commencement of the new funding levels in July 2008. However under the transitional arrangements which accompany the introduction of the new scheme, existing grant recipients entering the new scheme can 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.

Health Services.

126. **Deputy Olivia Mitchell** asked the Minister for Health and Children if there are physiotherapy services available to children attending a school (details supplied) in County Dublin; and if she will make a statement on the matter. [24515/07]

127. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will ensure that a person (details supplied) in Dublin 18 receives physiotherapy; and her views on whether it is vital for any young child with a severe mental and physical disability to receive physiotherapy as early as possible in life and on a daily basis. [24516/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 126 and 127 together.

As the Deputy may be aware an additional sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This amount incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing, the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism, including therapy services.

The Disability Act, 2005 is a central element of the National Disability Strategy. The Act is a positive measure designed to advance and underpin participation by people with disabilities in everyday life. Under Part 2 of the Act a person with a disability (or their parent, spouse relative, guardian or personal representative) is entitled to apply for an independent assessment of need. An Assessment Officer will coordinate this Assessment and shall commence the assessment process as soon as possible after the completed application form has been received but not later than three months after that date. At the end of this process the person will receive an Assessment report.

This report will state if the person has a disability (as defined in the Act) and where it is determined that the person does, the report will

contain a statement of the nature and extent of the disability, a statement of the health and education needs (if any) occasioned to the person by the disability and a statement of the services considered appropriate by the Assessment Officer. The Executive shall complete the assessment, the assessment report and forward the assessment report to the Liaison Officer within a further three months from the date on which the assessment commenced, save for in exceptional circumstances, when the assessment will be completed without undue delay. This report must be written without regard to the cost or capacity to provide any of the services they need.

Part 2 commenced for children aged under 5 years with effect from 1st June 2007. This prioritisation reflects the importance of intervention early in life, which can have a significant impact on the disabling effects of a condition or impairment. Part 2 will be commenced in respect of children aged 5-18 in tandem with the implementation of the EPSEN Act. The statutory requirements of Part 2 of the Disability Act will be extended to adults as soon as possible but no later than 2011.

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.

Judicial Proceedings.

128. **Deputy Finian McGrath** asked the Minister for Health and Children if there is substance to allegations (details supplied). [24517/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): Issues raised in the correspondence that the Deputy refers to are the subject of ongoing legal proceedings. It would be inappropriate to comment further.

Health Services.

129. **Deputy Joanna Tuffy** asked the Minister for Health and Children if her attention has been drawn to the fact that a person (details supplied) in County Dublin is urgently in need of speech and occupational therapy; and if she will make a statement on the matter. [24528/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As the Deputy may be aware, an additional sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Dis-

ability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

130. **Deputy Joanna Tuffy** asked the Minister for Health and Children the position regarding future plans for St. Edmundsbury Hospital, Lucan, County Dublin; and if she will make a statement on the matter. [24530/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): St. Edmundsbury Hospital is a private psychiatric hospital and responsibility for the operation of the hospital and its future plans is a matter for the management of the hospital. They must however, comply with the provisions of the Mental Health Act 2001. In addition the Mental Health Act 2001 (Approved Centres) Regulations 2006 require that the closure of an approved centre be notified to the Mental Health Commission.

Health Services.

131. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist persons (details supplied) in Dublin 3. [24537/07]

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.

132. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding services for cases (details supplied) in Dublin 3. [24538/07]

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 investi-

gated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

133. **Deputy Kieran O'Donnell** asked the Minister for Health and Children her plans for the building of a new Limerick maternity hospital to be located on the grounds of the Mid-West Regional hospital. [24542/07]

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.

134. **Deputy Margaret Conlon** asked the Minister for Health and Children her plans for improvements which are needed to support carers (details supplied) including better community based dementia services; and if she will make a statement on the matter. [24549/07]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): The development of Services for Older People, including the development of services for people living with dementia, is a priority for the Government. This is reflected in the funding committed to Services for Older People in Budgets 2006 and 2007. Last year, the Government funded the largest ever expansion in Services for Older People with a full year cost of €150m. This year a full year package of €255m has been allocated for Services for Older People. This gives a total of over €400m added to services for older people over two years.

Government policy in relation to older people is to support people to live in dignity and independence in their own homes and communities for as long as possible and, where this is not possible, to support access to quality long-term residential care. This policy approach is renewed and developed in the latest partnership agreement, Towards 2016.

There is a complementary link between Government policy in the area of the care of older people and care for people with dementia. Both policies stress the need to provide support in dignity and independence, through the provision of appropriate services to the people concerned and their carers. The Government is fully committed to providing such support and service improvement, including the expansion of com-

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munity and residential care services for people with dementia. This commitment is reflected in the additional funding of approximately €109 million in Budget 2006 and €82 million in Budget 2007 which was allocated to community supports for older people, including those with dementia. These supports include Home Care Packages, the Home Help Scheme and Respite Care.

The additional funding provided for Home Care Packages and the Home Help Scheme will further enhance the supports available to families caring for people with dementia at home. In 2006 a total of 2,000 extra Home Care Packages were provided at a full year cost of €55 million (prior to this date only 1,100 Packages had been in operation on a pilot basis). A similar increase in the number of Packages will be provided in 2007, benefiting some 4,000 people. An additional €21 million has been provided in 2007 to fund the cost of some 780,000 additional Home Help hours in 2007. This brings the total funding allocated to Home Helps to approximately €171 million per annum.

Among the areas where funding has been provided are day care and respite care which are an integral part of delivering a comprehensive community service for older people. Day care and respite care offer respite for family members and/or carers and provide social stimulation in a safe environment for older people with mild forms of dementia. The provision of an additional €9 million in 2006 funded a further 1,325 additional places per week in these centres, together with additional programmes for specific needs such as activity therapy. It also means that many day care centres can increase the number of days per week they open. Additional funding of €3.5 million provided in Budget 2007 will cater for a further 1,100 day places per week in day care centres.

The HSE has responsibility for the planning and management of capital projects in the health sector, including the development of services for people suffering from Dementia. The HSE's Capital Plan for 2007 includes significant investment provision to progress projects in the older people sector.

The Deputy may be aware that one of the key Government commitments in the national partnership agreement "Towards 2016" is the development of a national carer's strategy and this commitment is reiterated in the Programme for Government. The strategy will focus on supporting informal and family carers in the community. While financial support for carers will clearly be a key issue in the strategy, other issues such as access to respite and other services, education, training and employment will also feature strongly. Co-operation between relevant Government departments and agencies is essential if the provision of services, supports and entitlements for carers is to be fully addressed.

The Department of Social & Family Affairs has lead responsibility for the development of the Carer's Strategy and is currently considering how best to ensure all relevant Departments and agencies can be involved in the strategy. My officials in the Department of Health & Children will continue to work with their counterparts in the Department of Social & Family Affairs to progress matters.

135. Deputy Róisín Shortall asked the Minister for Health and Children if her attention has been drawn to the situation which exists in relation to occupational therapy services within the Health Service Executive; and the action she proposes to take to remedy the situation. [24554/07]

136. Deputy Róisín Shortall asked the Minister for Health and Children the number of adults and the number of children waiting for occupational therapy assessments in each of the local Health Service Executive areas; and the number of occupational therapist posts vacant in each of these areas. [24555/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 135 and 136 together.

As the Deputy may be aware, an additional sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services including therapy services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 137 answered with Question No. 123.

Hospital Services.

138. Deputy Pat Breen asked the Minister for Health and Children if a person (details supplied) in County Clare could be facilitated as soon as possible; and if she will make a statement on the matter. [24582/07]

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.

139. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Galway will be facilitated with surgery; and if she will make a statement on the matter. [24583/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): 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.

Health Service Staff.

140. **Deputy Michael Ring** asked the Minister for Health and Children the number of people currently employed by the Health Service Executive on a regional basis; the number of those employees who are medical; and the number who are administrative. [24604/07]

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.

National Development Plan.

141. **Deputy Enda Kenny** asked the Minister for Health and Children the amount spent to date on the child care measure under the national development plan; the estimated amount to be spent by the end of the NDP; and if she will make a statement on the matter. [24632/07]

Minister for Health and Children (Deputy Mary Harney): The National Childcare Investment Programme is a key element of the Social Inclusion Priority of the National Development Plan 2007-2013. The Programme aims to provide a proactive response to the development of quality childcare supports and services for families, which are grounded in an understanding of local needs. The Programme has an overall budget of €575 million over five years 2006 to 2010, with the objective of creating an additional 50,000 childcare places over the period. The Programme has a greater focus on preschool places for 3 to 4 year olds and school age childcare places.

Since the Programme was launched in January 2006 a total of €137 has been approved in funding towards childcare services of which €17.8 million had been disbursed to beneficiaries by the end of September 2007. At the end of 2010, progress under the Programme in addressing childcare needs will be reviewed to ensure that Programme has responded to emerging needs. This review will be carried out in tandem with the midterm review of the National Development Plan and will inform any subsequent policy response to childcare.

142. **Deputy Enda Kenny** asked the Minister for Health and Children the amount spent to date under the non-acute and continuing care hospital measure of the national development plan; the amount estimated to be spent under this measure by the end of the NDP; and if she will make a statement on the matter. [24633/07]

143. **Deputy Enda Kenny** asked the Minister for Health and Children the amount spent to date under the acute measure of the national development plan; the estimated amount to be spent by the end of the NDP; and if she will make a statement on the matter. [24634/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 142 and 143 together.

The Government's sustained high level of investment in healthcare has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, overall capital funding of €546 million has been provided to the Health Service Executive. Responsibility for the planning and management of capital projects in the health sector are a matter for the Health Services Executive under the Health Act 2004. Accordingly, my

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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.

144. **Deputy Enda Kenny** asked the Minister for Health and Children the level of dental service provided by the Health Service Executive in County Mayo; if an extra machine was bought in November 2006; if this machine has been installed and is in use; the level of dental service available to children in the Ballinrobe area, County Mayo; if children from this locality have had to travel to Headford to have treatment provided by a private dentist paid by the HSE; if children in Headford have a dental service provided to them by the same method; and if she will make a statement on the matter. [24639/07]

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.

145. **Deputy Enda Kenny** asked the Minister for Health and Children the waiting list and number thereon in Ballina, County Mayo for dental hygienist treatment and service; and if she will make a statement on the matter. [24640/07]

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 Repayment Scheme.

146. **Deputy Denis Naughten** asked the Minister for Health and Children if she will intervene in an impasse between the Health Service Executive and the registrar of the wards of court regarding the nursing home reclaims scheme for patients who are wards of court; if her attention has been drawn to the fact that it is not possible for the registrar to sign the reclaim form as currently worded; the action she is taking to address the problem; and if she will make a statement on the matter. [24643/07]

Minister for Health and Children (Deputy Mary Harney): The Health (Repayment Scheme) Act 2006 provides that applications for repayments to Wards of Court can be made by the Registrar of the Wards of Court or the relevant County Registrar as the Circuit Court has concurrent jurisdiction in wardship matters.

The scheme administrator, the Health Service Executive and officials from my Department met with the Registrar of the Wards of Court in advance of the submission of applications on behalf of Wards of Court, to provide whatever assistance possible with the application process. The scheme administrator is working in conjunction with the Registrar of the Wards of Court to ensure that the application process is as simple as possible. The HSE is not aware of any impasse with the Registrar of the Wards of Court and has informed my Department that 200 applications on behalf of Wards of Court have been received to date.

Hospital Staff.

147. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when an appointment at Tallaght Hospital for physiotherapy will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [24647/07]

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.

Medical Cards.

148. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a family medical card will issue in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [24648/07]

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.

Road Network.

149. **Deputy Enda Kenny** asked the Minister for Transport and the Marine the amount spent to date on non-national road measures under the national development plan; the amount estimated to be spent by the end of the programme; the breakdown of each for the Border midland western and south and east regions; and if he will make a statement on the matter. [24626/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The National Development Plan 2007-2013 envisages that, over the period of the Plan, some €4.3 billion will be invested by the Exchequer and the Local Government Fund in the non-national road network. This investment will be primarily aimed at restoring and maintaining the extensive rural road network and investment in strategic non-national roads. A breakdown of investment between the regions over the period of the Plan has not been identified. Total funding being provided for non-national roads under the Plan in 2007 is €607.5 million. The provisional percentage breakdown between the regions of this allocation is 58% for the Southern & Eastern Region and 42% for the Border, Midland and Western Region.

Total road grants paid to local authorities to end September 2007 for non-national roads under the Plan is €348,876,307 ie €208,445,554 in the Southern & Eastern Region and €140,430,753 in the Border Midland and Western Region.

Public Transport.

150. **Deputy Pádraic McCormack** asked the Minister for Transport and the Marine his proposals to ensure that all private and public buses will be accessible for disabled people; when it is expected that this will be implemented; and if he will make a statement on the matter. [24553/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department's Sectoral Plan under the Disability Act 2005, titled Transport Access for All, contains time bound targets for the progressive realisation of accessible transport in Ireland. In general, the timescales for the various elements of the Plan are expected to be completed within the ten year timeframe of Transport 21.

The Plan envisages that by end 2012 all urban bus services will be fully accessible and that by 2015 practically all vehicles to be used for stage carriage and rural services will be wheelchair accessible and incorporate facilities to assist people with mobility, cognitive and sensory impairments.

151. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport and the Marine if his attention has been drawn to the fact that a company (details supplied) has recently ceased providing a service to Malin Head and Manorcunningham village in County Donegal and is expected to scale down its services further to sustain its overall business; the reason that his Department ceased the provision of a subsidy to this company for providing this public service to the people of north Donegal and Derry city in the 1980s and has failed to resume the provision of subsidies since; and the reason his Department has not intervened to ensure that the people of north Donegal have the same level of public transport as elsewhere in the State. [24596/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department has issued Annual Passenger Licences and International Authorisations issued under EU law to the Londonderry & Lough Swilly Railway Company (LLSR), enabling them to provide public bus services in the North West Donegal region and services to and from destinations in Northern Ireland. LLSR recently applied to my Department to amend their licences and authorisations to reflect their proposed winter schedule which the company wanted to introduce from 03 September 2007. This included the withdrawal of services from the Malin Head area and Manorcunningham village.

While the withdrawal of any service is regretted, the provision of bus services on specific routes is a commercial and operational matter for bus operators provided they comply with the relevant legislation. It is open to any operator to apply to my Department for a licence or International Authorisation to provide bus services in the area. There is currently no legal framework enabling my Department to pay subvention to private operators.

Road Safety.

152. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport and the Marine if he will

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report on recent meetings with the Road Safety Authority; and if he has raised or intends to raise the issue of initiating legislation regarding the usage of bicycle helmets for all cyclists. [24597/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The consensus of public authorities concerned with road safety has been that the wearing of helmets by cyclists is best promoted on a voluntary basis by way of educational and publicity campaigns as opposed to going down the regulation route of compelling compulsory use. There are no legislative proposals under consideration to make it mandatory for all cyclists to wear helmets and to thereby bring the matter into the remit of the criminal law code.

Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) the Road Safety Authority has now responsibility for the promotion and awareness of road safety including the promotion of safety for cyclists. The new Rules of the Road book that was published last March and a copy distributed to each household countrywide contains expanded advice and recommendations to cyclists in relation to the use of protective equipment and recommends that a helmet be worn at all times.

153. **Deputy Thomas P. Broughan** asked the Minister for Transport and the Marine his views on the specifications including speed capacity of vehicles imported into the State; if he will meet the key manufacturers and distributors of the major marques which dominate the Irish market; and if he plans to upgrade safety specifications for vehicles sold here. [24614/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The EU Type Approval System provides for a harmonised structure for motor vehicles. Vehicles which meet these standards have access to all EU markets. Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the issue of vehicle standards including type approval is now a matter for the Road Safety Authority. Any discussions with the motoring sector and the preparation of any proposals on safety specifications would be a matter for the Authority in the first instance.

National Development Plan.

154. **Deputy Enda Kenny** asked the Minister for Transport and the Marine the amount spent to date under the economic and social infrastructure operational programme under the national development plan; the breakdown of the amount spent in each region under the plan; the amount estimated to be spent by the end of the NDP with a breakdown for each region; and if he will make a statement on the matter. [24635/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Economic and Social Infrastructure Operational Programme (ESIOP) is one of five main Operational Programmes prepared within the framework of Ireland's National Development Plan (NDP) and the Community Support Framework 2000-2006 (CSF) agreed between the Irish Government and the European Commission. The Programme provided for a total infrastructural investment of €26.019 billion, of which €6.999 billion was earmarked for the BMW Region and €19.020 billion for the South and East Region.

Total cumulative expenditure from the start of the Programme in 2000 up to the end of 2006 was €28.539 billion. Of this sum, €6.828 billion was spent in the BMW Region and €21.711 billion was spent in the South and East Region. The NDP 2000-2006, of which the ESIOP is a major component, came to a formal end on 31st December, 2006 and has been succeeded by the NDP 2007-2013. However, projects in four areas (National Roads, Public Transport, Waste Water and Sustainable Energy) continue to benefit from EU financial assistance provided from the European Regional Development Fund (ERDF) towards the ESIOP. Expenditure on these EU co-funded projects continues to be eligible for EU aid up to the end of December, 2008. The Department of Transport, as the managing authority for the ESIOP under EU Regulations, is currently collating expenditure data on the EU co-funded areas for the first 6 months of 2007, together with forecasts, for presentation to a meeting of the Monitoring Committee which oversees the implementation of the ESIOP. This information will be provided to the Deputy following review and approval by the Monitoring Committee at its next meeting on 14th November, 2007.

Rail Services.

155. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine the daily passenger throughput at Kilcock, Maynooth, Leixlip, Confey, Hazelhatch, Sallins, Newbridge, Kildare and Monasterevin rail stations; the anticipated increase in each case; the deadline for meeting such targets; and if he will make a statement on the matter. [24658/07]

156. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine the extent to which he intends to increase the number of car parking spaces at each rail station in County Kildare; the existing number of places in each case; and the expected number when augmented; and if he will make a statement on the matter. [24659/07]

157. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if his attention has been drawn to the need to further

increase the frequency and capacity of commuter trains serving Kilcock, Maynooth, Leixlip, Con-fey, Hazelhatch, Sallins, Newbridge, Kildare and Monasterevin, County Kildare; and if he will make a statement on the matter. [24660/07]

161. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine his plans to increase the feeder bus services serving rail stations throughout County Kildare with a view to encouraging the use of rail transport and alleviating traffic chaos; and if he will make a statement on the matter. [24665/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 155, 156, 157 and 161 together.

My Department has asked Iarnród Éireann to provide the detailed data regarding passenger throughput and parking capacity for each station in County Kildare to the Deputy. The position in regard to the improvement of railway services on the Maynooth line is that capacity has been trebled in the last five years. I understand from Iarnród Éireann that it is currently reviewing its plans for resignalling in the city centre area as part of its broader plans for the upgrade of railway infrastructure in the Dublin area and that in this context it is considering the removal of level crossings and resignalling of the Maynooth line as a means of substantially further increasing capacity on the line.

With regard to the Kildare line, capacity has increased by 160% on this line in recent years, along with platform extensions allowing for longer trains, introduction of Sunday services and the turnback facility at Newbridge that provides for Newbridge specific trains to operate. Furthermore, the Kildare Route project will see four-tracking between Cherry Orchard and Hazelhatch that will allow intercity trains to bypass the commuter services serving the outer Dublin area leading to more efficient use of the rail network. In the medium term the Interconnector and the associated electrification will also provide a significant increase in capacity and service on the Kildare Line. The provision of feeder and linking bus services to railway stations is a matter for the bus operators in conjunction with Iarnród Éireann.

Air Services.

158. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if Aer Lingus has available to it other landing slots at Heathrow that could be availed of to resolve the difficulties caused by the recent developments at Shannon; and if he will make a statement on the matter. [24661/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The issue raised by the Deputy

is an operational matter for Aer Lingus. I have no function in relation to such matters.

Public Transport.

159. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if it is intended to enhance bus services to include new urban developments not currently in receipt of services; and if he will make a statement on the matter. [24662/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I refer the Deputy to my reply to Dáil Questions Nos. 309 and 310 which I answered on Tuesday last and Question Nos. 37 and 51 which I answered earlier today regarding additional buses for Dublin Bus. These buses, together with the new buses to be purchased by Bus Éireann, and the provision of services by private operators, will facilitate the expansion and extension of services to serve new developments. Detailed deployment of additional buses by Dublin Bus and Bus Éireann, including the areas and routes to be served and the frequency of service is a matter for the companies having regard to the level of demand and resources available to them. In addition, private bus operators may be licensed on new routes in accordance with the provisions of the Road Transport Act, 1932.

Transport 21.

160. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if Transport 21 is expected to be delivered in its entirety as anticipated or with modifications; the cost of such modifications; and if he will make a statement on the matter. [24664/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I refer the Deputy to my reply to a similar Question from him of today's date.

Question No. 161 answered with Question No. 155.

Road Traffic Offences.

162. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine the number of penalty points already imposed; the number of cases in respect of which maximum points have been imposed; the consequences of same; the number of cases that have been legally contested; the result of such cases; and if he will make a statement on the matter. [24666/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): At the end of September 2007, a total of 469,117 drivers had received penalty points on their driving licence record. A driver who accumulates 12 or more penalty points in a three-year period is disqualified from holding a

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driving licence for a period of 6 months. At the end of September there were 86 drivers currently on 12 penalty points resulting in 6 months disqualification. The compilation of statistics on road traffic offences in relation to the level of prosecutions taken, details of cases contested, the number of court convictions or of any other outcome are matters for the Garda Síochána and the Courts Service respectively.

Air Accident Investigations.

163. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if the cause or causes have been determined in respect of all air accidents involving helicopters in the past five years; if there is one particular cause for such accidents; and if he will make a statement on the matter. [24667/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I have been advised that a total of 23 helicopter accidents have been reported to the Air Accident Investigation Unit (AAIU) of my Department over the past 5 years. Of these 23 accidents a total of 19 have been investigated and reports have been published with a probable cause. The 4 remaining accidents are still under investigation and final reports will be published in due course. The causal factors vary throughout the spectrum of operational, technical and human factor issues. No one specific cause can be attributed to all these accidents. All published reports can be viewed on the AAIU website www.aaiu.ie

Pension Provisions.

164. **Deputy Phil Hogan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that there are problems relating to the payment of contributions for construction workers and the lack of pension cover for this category of worker; and if he will make a statement on the matter. [24557/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The Construction Industry (Pension Assurance and Sick Pay) Registered Employment Agreement (REA) requires employers in the construction sector to become and remain a party to a contributory pension scheme approved by the Revenue Commissioners and sets out the conditions upon which pension and mortality payments are payable and the associated minimum amounts and benefits. The REA does not specify the particular pension scheme to apply but rather sets out the general parameters within which any such scheme should operate.

The Construction Workers Pension Scheme has been established on foot of the Registered Employment Agreement. While it is not a legal

requirement for employers and employees in the construction industry to pay into this pension scheme, it is a legal requirement that employers provide for pension, mortality and sick benefits for those workers to whom the REA applies. The conditions upon which such pension, mortality and sick pay benefits are payable and the amounts thereof must not be less favourable than those which are set out in the REA. The Scheme is administered and monitored on behalf of employers and employees by the Construction Industry Monitoring Agency (CIMA).

Enforcement of the provisions of a Registered Employment Agreement may be effected by direct complaint to the Labour Court. A trade union may complain to the Labour Court that a particular employer is not complying with a Registered Employment Agreement. If, after investigating a complaint, the Court is satisfied that an employer is in breach of a Registered Employment Agreement the Court may by order direct compliance with the agreement. Failure to comply with such an order is an offence punishable by a fine. In exercising its powers in this regard, the Court can request the assistance of the National Employment Rights Authority in inspecting employer records to assess compliance.

Health and Safety Regulations.

165. **Deputy Mary Upton** asked the Minister for Enterprise, Trade and Employment if he will amend the Safety, Health and Welfare at Work Act 2005 in order to make the provision of automated external defibrillators a legal requirement for public and private gyms and fitness clubs; and if he will make a statement on the matter. [24570/07]

166. **Deputy Mary Upton** asked the Minister for Enterprise, Trade and Employment if he will amend the Safety, Health and Welfare at Work Act 2005 in order to require training in the use of automated external defibrillators a legal requirement for all employees of public and private gyms and fitness clubs; and if he will make a statement on the matter. [24571/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I propose to take Questions Nos. 165 and 166 together.

From 1 November 2007, new Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007), made under the Safety, Health and Welfare at Work Act 2005, relating to First-Aid at places of work, generally replace and revoke similar provisions in the 1993 Regulations of the same name (S.I. No. 44 of 1993).

The 2005 Act and the 2007 General Application Regulations, as they apply to public and private gyms and fitness clubs as places of work, relate to the safety, health and welfare of the

employees there rather than that of patrons per se. While the legislation does not explicitly require the provision of automated external defibrillators (AEDs) in all places of work, I understand that draft Guidance on the General Application Regulations, which the Health and Safety Authority is about to publish, advises that:

The provision of automated external defibrillators (AEDs) in workplaces to prevent sudden cardiac death should be considered, and that early defibrillation using an AED is one of the vital links in the chain of survival. Ideally, wherever there is an occupational first aider(s) in a workplace, provision of an AED should be considered. The training of other employees who are not occupational first-aider(s) in the use of AEDs is also encouraged.

Whereas it may be practicable and desirable to have an AED in every workplace, due to cost considerations it would be unreasonable to expect all employers (especially small and medium size enterprises (SMEs)) to have one on their premises, even if there is an occupational first-aider present. These costs not only include the purchase price but also the cost of maintenance of the equipment and refresher training for those trained in how to use AEDs.

However, different employers at the same location, such as in shopping centres, small business enterprise centres etc., where relatively large numbers of employees or other persons are likely to be habitually present, might find it feasible to co-operate in the provision of shared AED equipment, training and assistance.

Employers have a duty to provide first-aid equipment at all places of work where working conditions require it. Depending on the size or specific hazards (or both) of the place of work, trained occupational first-aider(s) must also be provided. I have no plans to amend the legislation referred to as it deals with first aid at places of work.

Work Permits.

167. **Deputy Willie Penrose** asked the Minister for Enterprise, Trade and Employment if he will give consideration to and review the application for a work permit by a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [24576/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that an application was received in respect of the above. The application in this instance was refused as it did not fall within the ambit of Section 4 of the Employment Permits Act 2006. A right of appeal within 21 days applies to decisions under this Act. Outside of this appeal period, anew application will be considered on its specific merits.

National Development Plan.

168. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Employment the amount spent to date under the employment and human resources programme under the national development plan; the breakdown in terms of the amount spent in each region; the amount estimated to be spent by the end of the NDP; and if he will make a statement on the matter. [24624/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment and Human Resources Operation Programme was the second largest of the national Operational Programmes under the National Development Plan 2000 to 2006. Nationally overall expenditure under the Employment and Human Resources Development Operational Programme 2000-2006, to the end of 2006, was over €14.9 billion or 105% of forecast, with the ESF element presently standing at almost €907 million or 102% of forecast. Whilst expenditure on the NDP part of the Operational Programme ceased at the end of 2006, some ESF funding remains to be spent during 2007 (under the EU N+2 rule). The ESF element of the EHRD OP has satisfied the requirements of the N+2 rule for each year of the programme and full utilisation of allocated ESF funding is expected for the overall programming period.

Under the South and East Region, at the end of 2006, total expenditure reached €10.6 billion or 102.6% of the forecast. Expenditure on the ESF for the same period reached €549.5 million or 104.3% of forecast. Under the BMW Region, at the end of 2006, total expenditure reached €4.3 billion or 97.4% of forecast. The ESF expenditure for the same period reached €357.7 million or 97.9% of forecast.

Work Permits.

169. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Employment if and when he will issue a work permit in the case of a person (details supplied) in County Kildare who has been offered suitable legitimate employment here but has had previous unfortunate experiences of exploitation; if he will expedite the process in this case; and if he will make a statement on the matter. [24646/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department has informed me that no application has been received for this person.

Museum Projects.

170. **Deputy Phil Hogan** asked the Minister for Arts, Sport and Tourism his plans for the decentralisation of the National Museum to a location such as Kilkenny city in view of the large amount

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of museum material that is stored away from public view; and if he will make a statement on the matter. [24556/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The Government's decentralisation programme announced in December 2003 did not include plans for the decentralisation of the National Museum to a location such as Kilkenny City and there are currently no plans to relocate the Museum to Kilkenny or to any other location outside of Dublin. The Deputy may be aware, however, that the Arts Council, which is one of the bodies under the aegis of my Department, is scheduled to relocate to Kilkenny.

National Development Plan.

171. **Deputy Enda Kenny** asked the Minister for Arts, Sport and Tourism the amount spent to date under the culture, recreation and sport measure of the national development plan; the amount estimated to be spent by the end of the NDP; and if he will make a statement on the matter. [24618/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Funding of €904 million has been allocated in the National Development Plan (2007-2013) Culture sub-programme in respect of areas under the remit of my Department.

€288 million of this amount has been allocated to Public Private Partnership (PPP) developments in relation to the new National Theatre and National Concert Hall. This figure reflects the Government investment in these two PPP projects. The actual draw-down will be in respect of unitary payments when the projects have been delivered under the Public Private Partnership process.

Expenditure to end September 2007 on the Culture sub-programme from my Department's Vote is as follows:

| | €m |
|-----------------------------|-------|
| Irish Film Board | 12.00 |
| Cultural Infrastructure | |
| Theatre Royal Wexford | 6.44 |
| Gaiety Theatre | 6.23 |
| ACCESS | 1.97 |
| ACCESS II | 0.02 |
| National Museum of Ireland | 3.98 |
| National Library of Ireland | 1.19 |

Under the NDP Sport sub-programme €991million will be invested in sporting infrastructure over the period 2007 to 2013. Expenditure to end September on the Sport sub-programme from my Department's Vote is as follows:

| | €m |
|---|-------|
| Local Authority Swimming Pool Programme | 17.6 |
| Sports Capital Programme | 43.20 |
| Horse Racing Ireland and Bord na gCon | 11.14 |
| Lansdowne Road Stadium project | 21.1 |
| Sports Campus Abbotsown | 3.94 |

The details of the allocations for the programmes, projects and funds under the remit of my Department are contained in the National Development Plan. The full allocations in the Plan are expected to be spent.

Sports Capital Programme.

172. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism when application forms for lottery grants will be available; and if he will make a statement on the matter. [24636/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The 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.

Decentralisation Programme.

173. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if he will reiterate a previous commitment (details supplied) that the long promised decentralisation of staff from his Department to Buncrana, County Donegal will take place in 2009. [24541/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Under the Government's Programme of Decentralisation, 118 posts in my Department are to be relocated to Buncrana. The Office of Public Works (OPW) is responsible for the acquisition of all decentralised accommodation for my Department. In this regard, the OPW have obtained a site in Buncrana and planning permission was obtained on 30 January 2007. The project is expected to take 21 months and is scheduled to finish mid-2009. The Department is committed to fulfilling its obligations under the decentralisation programme.

Social Welfare Benefits.

174. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the processing time for a child benefit application and the number of applications on hand; the correspond-

ing figures for Irish residents where the children reside in another EU country and the number of such applications approved to date; the annual cost to his Department; and if he will make a statement on the matter. [24594/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The majority of Child Benefit applications received are for children born in Ireland. Claims are processed automatically if child benefit is already in payment for other children in the family once the birth details are registered with the General Registrar's Office. Parents are contacted in most cases by the Child Benefit office within two days of the registration of their child's birth. If there is no Child Benefit claim already in payment, then a pre-prepared application form is issued as soon as the birth details are registered. On return of the completed form the claim is awarded and payment issues normally within 7-10 days.

With regard to claims for children born outside Ireland, these fall into two categories — those born outside Ireland and now living here; and those born, and remaining resident, outside Ireland.

There is a total of some 6,000 claims for non-Irish national children born outside Ireland and now resident in Ireland at various stages of processing. These cases can be slow to process as the customer must first satisfy the Habitual Residence condition. This may entail contacting employers, the Department of Justice and other relevant bodies to confirm their status in the state. In addition, checks are made with schools to confirm the permanent residency of the children in Ireland. The average processing time for these claims is 6 months.

There is a further 19,000 claims from EU nationals for non-resident children in the course of being processed at present. EU nationals who come to work in Ireland but whose families remain in their home country may have an entitlement to Family Benefits (of which Child Benefit is one) in Ireland under EU Regulation 1408/71. Before payment of Child Benefit is made in respect of non-resident children it is necessary to contact the authorities in the children's country of residence to confirm their details and establish what, if any, family benefits are payable there. This process can take a number of months to complete. The average time at present for this category of claim is some 12 months.

Child Benefit is currently in payment under EU Regulations to some 1,300 families, in respect of almost 3,000 children resident outside the Republic of Ireland. The estimated cost of such claims in 2007 is €25 million. Efforts are ongoing to process Child Benefit claims in respect of non-Irish national children as efficiently as possible. Measures being taken include examination of the processes involved to ensure they are as streamlined as possible; the judicious use of overtime

working; and the addition of extra staff on a temporary basis to process these claims.

Social Welfare Code.

175. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a person who is the adult dependent on their spouse's jobseekers payment can take up employment on a Sunday; the effect this will have on their income; the allowance they will receive against their travel to work costs; and the amount they are allowed to earn before it will affect their adult dependent allowance. [24605/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Payment of a qualified adult allowance is dealt with differently depending on whether the customer is in receipt of jobseeker's allowance or jobseeker's benefit.

Jobseekers Allowance

From the 26th September 2007 a new means assessment applies to persons in receipt of jobseeker's allowance. This is based on a family rate of payment which is made up of a personal rate, a full qualified adult rate and full child dependant allowance rate less means applicable. Under the new assessment insurable earnings of the spouse/partner are calculated as the gross earnings less PRSI, Superannuation and Trade Union Subscriptions. There is no disregard for deductions in respect of income tax and Health Insurance premiums e.g. VHI etc. or travel expenses. A disregard of €20.00 a day also applies for each day worked by the spouse/partner up to a maximum of €60 a week inclusive of Sunday and the balance of income is assessed at 60%.

By way of example, if the spouse of a customer were to work on Sunday only and earned €60 (having made appropriate allowances for PRSI, Superannuation and Health Insurance) a disregard of €20 would be allowed in respect of 1 day's work and the balance of €40 would be assessed at 60% i.e. €24 means would be deducted from the family rate for that customer. The family rate for Jobseeker's Allowance is currently, €185.80 personal rate, €123.30 qualified adult rate and €22.00 for each qualified child.

Jobseekers Benefit

The payment of a qualified adult allowance on jobseeker's benefit is based on the income of the spouse/partner. A full qualified adult allowance is payable if the spouse's/partner has weekly income up to or including €100.00 gross. A reduced rate is payable if the weekly income is between €100.01 and €280.00 (gross). No allowance is payable if the income is more than €280.00 (gross).

Care of the Elderly.

176. **Deputy Pat Breen** asked the Minister for Community, Rural and Gaeltacht Affairs when a

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person (details supplied) in County Clare will be facilitated with a service; and if he will make a statement on the matter. [24533/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): My Department operates the Scheme of Community Support for Older People. The Scheme is open to people aged 65 and over who have a genuine need for assistance and is administered by local community and voluntary organisations throughout the country with support provided by my Department.

Maximum individual grants are provided under the scheme as follows:

- €300 in respect of the once-off installation cost of socially monitored alarms
- €200 in respect of physical security equipment
- €200 in respect of security lighting
- €50 in respect of smoke alarms
- €150 in respect of interior emergency lighting for qualifying older people living on our offshore islands.

No request for funding on behalf of the person in question has been received. I understand that an Official from my Department has been in contact with this person's local group and they are now in the process of submitting an application her behalf. My Department will process this application, upon receipt.

Community Development.

177. **Deputy Seán Barrett** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for withdrawing funding under the community service programme from a club (details supplied) in County Dublin; and if he will make a statement on the matter. [24548/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The club to which the Deputy refers submitted their business plan for 2007-2009 for appraisal under my Department's Community Services Programme. In appraising the business plan, the view was taken that it did not adequately reflect the new emphasis in the programme of providing services to disadvantaged people in particular sections of society.

No final decision has been made in relation to this application. It was felt however that the business plan presented initially by the club was deficient in terms of its focus on disadvantage and an opportunity was given to the group to resubmit a revised business plan by 31st October 2007.

Voluntary Sector Funding.

178. **Deputy Mary Upton** asked the Minister

for Community, Rural and Gaeltacht Affairs the State funding available to voluntary organisations who wish to purchase an automated external defibrillator for the safety of their members; and if he will make a statement on the matter. [24575/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department provides funding for a wide range of community projects, through a number of schemes and programmes. Each of the schemes and grant programmes operated by my Department are governed by rules and eligibility criteria, which projects have to meet in order to qualify for funding.

With regard to the specific project referred to by the Deputy, elements of such a project may be eligible for funding under my Department's Programme of Grants for Locally Based Community and Voluntary Organisations, the Rapid programme or the CLÁR programme. Detailed information in respect of these programmes can be found on my Department's website at www.pobail.ie.

Ferry Services.

179. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Community, Rural and Gaeltacht Affairs if an application has been made to his Department by Donegal County Council for a contribution towards the cost of subsidising the Lough Swilly ferry in County Donegal; and his views on assisting with maintaining this important tourist initiative. [24595/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Earlier this year, my Department received an enquiry from Donegal County Council in regard to providing financial assistance for the Lough Swilly ferry service operating between Rathmullan and Buncrana. Donegal County Council was informed that subventions paid by my Department for the provision of ferry services are specifically in respect of islands with a permanent resident population.

National Development Plan.

180. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the amount spent to date on the young people's facilities and services fund under the national development plan; the amount estimated to be spent by the end of the NDP; and if he will make a statement on the matter. [24620/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Young People's Facilities & Services Fund (YPFSF) was established in 1998 to assist in the development of facilities (including sport and recreational facilities) and services in dis-

advantaged areas where a significant drug problem existed or had the potential to develop.

At the end of 2006, approximately €129m had been spent under the National Development Plan 2000-2006. This figure includes expenditure on projects which were mainstreamed to the Department of Education & Science and the Department of Justice, Equality and Law Reform, as well as the Springboard Initiative under the aegis of the Department of Health & Children. It is envisaged that total YPFSF expenditure under the NDP 2000-2006 will amount to approximately €137m, taking account of expenditure which continued beyond the end of 2006.

Under the new National Development Plan 2007-2013, a total of €319m has been allocated under the National Drugs Strategy Sub Programme. Of that sum, approximately €118m will be in respect of the YPFSF.

181. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the amount spent on the rural development measures of the national development plan to date; the amount estimated to be spent by the end of the NDP; and if he will make a statement on the matter. [24621/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The new National Development Plan (NDP) 2007-2013 has a chapter dedicated to the development of the rural economy. This outlines how the Plan, within the framework of national policies and programmes, will assist the social and economic development of rural areas in the coming years. In this context, it sets out a range of interventions — in areas such as broadband, non-national roads, rural transport initiatives, rural water services, CLÁR, the Rural Social Scheme and LEADER/Rural Economy programmes.

I might briefly set out the position in relation to schemes which come directly within the remit of my Department:

CLÁR

Under the NDP, the CLÁR sub-programme is being allocated €141m over the period of the plan for the on-going regeneration of rural areas suffering from population decline. To date €8m has been spent in 2007.

Rural Social Scheme

Funding of €214m for the RSS for the period 2007-2013 is included in the NDP for the RSS. This clearly confirms the Government's continued and on-going commitment to the Scheme in the coming years. At present, there is provision for 2,600 participants and 130 supervisors on the Scheme and all available places have been allocated. To date, a total of €38,160,306 has been spent in 2007.

Farm Relief Services

Under the NDP Farm Relief Services is being allocated in the region of €4 million for the expansion of existing farm relief services. €593,000 has been spent to-date.

EU Rural Development programme

In tandem with the NDP, the new EU Rural Development Programme 2007-2013 will be rolled out over the coming months. Under the Programme, over €425m will be allocated to support LEADER-type activities. Priorities under the new Programme will include the continued development of the rural/agri-tourism, craft and small food sectors and the delivery of the Countryside Recreation Strategy. Supports for the development of rural enterprise will also be a significant feature under the new Programme.

Organic Farming.

182. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if her Department has established a single approved standard for organic produce; and if not, the action she will take to meet the target of 5% of acreage to organic farming by 2012. [24558/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Standards for organic production are laid down in the Council Regulation on organic production (EEC) No. 2092/91 as amended. The Council Regulation is given full effect in Ireland by the European Communities (Organic Farming) Regulations 2004 (S.I. No. 112 of 2004). These national Regulations also specify certain additional standards for the production of livestock and livestock products in Ireland. The Regulations are implemented both directly by my Department and, on the basis of a service agreement, by three private organic certification bodies — Demeter Standards Ltd, Organic Trust and the Irish Organic Farmers' and Growers' Association.

In relation to the 5% land area target, there are significant financial supports in place to encourage producers to convert to and remain in organic production. The new Organic Farming Scheme was launched in August 2007 as part of the new Rural Development Programme, which will run from 2007 to 2013. The objective of this Scheme is to deliver enhanced environmental and animal welfare benefits and to encourage producers to respond to the market demand for organically produced food. Payment rates have increased by approximately 17% compared to comparative rates under the Supplementary Measure in the Rural Environment Protection Scheme (REPS). Under the new Organic Farming Scheme, it is now possible for organic farmers to obtain organic support payments without having to be in the REPS Scheme as was previously the case. This is designed to encourage small-scale horticultural producers to convert to organic production, and conventional tillage producers to

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convert part or even all of their holdings. Both of these areas are very much in deficit production-wise and there is a ready-made market for the organic product. Organic producers will still, of course, be able to join REPS as well, and I would encourage them to do so.

As a further incentive to encourage non-REPS farmers solely involved in tillage production to convert to organic farming, there is an additional payment of €240 per hectare available in the in-conversion period, up to a maximum of 40 hectares, provided they grow green cover crops during that period.

My Department also offers significant development grants both to farmers and to processors under the Schemes of Grant Aid for the Development of the Organic Sector. Grant aid is available for investments by farmers and processors in equipment and facilities. The Schemes provide grant aid of 40% of the cost up to a maximum grant of €60,000 in the case of on-farm investments and €500,000 for investments off-farm. I am pleased to note that applicants are showing significant interest in these Schemes. Other initiatives include the recent appointment by Teagasc of three additional specialist organic advisor posts, an enhanced demonstration programme and the extension of agronomist expertise to include the pig and poultry sectors this year. We will continue to raise awareness among consumers about the benefits of organic food and the third National Organic Week takes place next week with that specific purpose in mind.

It is clear that all stakeholders will have to play a proactive role to enable this challenging target to be realised. To this end I have asked for and received submissions from the organic farming bodies with their proposals for the development of the sector. I have also asked the National Steering Group for the Organic Sector and its two sub-groups, the Partnership Expert Working Group and the Organic Marketing and Development Group, to give me their considered views on the best ways to move towards the Programme for Government target.

Food Exports.

183. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when she proposes to establish the high level strategic interdepartmental group to exploit new overseas markets for Irish food and drink products; and if she will make a statement on the matter. [24559/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Programme for Government includes a commitment to consolidate all aspects of the development and promotion of the agri-food industry within my Department and to establish a Cabinet Sub-Committee on the food and beverage sector,

shadowed by a high level Inter-Departmental Group. Arrangements are being made to establish the high level group and relevant Departments have been asked to submit their nominees.

World Trade Organisation.

184. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the initiatives she has taken to date in 2007 to ensure that non-trade issues will form an integral part of the next round of World Trade Organisation talks. [24560/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The negotiating mandate for the current round of WTO negotiations, set out in the November 2001 Doha Ministerial Declaration, states that non-trade concerns must be taken in account in the final agreement of the round.

It is on this basis that I have sought and continue to seek recognition in the WTO agriculture negotiations of the additional costs incurred by EU producers in implementing non-trade measures such as environmental, animal welfare and animal health controls. I have consistently outlined my position on non-trade concerns in the Council of Agriculture Ministers, most recently on 26 September, by emphasising that the Commission must pursue recognition of these issues in the ongoing negotiations.

If the Doha mandate is to be fulfilled, non-trade concerns must be dealt in the final WTO agreement, and I will continue to insist that these matters are addressed as part of a successful conclusion of the round.

Food Safety.

185. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food her proposals to protect consumers here from Brazilian beef which clearly does not meet the same animal health and traceability standards as those required of Irish and EU farmers. [24561/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Approval of countries to trade with the EU is a matter for the EU Commission and the EU Commissioner for Health has assured me that the Commission will not hesitate to take the appropriate protection measures if a product, imported from a third country represents a risk for the health of EC consumers, livestock or plants. In this context the EU Food and Veterinary Office (FVO) is to carry out a further mission to Brazil in November to assess progress in the implementation and operation of controls by the competent authorities in that country.

Consumers are entitled to information on the country of origin of beef. For this reason I collaborated with the Minister for Health & Children

to ensure the introduction of legislation providing that beef sold or served in the retail or catering sector must carry an indication of the country of origin. Responsibility for enforcement of this legislation rests with the Food Safety Authority of Ireland (FSAI).

Organic Farming.

186. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the level of farm land currently used for organic purposes here; the way this category of land use is determined; and if she will make a statement on the matter. [24562/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The total land area under organic production is currently at 38,216 hectares, which represents 0.9% of the total utilisable agricultural area. This can be further broken down in terms of land use as follows: grassland 37,048 hectares, cereals 830 hectares and horticulture 338 hectares. This category of land use is determined in accordance with the definitions laid down in EU Regulations, and specifically in the Council Regulation on organic production (EEC) No. 2092/91 as amended. The European Communities (Organic Farming) Regulations 2004 (S.I. No. 112 of 2004) give full effect to the EU Regulation in this country.

Genetically Modified Organisms.

187. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if she will clarify the situation regarding the growth of genetically modified foods in Northern Ireland; the negotiations that have taken place with her Northern Ireland counterparts on these matters; her definition of a GM free zone; and the action she will take to achieve same. [24563/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I presume the question put forward by the Deputy refers to the commitment in the Programme for Government to seek to negotiate the establishment of an all Ireland GM free zone. I am currently engaged in discussions with my Cabinet colleagues on how best this commitment can be effected, while taking into account the views of all interested parties and the sectors most directly affected.

When those deliberations are complete I will make contact with my Northern Ireland colleagues.

Sheep Industry.

188. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the progress made to date in implementing the recommendation of the sheep industry strategy group; the money that has been transferred to sheep producers to date arising from the implementation of

this strategy; and if she will make a statement on the matter. [24564/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Sheep Industry Strategy Development Group, under the chairmanship of Mr. John Malone, issued its report in June 2006. The report contained a total of 37 recommendations as to how the future of the sheep sector could be secured going forward. I established an Implementation Group, also under the chairmanship of Mr. Malone, in July 2006, to oversee the implementation of the recommendations contained in the report.

The Implementation Group reported in April. Most of the recommendations in the report fall to be implemented by the industry itself and it is too early at this stage to assess their impact. The recommendations do not set out specific payments for sheep farmers but are supported by my Department through assistance for breeding and management, processing facilities, mechanical grading, quality assurance and health and welfare.

In addition and in line with the Group's report, sheep farmers are major beneficiaries of various schemes being operated by my Department. Under REPS 4, a new supplementary measure aimed at sheep farmers has been introduced. A budget of €28m a year has been allocated to fund the proposed new supplementary measure at an overall cost of over €170m for the period to 2013. Assistance is also available to sheep farmers for on-farm investments under the new Rural Development Programme. These schemes have only recently been launched and payments have not yet been made.

Goat Farming.

189. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the number of goat farmers registered with her Department; the size of the Irish goat herd; and her Department's policy in relation to the future development of this industry. [24566/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The National Sheep and Goats Census, conducted by my Department in December 2006, indicated that there were 296 goat farmers in Ireland and that the national herd stood at 6,194 head. In accordance with the European Communities (Goat Identification) Regulation 2005 (S.I. 792 of 2005), goats are registered under the National Goat Identification Scheme for animal health purposes.

Goat farming serves a small niche market for dairy and meat products. My Department provides grant-aid to eligible farmers for, inter alia, construction of goat housing, handling facilities and fencing under the Farm Improvement Scheme introduced last July. The maximum eligible investment ceiling under the Scheme is

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€120,000 and the standard grant-rate is 40%. Aid for fencing is limited to an overall eligible investment ceiling of €20,000.

Grant Payments.

190. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in processing the applications under the farm improvement scheme due to the health and safety policy; when this will be resolved; and if she will make a statement on the matter. [24587/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am glad to confirm that the health and safety issues in relation to certain applications under the Farm Improvement Scheme have been resolved and that the approvals are now issuing to the relevant applicants under the Scheme.

191. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when she will be in a position to consider an installation aid application by a person (details supplied); and if she will make a statement on the matter. [24608/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned is an applicant for grant-aid under the Installation Aid Scheme. His application is currently being examined within my Department and the outcome will be notified to the person concerned shortly.

National Development Plan.

192. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food the amount spent to date on the agriculture and rural development measure of the national development plan; the amount estimated to be spent by the end of the NDP; and if she will make a statement on the matter. [24617/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Of the projected spend of €8.7bn under the NDP for the period 2007-2013 my Department has spent close to €694m in the period January to September 2007.

The measures in the NDP are spread over four sub-programmes focused on:

- **Competitiveness (€1.7bn)** — This will provide increased support for restructuring through improved rates under the early retirement and installation aid schemes. On-farm capital investment, training, advice, quality, breeding and establishment of energy crops will also be assisted.
- **Environment (€6bn)** — The rural environment protection scheme and related sup-

port for Natura 2000 will account for some €3 billion. A 17% increase in rates and enhanced options will build on the scheme's already substantial positive contribution. There will be an 8% increase in disadvantaged areas scheme payments and a 15% increase in forestry premiums. Support will also be provided for animal welfare in the suckler herd and for the organic sector.

- **Food Industry (€289m)** — This amount relates specifically to investment in capital infrastructure and marketing. The food industry will also benefit from general industry provisions elsewhere in the NDP and from the huge investment in transport and other infrastructure that is key to continuing competitiveness.
- **Agri-Food Research (€641m)** — Actions under this sub-programme will provide scientific support to the sector. They will assist the generation of new knowledge and technologies that are critical to the growth of a market-orientated and sustainable industry.

School Enrolments.

193. **Deputy Brian Hayes** asked the Minister for Education and Science if her attention has been drawn to the practice, particularly in Counties Wicklow, Dublin, Meath and Kildare, whereby some secondary schools are demanding that before pupils enter such a school, they would have already attended a private primary school attached to that secondary school; if her attention has further been drawn to the pressure that this is putting on existing primary schools in such areas; her views on whether this is an appropriate enrolment policy that can be pursued by secondary schools in this situation; and if she will make a statement on the matter. [24522/07]

Minister for Education and Science (Deputy Mary Hanafin): Enrolment in individual schools is the responsibility of the managerial authority of those schools and the Department does not seek to intervene in decisions made by schools in such matters. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. It is not unusual for some second-level

schools to prioritise named feeder schools in their admissions policies. This often reflects long standing connections between certain schools.

However, in formulating an admissions policy a school must ensure it is lawful. In particular, it must act in accordance with Section 7 of the Equal Status Act 2000 which, subject to very limited exceptions, prohibits schools from discriminating against people in relation to a number of matters including the admission of a pupil to the school. Currently, under Section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of my Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student. Otherwise, the National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child.

Departmental Reports.

194. **Deputy Brian Hayes** asked the Minister for Education and Science the number of reports initiated by her in each year over the past five years relating to any aspect of educational policy; and if she will make a statement on the matter. [24523/07]

Minister for Education and Science (Deputy Mary Hanafin): The information sought by the Deputy is being compiled in my Department and will be sent to him as soon as possible.

Schools Building Projects.

195. **Deputy Brian Hayes** asked the Minister for Education and Science if land for the proposed new community primary school at Diswellstown in west Dublin has been purchased by her Department; and if she will make a statement on the matter. [24524/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the Department is liaising with Fingal County Council in relation to a number of sites to be acquired under the Fingal School Model Agreement for educational provision in September 2008. The location for the new school, to which the Deputy refers, is being actively considered in that context.

196. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the status of plans for a new school for Monreagh, Carrigans, County Donegal. [24539/07]

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 Monreagh. When the site acquisition process is finalised, consideration will be given to progression of the project in the context of the multi-annual School Building and Modernisation Programme.

Third Level Fees.

197. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if she has engaged in discussions with her Northern counterpart on third level education, Minister for Employment and Learning, Mr. Reg Empey, on the financial burden faced by students from the 26 counties who must pay fees for studying in third level institutions in the Six Counties; and the way she proposes to alleviate that burden, particularly on students from disadvantaged regions such as Donegal. [24540/07]

Minister for Education and Science (Deputy Mary Hanafin): Under my Department's Free Fees Initiative the Exchequer meets the tuition fees of eligible students who are attending approved undergraduate third-level courses in the State. There are no plans to extend this initiative to cover third level institutions in Northern Ireland. Under my Department's Higher Education Grant Schemes, maintenance grants are available to eligible students pursuing approved undergraduate courses in other EU Member States, including Northern Ireland. In general, approved courses are those pursued in a third level institution, which is maintained or assisted by recurrent grants from public funds. However the payment of undergraduate tuition fees under these schemes does not extend to approved courses outside the State and there are no plans to change this position at present.

It is understood however that students attending Higher Education Institutions in Northern Ireland and who are ordinarily resident in a Member State of the European Union will be eligible for a fee loan from the Northern Ireland Authorities up to the amount charged by the Higher Education Institution. Further clarification can be sought by the individual from Department of Employment and Learning in the Northern Ireland. Their e-mail address is student-finance@delni.gov.uk.

Section 473A Taxes Consolidation Act, 1997 also provides for tax relief on tuition fees, at the standard rate of tax in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU and non-EU member states.

School Funding.

198. **Deputy Ruairí Quinn** asked the Minister for Education and Science if and when, in relation to her reply to Parliamentary Question

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No. 110 of 2 October, 2007, and in particular in relation to the fact that she does not intend to provide State funding for any new fee-paying schools, she proposes to give effect to that intention, under section 12 of the Education Act 1998, by determining and publishing under that section, with the concurrence of the Minister for Finance, criteria by which classes of recognised schools are to be funded in the following school year from moneys provided by the Oireachtas; and if she will make a statement on the matter. [24543/07]

199. **Deputy Ruairí Quinn** asked the Minister for Education and Science the existing determined and published criteria, under section 12 of the Education Act 1998, by which a class or classes of recognised schools are to be funded in the following school year from moneys provided by the Oireachtas in relation to her reply to Parliamentary Question No. 110 of 2 October 2007, and in particular in relation to the fact that she does not intend to provide State funding for any new fee paying schools; and if she will make a statement on the matter. [24544/07]

200. **Deputy Ruairí Quinn** asked the Minister for Education and Science if, in relation to her reply to Parliamentary Question No. 110 of 2 October 2007, and in particular in relation to her statements to the effect that the differentiation between fee-paying and non fee-paying secondary schools arises essentially from the arrangements put in place when free second level education was introduced and those arrangements took account specifically of the position of minority religions with dispersed membership, through the creation of the Protestant block grant, she is satisfied that the maintenance of the Protestant block grant, under the provisions of section 12 of the Education Act 1998 is compatible with the requirements of Article 44.2.4° of the Constitution to the effect that legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations; the arrangements that exist for the funding of Protestant schools, to the extent that they differ from arrangements for Roman Catholic schools; and if she will make a statement on the matter. [24545/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 198 to 200, inclusive, together.

The funding arrangements for existing recognised schools and the terms governing those arrangements are set out in Department circulars and notices including the arrangements for the payment of additional monies to schools having regard to the level of educational disadvantage of students in schools. These arrangements carry from year to year and amendments, which generally involve improvements to those funding

arrangements, are published in the context of the estimates and budgetary process as agreed with the Minister for Finance.

In relation to any request that might be received in the context of Section 8 of the Education Act, 1998 from an intending patron to establish a new recognised second level school, I have in my answer to Question 110 of 2 October 2007 stated that recognition will not be granted for a school that proposes to charge fees.

There are currently 56 fee-charging second level schools in the country, of which 21 are Protestant, 2 Inter-denominational, one Jewish and the remainder Catholic. Fee-charging schools, with the exception of the Protestant and Jewish fee-charging schools for which special arrangements apply, do not receive capitation or related supports. A payment is made to the Central Protestant Churches authority — the Secondary Education Committee — of a grant (the Protestant Block Grant) for distribution among needier Protestant students to enable them to meet the cost of attending Protestant schools. The grant is calculated by reference to the number of pupils in Protestant schools, on a broadly similar basis to the per capita grant payable to schools in the Free Education Scheme. Applications for assistance are made to the Committee by parents which on the basis of a means test distributes the funds by individual schools on the basis of pupil needs. In addition, Protestant fee-charging schools are eligible for payment of such grants as the transition year support grant, the secretarial grant and caretaking grant.

Minority religion schools also receive capital funding for building projects and have done so under successive Governments on the same basis as other secondary schools, while approximately 50% of capital costs for Catholic fee-charging schools building projects are met by the State. However, school building projects, whether for fee charging schools or schools in the free education sector, are selected for inclusion in the Schools' Building and Modernisation Programme on the basis of priority of need. In that regard the Deputy should note that the proportion of the school building programme spent in fee-charging schools in recent years has been extremely small.

As with all public expenditure measures I will keep the funding arrangements for the schools concerned under review to ensure that they remain consistent with their original policy basis. If these arrangements were subjected to legal challenge and it was determined that the Protestant block grant offends the Constitution, clearly I would have to cease payment of the grant.

201. **Deputy Ruairí Quinn** asked the Minister for Education and Science her views on whether a constitutional requirement, in Article 44.2.4° of the Constitution, to the effect that legislation providing State aid for schools shall not be such as

to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school, is compatible with admission policies in schools receiving public moneys that admit persons of certain religious denominations in preference to others or refuse to admit as a student a person who is not of that denomination on the grounds that the refusal is essential to maintain the ethos of the school; if she is undertaking a review of the difficulties that inevitably arise in this area; the arguments she has received and considered in relation to the issue; and if she will make a statement on the matter. [24546/07]

202. **Deputy Ruairí Quinn** asked the Minister for Education and Science her meetings with the stakeholders in primary and secondary education dealing with the constitutional, legal and administrative framework within which primary and secondary education services are delivered in the State, with particular reference to the role of religious denominations in the delivery of those services and the availability of public funding for schools with discriminatory admission policies; and if she will make a statement on the matter. [24547/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 201 and 202 together.

Schools receiving State aid, including denominational schools, take into account the wishes of parents in relation to the religious education of their children, including the wishes of parents who may not want to have their children follow any programme of religious education and this is provided for in Section 30 of the 1998 Education Act. As the Deputy will be aware, the vast majority of our primary schools were set up by religious authorities, in the main by the Catholic Church. However, they have historically welcomed pupils from all backgrounds and continue to do so. In fact, many Catholic schools now have large numbers of newcomer children with a diversity of faiths enrolled.

In order to provide greater choice and to cater for the requirements of an increasingly pluralist society, my Department is developing a new model of primary school patronage which will cater for the diversity of religious faiths represented in growing urban areas. It is also intended to cater for the wishes of parents who do not wish to have their children follow a programme of religious instruction. This new model of community primary school will be piloted next year in Dublin under the patronage of Co. Dublin VEC. Consultations have taken place with all of the education partners in the context of the development of this new model of patronage and many of the issues mentioned by the Deputy have arisen in the course of these consultations.

I accept that providing sufficient pupil places in all rapidly developing areas, including those with large immigrant communities, is absolutely vital to ensuring that enrolment policies do not lead to the exclusion of any child on religious or ethnic grounds and to this end, the Government is committed to substantially increasing the level of school accommodation in rapidly developing areas under the €4.5 billion school building programme included in the National Development Plan. The Government is also committed to integration as set out in the National Action Plan against Racism and it is the policy of my Department to ensure there is no discrimination in the provision of education in this country.

Teacher Training.

203. **Deputy Jack Wall** asked the Minister for Education and Science, further to Parliamentary Question No. 434 of 2 October 2007, if a person (details supplied) in County Kildare is entitled to attend one of the primary teaching colleges to do a graduate diploma course in view of the fact that they are now a temporary resource teacher in a primary school; and if she will make a statement on the matter. [24551/07]

Minister for Education and Science (Deputy Mary Hanafin): I understand that what is at issue here are the entry requirements that must be satisfied by applicants for the Post Graduate Diploma in Education (Primary Teaching). I consider that in the case of primary school teacher training it is essential that participants applying for the course meet the required criteria, as currently set down, which are common to all Colleges of Education that provide teacher training, and which include an honours level primary degree (a degree at Level 8 on the National Qualifications Framework).

Road Safety.

204. **Deputy Michael Creed** asked the Minister for Education and Science if her Department will provide funding for the provision of flashing amber lights on the road immediately outside all schools as is currently provided for in CLÁR areas by the Department of Community, Rural and Gaeltacht Affairs. [24565/07]

Minister for Education and Science (Deputy Mary Hanafin): In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care, including traffic management measures. The issue of road safety measures outside the vested site areas of schools, such as road signage, traffic calming measures etc., is a matter that should be raised in the first instance with the relevant Local Authority.

Educational Disadvantage.

205. **Deputy Niall Collins** asked the Minister for Education and Science when an application under the dormant accounts scheme for a school (details supplied) in County Limerick will be decided. [24577/07]

Minister for Education and Science (Deputy Mary Hanafin): Among the priority funding measures approved for support in 2006/2007 under the Educational Disadvantage category of the Dormant Account Fund and the RAPID Leverage Fund, was a scheme addressing educational infrastructure in disadvantaged schools. Eligibility for the scheme was restricted to primary and post primary schools participating in my Department's DEIS programme; schools in, or serving, RAPID areas; and special schools.

The scheme consists of four measures and a number of sub-measures. The four measures are: (1) Outdoor Play Facilities; (2) Libraries; (3) Parent Rooms; and (4) Dining Areas. Eligible schools were allowed to submit prioritised proposals under each of the measures. Proposals were sought in respect of improvements to existing facilities ('enhancements' or 'non new-builds') and the development of new facilities ('new-builds').

A total of €20.5m, (€14.5m from the Dormant Accounts and €6m from the RAPID Leverage Fund, which is administered by the Department of Community, Rural and Gaeltacht Affairs), has been made available to fund the scheme. The scheme was launched on 16th January 2007, with a closing date for applications of 1st March 2007. The scheme was very heavily over-subscribed with 2,271 individual project proposals submitted for funding. The total amount of grant aid sought greatly exceeded the funding available under the scheme.

In light of the very large number of project proposals received and the level of oversubscription the Dormant Accounts Fund Inter-departmental Educational Disadvantage Committee recommended that arrangements should be made to transfer some 300 new-build proposals, including the one referred to by the Deputy, to the Department's Planning and Building Unit for considered for funding in the context of the Department's overall Schools Building and Modernisation Programme and available resources. These new build proposals have recently been transferred to the Planning and Building Unit. However, given the number of proposals and the scale of the Modernisation Programme assessing these applications will take some considerable time.

School Staffing.

206. **Deputy Terence Flanagan** asked the Minister for Education and Science her proposal to tackle the problems associated with under-per-

forming teachers (details supplied); and if she will make a statement on the matter. [24584/07]

Minister for Education and Science (Deputy Mary Hanafin): As part of the modernisation agenda for teachers under the Social Partnership Agreement Towards 2016 it was agreed to address the issue of difficulties in relation to Teacher performance. It was recognised that while the vast majority of teachers fulfil their teaching function and professional duties adequately and well, there are, as in all professions, a small number of under performing personnel in schools.

In that context discussions under the auspices of the Teachers Conciliation Council have commenced to review and revise existing procedures for the suspension and dismissal of teachers. One of the issues under consideration is the provision of assistance, where appropriate, to teachers who are experiencing professional difficulties as provided for in the Towards 2016 agreement.

The Teachers Conciliation Council is the recognised forum for dealing with matters relating to pay and conditions of service of teachers. The parties to the forum include representatives of the managerial authorities of schools, the teacher unions and the Departments of Education and Science and Finance. As the proceedings of the Conciliation Council are confidential it would not be appropriate for me to make any further comment at this time.

Teacher Training.

207. **Deputy Terence Flanagan** asked the Minister for Education and Science the number of pupils from an area (details supplied) who have registered and graduated from each teacher training college over the past five years; and if she will make a statement on the matter. [24585/07]

Minister for Education and Science (Deputy Mary Hanafin): In 2003, my Department informed each of the Colleges of Education of its support for the inclusion of the Bachelor of Education Degree programme within the Direct Application Scheme for third level places in order to facilitate socio-economically disadvantaged school leavers who wished to train as primary teachers.

The Direct Entry Scheme, with a maximum of 5% of all entrants, excluding those entering under the mature persons competition, is administered in the two biggest teacher training colleges — St. Patrick's College, Drumcondra and Mary Immaculate College, Limerick. St. Patrick's College commenced the scheme in 2004, Mary Immaculate in 2005. Details on the numbers of entrants under this scheme to these Colleges are provided below. The minimum entry requirements specified by my Department for admission to the B.Ed. programme applies to entrants via

this scheme in the same way as to all other applicants.

The other three Colleges of Education — Froebel, Colaiste Mhuire, Marino and CICE are officially part of the Higher Education Direct Access Route (HEAR), which prior to 2005 was known as the Higher Education Direct Access Scheme (HEDAS). Under this scheme there is a 15% maximum intake for the disadvantaged, disabled, and mature streams in aggregate. It is

roughly 5% for each of the three categories but this will vary from year to year according to the number of applications received. My Department is currently seeking data on the number of entrants from disadvantaged areas under the direct access scheme to these three colleges and will forward them to the Deputy directly when received.

Below are the figures for Entrants and Graduates under the Direct Entry Scheme to St. Patrick's and Mary Immaculate College:

No. of Entrants:

| College | 2004 | 2005 | 2006 | 2007 |
|-----------------------------------|------|------|------|------|
| St. Patrick's College Drumcondra | 2 | 6 | 3 | 4 |
| Mary Immaculate College, Limerick | n/a | 21 | 21 | 17* |

As a % of total intake

| College | 2004 | 2005 | 2006 | 2007 |
|-----------------------------------|------|------|------|------|
| | % | % | % | % |
| St. Patrick's College, Drumcondra | 0.53 | 1.65 | 0.79 | 1.00 |
| Mary Immaculate College, Limerick | n/a | 5.12 | 5.12 | 4.27 |

No. of Graduates

| College | 2004 | 2005 | 2006 | 2007 |
|-----------------------------------|------|------|------|------|
| St. Patrick's College, Drumcondra | 0 | 0 | 0 | 2** |
| Mary Immaculate College, Limerick | 0 | 0 | 0 | 0 |

* A further 6 persons were offered places but 3 refused and 3 deferred take-up to the following year.

** Both of the Direct Entry students who entered St. Patrick's College in 2004 graduated with a B.Ed in 2007.

School Transport.

208. **Deputy Jack Wall** asked the Minister for Education and Science the reason a person (details supplied) in County Kildare has not received a bus pass; and if she will make a statement on the matter. [24598/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department has requested the Transport Liaison Officer for County Kildare to examine the background to the matter referred to by the Deputy in the details supplied. The Transport Liaison Officer will communicate directly with the family in question when this investigation is completed.

Higher Education Grants.

209. **Deputy Olwyn Enright** asked the Minister for Education and Science the grant assistance available to a person (details supplied); and if she will make a statement on the matter. [24599/07]

Minister for Education and Science (Deputy Mary Hanafin): Students from this State who are

attending undergraduate courses in any EU Member State can apply for maintenance grants in respect of approved courses which are pursued in colleges approved for the purposes of the schemes. My Department's Third Level Student Maintenance Grant Schemes were extended to provide maintenance grants to eligible students pursuing approved full-time undergraduate courses of at least two years duration (pursued in a university or a third level institution which is maintained or assisted by recurrent grants from public funds) in other EU Member States with effect from the 1996/97 academic year.

The 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. The candidate should, therefore, apply to their relevant awarding body in the first instance. 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

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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.

Departmental Websites.

210. **Deputy Ruairí Quinn** asked the Minister for Education and Science if, in view of the fact that there are up to 50,000 Romanian citizens living here, many of them children of school age, she will instruct her Department to include Romanian as a language on her Department's website along with the six already available. [24600/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy is aware, my Department has translated and made available on its website documents in Polish, Lithuanian, Latvian, Spanish, German and Russian. The information translated is aimed at assisting parents of school going children and the languages currently provided where identified, based on available data, as meeting the greatest need.

The final element of this project has involved the compilation of a list of 'Frequently Asked Questions' for parents of children of primary school going age. This is now being translated in to the six languages listed above and will be published on my Department's website, along with the Irish and English versions. Once this is completed, my Department will evaluate the need for the provision of information in additional languages, including Romanian.

National Development Plan.

211. **Deputy Enda Kenny** asked the Minister for Education and Science the amount spent to date under the education infrastructure of the national development plan; the amount estimated to be spent by the end of the NDP; and if she will make a statement on the matter. [24622/07]

Minister for Education and Science (Deputy Mary Hanafin): The budget for 2007 is the first year of the roll out of the new NDP. This funding will enable my Department to continue to take a proactive approach to the provision of modern school accommodation particularly in developing areas. This year alone around over €540 million will be spent on school building infrastructure with over 1,500 projects on my Department's school building programme. Construction in 2007

alone will deliver over 700 classrooms to provide permanent accommodation for over 17,500 pupils, mainly in developing areas. €428m of this year's budget had been spent by the end of September.

€4.5 billion will be provided under the new National Development Plan (NDP) for investment in school building infrastructure. The main focus of the school building programme is to deliver additional capacity in the rapidly developing areas. It is projected that 100,000 additional school places will be required over the next number of years and these are being delivered. The funding under the NDP 2007-2013 will allow my Department to continue the acceleration of the school building programme which commenced during the lifetime of the last NDP when well over €2.6 billion was invested on school development, delivering over 7,800 projects.

212. **Deputy Enda Kenny** asked the Minister for Education and Science the amount spent to date under the back to education initiative under the national development plan; the amount estimated to be spent by the end of the NDP; and if she will make a statement on the matter. [24623/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Provision was made in the National Development Plan 2000-2006 through the Employment and Human Resources Development Operational Programme for funding for Lifelong Learning — Back to Education Initiative. The Back to Education Initiative provides new opportunities for learning through the provision of flexible part-time and full-time programmes that consolidate and build on existing further education services. It provides a progression route for school leavers and a re-entry route for those adults who wish to update their skills at levels 1-6 on the National Framework of Qualifications. The Post Leaving Certificate (PLC) and Vocational Training Opportunities Scheme (VTOS) programmes comprise the full time educational options under this initiative. The BTEI is the part time programme available.

Expenditure on the Back to Education Initiative, full and part time, between 2000 and 2006 amounted to €587.1million. A total of €57.7 million of this expenditure was spent on the part time component of the initiative from 2002, when it commenced, up to the end of December 2006. It is estimated that provision for the full time and part time components of the Back to Education Initiative under the National Development Plan 2007-2013 will be in the region of €1,764.6million.

School Transport.

213. **Deputy Willie Penrose** asked the Minister for Education and Science if she will confirm that

her Department has received an application for school transport to a school (details supplied) in County Westmeath; if her attention has been drawn to the fact that there are eleven children who will use this transport, of which seven are entitled to free transport and the parents of the other four are willing to pay the appropriate rate for same; if her attention has further been drawn to the fact that in relation to the said application, the provision of this bus service for this particular geographical area would ease school car parking problems at this school, in relation to the dropping and collection of children; if, in this context, this application will be considered favourably; and if she will make a statement on the matter. [24637/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): A list of pupils and their addresses was received by my Department's School Transport Section. This list was forwarded to Bus Éireann, which operates the School Transport Scheme on behalf of my Department, in order to determine these pupils' eligibility for school transport. The families concerned should liaise with the local Bus Éireann office in Athlone regarding the outcome of their applications. The telephone number is 090-6473277.

Common Travel Area.

214. **Deputy Olivia Mitchell** asked the Minister for Justice, Equality and Law Reform the reason non-EU passengers travelling between the UK and Ireland are required to obtain a re-entry visa every time they enter the State even where they are legally resident in the UK or in Ireland; if his attention has been drawn to the impact that this is having on demand for flights from the airlines travelling to Belfast rather than to the Republic of Ireland as those with resident permits can then re-enter the State from Britain without the need for a re-entry visa or indeed even a passport; and if he will make a statement on the matter. [24514/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy is aware, Ireland and the United Kingdom operate a "Common Travel Area" which permits passport free travel for citizens of both jurisdictions if travelling within the Area. The benefit of passport free travel does not apply to persons who are not Irish or British citizens. Nor does the operation of the Common Travel Area do away with the obligation on a visa required person to be in possession of a valid visa when entering the State.

The Immigration Act 2004 (Visas)(No.2) Order 2006 (SI No. 657 of 2006) sets out the classes of persons who are not required to obtain an Irish entry visa. Classes of Non-EEA nationals who are not set out in that Order are required to be in possession of a visa upon arrival in Ireland,

regardless of whether that arrival is from within the Common Travel or otherwise. In addition, non-EEA nationals when travelling within the Common Travel Area are subject to the requirement to present to an immigration officer in accordance with section 4 of the Immigration Act 2004. Such persons may be refused permission to enter or be in the State if not in receipt of appropriate documentation, including a visa where so required. The section further provides that a person who enters the State in contravention of certain requirements set out in that section, including the requirement to be in possession of a valid visa where so required, is guilty of an offence.

I am, of course, conscious of the fact that the sharing of a land border within the Common Travel Area can be open to abuse by those seeking to gain illegal entry to the State. The situation in this regard is monitored on an ongoing basis by my Department in consultation with their counterparts in the United Kingdom.

I should also mention that the visa regime generally, including the question of re-entry for certain categories of person with permission to reside in the State, is currently under examination in the context of the forthcoming Immigration, Residence and Protection Bill.

Garda Stations.

215. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform if he will respond to repeated requests on behalf of residents in the Tallaght, Dublin 24 area to have a second Garda station established in west Tallaght; and if he will make a statement on the matter. [24525/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In accordance with section 22 of the Garda Síochána Act 2005, proposals in relation to the opening and closing of Garda stations are a matter, in the first instance, for the Garda Commissioner in the context of the Annual Policing Plan. I have been informed by the Garda authorities that their accommodation requirements for policing the Tallaght area will be best met by the re-development of the existing site at the Square.

The Commissioners of Public Works, who have responsibility for the provision, refurbishment and maintenance of Garda buildings, are appraising the existing site with a view to maximising its development potential for the State. Planning is under way for a major development of the site to include all Garda requirements for Tallaght. It is expected that the necessary planning process will be initiated shortly. I assure the Deputy that there will be no avoidable delay in addressing Garda accommodation needs in Tallaght.

Visa Applications.

216. **Deputy Pat Breen** asked the Minister for

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Justice, Equality and Law Reform the status of an application for a person (details supplied) in County Clare; and if he will make a statement on the matter. [24526/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department has recently requested documentation from the person referred to by the Deputy and on receipt of this documentation, a decision will be made on the case.

Residency Permits.

217. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform when the passport, green card and travel documents of a person (details supplied) in Dublin 8 will be renewed and their situation regularised; and if he will make a statement on the matter. [24527/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question was originally granted permission to remain in the State based on her parentage of an Irish born child under the particular scheme which existed at that time. This permission expired on 05/10/2007 and is now due for renewal. The person in question should renew their permission with the Garda National Immigration Bureau. The onus is on the applicant to produce the relevant documentation, including a valid passport, when seeking registration with the Garda National Immigration Bureau.

Garda Stations.

218. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform when it is proposed to build a Garda station in Stamullen, County Meath in view of the dramatically increased population in the area; and if he will make a statement on the matter. [24536/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In accordance with section 22 of the Garda Síochána Act 2005, proposals in relation to the opening and closing of Garda stations are a matter, in the first instance, for the Garda Commissioner in the context of the Annual Policing Plan.

I am informed by the Garda authorities that the Stamullen area is covered by Balbriggan Garda Station. The personnel strength of Balbriggan Garda Station as of 30 September last, the latest date for which figures are readily available, was 40 (all ranks). Balbriggan Garda Station is open to the public on a 24 hour basis. I am further informed by the Garda authorities that opening a Garda Station at Stamullen would necessitate the deployment of additional Garda personnel on indoor administrative duties who may be more effectively deployed on outdoor policing duties. The assignment of Garda person-

nel is continually monitored and reviewed to ensure that optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Garda Deployment.

219. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to each division in County Cork; the population per Garda division; and if he will make a statement on the matter. [24568/07]

220. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of community gardaí assigned to each division in County Cork; and if he will make a statement on the matter. [24569/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 219 and 220 together.

As of 30 September last, the latest date for which figures are readily available, the number of Gardaí and Community Gardaí in each Garda Division in Cork are as set out in the table.

| Division | Garda Strength | Community Gardaí |
|------------|----------------|------------------|
| Cork City | 655 | 24 |
| Cork North | 281 | 1 |
| Cork West | 291 | 5 |

In addition, 3 members are assigned on a temporary basis to the Garda Districts of Cobh (1), Mallow (1) and Midleton (1). All Gardaí have a responsibility, inter alia, to be involved in Community Policing issues as they arise.

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 the next allocation of Probationer Gardaí takes place on the 23 November 2007, the needs of the Southern Region, which includes the Cork Divisions, will be fully considered within the overall context of the needs of Garda Stations throughout the country.

I understand that the Central Statistics Office is currently preparing the Small Area Population Statistics (SAPS) based on the 2006 census. It is not expected that these SAPS figures will be available until mid-November 2007. It is, therefore, not yet possible to provide the population per Garda Division based on the 2006 Census figures.

Visa Applications.

221. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the position regarding the visa application of a person (details supplied). [24579/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question is the subject of a Family Reunification application made by her husband in March 2007. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department. This application will be considered by my Department and a decision will issue in due course. At the present time Family Reunification applications are taking up to 24 months to process.

Citizenship Applications.

222. **Deputy Beverley Flynn** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for naturalisation for a person (details supplied) in County Mayo. [24586/07]

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 June 2005. Officials in that Section are currently processing applications received at the beginning of 2005 and have approximately 1,500 applications on hand to be dealt with before that of the person concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of the application will commence in the coming months. I will inform the Deputy and the person concerned when I have reached a decision on the matter.

Illegal Immigration.

223. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the legal status in relation to the recent occupation of public wastelands by prospective EU member citizens who do not have employment rights; the way the gardaí and other agencies should handle such cases; and the policies that were adopted to deal with this and other cases. [24607/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I assume the Deputy is referring to the group of Romanian nationals who were living recently in a makeshift encampment near the M50 Ballymun Roundabout. The persons concerned were all EU citizens. Like all EU citizens their rights to move to and reside in

Ireland are set out in the European Communities (Free Movement of Persons) (No.2) Regulations 2006 which transpose the relevant Directive.

The Regulations state that EU citizens may reside in Ireland for up to 3 months without conditions. The persons may reside in the Member State for longer than 3 months if he/she:— (i) is in employment or is self-employed in the State, (ii) has sufficient resources to support himself or herself, his or her spouse and any accompanying dependants, and has comprehensive sickness insurance in respect of himself or herself, his or her spouse and any accompanying dependants, (iii) is enrolled in an educational establishment in the State for the principal purpose of following a course of study there, including a vocational training course, and has comprehensive sickness insurance in respect of himself or herself, his or her spouse and any accompanying dependants, or (iv) is a family member accompanying or joining a Union citizen who satisfies one or more of the conditions referred to in clause (i), (ii), or (iii) above.

In the case of Romanian and Bulgarian nationals, they have the right to work in the State on condition that they obtain the necessary employment permits unless they are otherwise exempt from employment permit requirements. The above Regulations provide for a removal process in respect of EU citizens on a number of grounds including where “in the opinion of the Minister, the conduct or activity of the person is such that it would be contrary to public policy or it would endanger public security or public health to permit the person to remain in the State”. (Regulation 20(1)(a)(iv)).

The situation in relation to the illegal encampment obviously gave rise to serious concerns on the grounds of public policy impinging on a number of state agencies and the Garda National Immigration Bureau. Various discussions took place between the parties. Having considered the matter in line with the Regulations I concluded that the conduct of the persons involved presented a genuine, present and sufficiently serious threat to the safety and well-being of themselves, their children and members of the public. An offer of free flights to their homeland was made to the group. This offer was refused.

My Department then initiated a removal process pursuant to Regulation 20 of the above Regulations. Following the service of proposal to remove letters by members of the Garda National Immigration Bureau, all of the Romanian families involved decided to voluntarily repatriate to Romania.

I believe that this difficult matter was dealt with very effectively by the GNIB and that the experience of this case will be of benefit in the event of other similar cases arising in the future. It is important of course that each case is considered on its merits and in line with the Regulations. It must be borne in mind finally that this

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case involved a substantial abuse of the rights of free movement afforded to EU citizens and that such abuses are not acceptable.

Citizenship Applications.

224. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a new application for naturalisation or citizenship has been received from a person (details supplied) in Dublin 6; when the matter will progress; and if he will make a statement on the matter. [24649/07]

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 2005. Officials in that Section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the coming months.

Residency Permits.

225. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of an application for family reunification in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [24650/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in September 2005. In the course of processing the application issues arose which are currently being investigated. This application is under consideration and a decision will issue when the investigation is completed.

226. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform, further to his reply to Parliamentary Questions Nos. 697 and 699 of 26 June 2007, the residency status in the case of a person (details supplied); if further consideration is being given in respect of family reunification and return of children's passports; and if he will make a statement on the matter. [24652/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous answers to Questions 697 and 699 of the 26th June 2007 and Question 962 of the 26th September 2007. The person concerned was granted refugee status and has permission to remain on that basis until the 4th January 2008. The person concerned is registered with the Garda National Immigration Bureau and has

been issued with a Certificate of Registration under the Immigration Act 2004.

The person concerned made an application for Family Reunification in July 2004 on behalf of two children. The application was refused on the 7th November 2006 and the applicant was notified accordingly. The children's passports were forwarded to the Garda National Immigration Bureau for investigation as outlined in the refusal letters. I understand from the Immigration Division of my Department that the matter is still under investigation by the Garda authorities.

Citizenship Applications.

227. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he or his Department has received an application for long-term residency or naturalisation in the case of a person (details supplied) in County Louth; when a decision is expected; and if he will make a statement on the matter. [24653/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question 993 on 26 September 2007. The position remains as stated. Officials in the Citizenship Section of my Department inform me that no new application for a certificate of naturalisation from the person in question has been received to date.

Water and Sewerage Schemes.

228. **Deputy P. J. Sheehan** asked the Minister for the Environment, Heritage and Local Government if he will confirm that funding is available for improvement works to the sewerage and water schemes for the Baltimore and Skibbereen area; the works involved; the timescale for completion of these works; and if he will make a statement on the matter. [24520/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): New wastewater treatments plants for Baltimore and Skibbereen have been approved for funding under my Department's Water Services Investment Programme 2007-2009 as part of a grouped project that also includes Dunmanway and Schull. My Department is examining Cork County Council's contract documents for the four treatment plants and they are being dealt with as quickly as possible. My Department has approved the County Council's Preliminary Report for the works to the collection system in Baltimore and it is a matter for the Council to proceed with the procurement process. My Department is awaiting submission by the Council of its tender recommendation in respect of the upgrade of the Skibbereen collection system.

The Baltimore/Leap Water Supply Scheme is included in the Investment Programme as a scheme to commence construction in 2008. Cork

County Council's Preliminary Report for the scheme is being examined in my Department and is being dealt with as quickly as possible. Stage 4 of the Skibbereen Water Supply Scheme is also in the Programme as a scheme to advance through planning. My Department is awaiting a Preliminary Report from the Council in this case.

Water Services.

229. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government his plans to examine the provision of waste and water allowances to schools, with charges becoming effective after these are exceeded; when he expects this examination will be completed; and if he will make a statement on the matter. [24521/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Article 9.1 of the EU Water Framework Directive requires Member States to take account of the principle of water services cost recovery, including environmental and resource costs, in accordance with the polluter pays principle. The Directive is being implemented in Ireland in relation to the non-domestic sector, which includes those engaged in the provision of educational services, on the basis of recovery of all non-domestic water services costs from non-domestic users of the services through water charges by means of a meter based volumetric charge to ensure charging accords to actual consumption. There is no provision for the exemption of any classes of non-domestic users from water charges.

The Education section of the Agreed Programme for Government contains a commitment to examine the provision of a water allowance to schools, with charges becoming effective after such allowance is exceeded. It will be necessary for any proposals to assist schools in meeting this aspect of their running costs to be framed in a way that is consistent with Ireland's obligations under the Water Framework Directive and my Department will co-operate with the Department of Education and Science in examining this issue.

Flood Relief.

230. **Deputy Seán Barrett** asked the Minister for the Environment, Heritage and Local Government if, in view of the recent serious flooding in the Blackrock area, he will approve the major Carysfort Maretimo stream improvement scheme submitted by Dún Laoghaire Rathdown County Council as a matter of urgency; and if he will make a statement on the matter. [24532/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Carysfort — Maretimo Improvement Scheme is

included in my Department's Water Services Investment Programme 2007-2009 as a Scheme to start construction in 2008. Dún Laoghaire-Rathdown County Council's Preliminary Report for the scheme is under examination in my Department and is being dealt with as quickly as possible.

Architectural Heritage.

231. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the grants available to refurbish community based heritage buildings from his Department; and if he will make a statement on the matter. [24588/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

My Department administers a 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. The deadline for completed applications for the 2007 scheme was 29 March 2007. Details of the 2007 scheme are on the Department's website www.environ.ie. This scheme is intended to be an annual grant scheme; contact details of those who make enquiries in relation to the scheme are retained by my Department and details of the proposed scheme for 2008 will be notified to them in due course.

My 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. Enquiries about this scheme should be made directly to the relevant local authority.

Social and Affordable Housing.

232. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application by a local authority (details supplied) in County Kildare to purchase social houses; if his attention has been drawn to the fact that the local authority gave a commitment in January 2007 to purchase the houses; if, in view of the number of persons on the housing list, his Department will provide a definitive date when sanction will be given; and if he will make a statement on the matter. [24601/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): The local authority

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made a submission in respect of the development in question on 24 July 2007. The submission was considered by my Department and a letter issued to the authority on 12 September 2007 requesting clarification on a number of points. A reply is awaited from the local authority.

Housing Aid for the Elderly.

233. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government if under the framework of Delivering Homes Sustaining Communities, the administration of the special housing aid for the elderly scheme will be taken from the Health Service Executive and carried out by the local authority; and the guidelines and details in relation to the new scheme being planned. [24602/07]

234. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the changes proposed for schemes (details supplied) administered by the local authorities and the Health Service Executive; the new guidelines that have been agreed; and if he will make a statement on the matter. [24603/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): I propose to take Questions Nos. 233 and 234 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 new framework of grants will become operational on 1 November 2007.

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 aging. 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.

In the case of the Special Housing Aid for the Elderly Scheme, it has been agreed with the Health Service Executive that, in order to facilitate transitional arrangements, the scheme will continue to operate, and be administered by the Health Service Executive until 31 March 2008. All applications received up to this date will be processed by the Health Service Executive under the existing terms and conditions governing the scheme. From 1 April 2008, the Special Housing Aid for the Elderly Scheme will cease operation and all future applications for grant aid will be processed by the local authorities under the Housing Aid for Older People Scheme.

Policy on Local Government.

235. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he is considering new models of management structure for local Government in view of the ongoing failure by the current management structures to deliver proactive local services in a timely and efficient manner. [24609/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In accordance with the Programme for Government, my Department will be publishing a Green Paper on local government reform in the coming months. The Green Paper will examine a number of issues with the objective of making local government more transparent and responsive, and will set out options for reform in advance of a subsequent White Paper. Issues to be considered in the Green Paper include the provision of quality customer service to the public and ensuring a proper balance of power at local levels between the manager and the elected representatives. Work on the Green Paper should be finalised by the end of the year, with a White Paper to follow next year.

Notwithstanding that improving customer service will be a cornerstone of the local government reform process, it should be noted that local authorities have led the way on a range of initiatives aimed at improving service delivery in recent years. These include customer action plans, the decentralisation of services, a greater focus on the use of ICT to deliver services, the putting in place

of customer complaint and consultation procedures, and the introduction of local government wide service indicators. The third annual Service Indicators Report, which was published in August 2007, measured the performance of local authorities across a range of services in a uniform way. It is my intention to ensure that local government in Ireland makes further substantial progress on customer service as part of the reform agenda.

Housing Statistics.

236. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government the number of new homes and new apartments built and completed in Fingal County Council and Dublin City Council operational areas for the years 2002 to 2006 and to date in 2007. [24611/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Details in relation to the number of houses and apartments completed in each local authority area, for each of the years requested and in the first 6 months of 2007 inclusive, are published in my Department’s Quarterly and Annual Housing Statistics Bulletins, copies of which are available in the Oireachtas library. These details are also available on my Department’s website at www.environ.ie. The table includes data on house and apartment completions in the first 8 months of 2007 for the two local authority areas concerned.

New Completions to end August 2007

| | Houses | Apartments |
|---------------|--------|------------|
| Dublin City | 861 | 3,249 |
| Fingal County | 2,119 | 1,103 |

Social and Affordable Housing.

237. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government the number of applicants on the Dublin City Council and Fingal County Council housing waiting list under the categories, housing and transfer lists, homeless lists and affordable including Part V housing lists for the years 2002 to 2006 and to date in 2007. [24612/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The most recent assessment of need for social housing was undertaken by local authorities in March 2005. The results of that assessment indicated that there were 5,617 households on Dublin City Council’s waiting list in 2005, a drop from the 2002 figure of 6,993. The corresponding figures for Fingal County Council are 1,976 in 2005 and 1,769 in 2002. The numbers

of homeless households in Dublin City and Fingal in 2005 were 1,348 and 25, respectively. There was no corresponding breakdown of the homeless figures for 2002; however, based on an assessment carried out by the Homeless Agency, the number of homeless households in the Dublin Region (comprising Dublin City, Dun Laoghaire Rathdown, Fingal and South Dublin Councils) in 2002 was 2,560. The next statutory assessment of housing need will take place in March 2008.

Comprehensive information on the number of people seeking affordable housing (including Part V affordable housing) and the number of people seeking transfers in each local authority area is not collected by my Department.

Building Regulations.

238. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he will take action under the building regulations to ensure that Dublin City Council carries out its duties in relation to a construction company (details supplied) which is refusing to carry out testing for pyrite infill at new houses in the north fringe, Dublin 13. [24613/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Building Control Act 1990, responsibility for compliance with the Building Regulations is a matter for the owner or builder of a building. Responsibility for enforcement of the Building Regulations is vested in the 37 local Building Control Authorities. Under the Act, authorities are empowered to carry out inspections of buildings and to take such samples of materials used in the carrying out of any construction work or take such other action in relation to such construction work as may be necessary to establish whether the requirements of Building Regulations are being complied with in relation to the building.

Under the Act, it would be a matter for the relevant Building Control Authority, in this case Dublin City Council, to initiate any necessary enforcement action in regard to the case referred to in the Question.

National Development Plan.

239. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the amount spent to date on the local authority housing measure of the national development plan; the amount estimated to be spent on this measure by the end of the NDP; and if he will make a statement on the matter. [24625/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The housing component of National Development Plan 2007-2013 is being delivered through two sub-programmes: Social Housing Provision and Renewal, and Affordable

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Housing and Targeted Private Housing Supports. Investment under each sub-programme of some €14 billion and €4 billion, respectively, has been committed over the period of the plan and expenditure at the end of September 2007 totalled more than €1.3 billion, of which some €1 billion was in respect of the social housing provision and renewal element.

Fishing Industry.

240. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources the reason trawlers are prohibited from landing hake and monkfish at Schull, County Cork; the steps he will take to correct this anomaly; and if he will make a statement on the matter. [24519/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The designation of ports for the landing of specific fish species is necessary to satisfy EU requirements and also for the purpose of appropriate control of landings. Ireland's list of designated ports is designed to be a balance between the needs of the Industry and the level of resources which must be made available by the Sea-Fisheries Protection Authority at each designated port to fulfil its responsibility under European and National law.

Union Hall and Castletownbere are designated ports for the purposes of landing Monkfish and Hake in the West Cork area. The requirement for whitefish vessels to land into designated ports only applies when the landings exceed a significant quantity for specified stocks. There is no restriction on whitefish vessels landing in non-designated ports if the quantities on board are below the threshold levels for the specified species.

I am therefore satisfied that there is a designated port within reasonable range of fishing vessels wishing to land in the vicinity. Furthermore, I am also satisfied that there are no circumstances where the Control Authorities would give precedence to their regulatory responsibilities over consideration for the safety of a fishing vessel or its crew.

Salmon Management Scheme.

241. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources the position regarding the €5 million hardship fund in areas where drift-net salmon fishing has been prohibited; the amount being allocated to each region; if the fund will be administered by the Leader companies; and if he will make a statement on the matter. [24616/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):

Officials from my Department and the Department of Community, Rural and Gaeltacht Affairs (DCRGA), are making arrangements for the management of the community support scheme. The focus of the scheme will primarily be those communities where commercial salmon fishing has been a well-established activity and where its withdrawal demonstrably impacts on the economic and social fabric of the area.

I am advised that details of the scheme are being finalised with a view to allocating the available funds to those affected fishery districts, proportionate to the impact of cessation of mixed stock fishing. Consultations with the LEADER companies, conducted through DCRGA, will inform the most effective distribution of funds. I understand DCRGA are awaiting outstanding responses. As soon as this exercise has been completed, details will be published through the LEADER companies.

National Development Plan.

242. **Deputy Enda Kenny** asked the Minister for Communications, Energy and Natural Resources the amount spent to date on the e-commerce and communications infrastructure measure under the national development plan; the amount estimated to be spent under this measure by the end of the NDP; and if he will make a statement on the matter. [24619/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Under the 2000-2006 National Development Plan (NDP) a total of €115 million was spent on the e-commerce and communications measure to the end of December 2006. The total amount to be spent is likely to be €144 million comprising €115.36m of NDP and European Regional Development Fund (ERDF) funding and €29m ERDF co-financed expenditure in 2007. As regards the 2007-2013 NDP, a figure of €435 million was allocated to the Communications and Broadband Programme. €28.6 million has been spent to date. It is anticipated that the full €435 million will be fully utilised over the lifetime of the programme.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department will undertake initiatives to address the gaps in broadband coverage. Over the 2007-2013 period, the current phase of the Metropolitan Area Networks (MANs) programme will be completed. Consideration will be given to a further phase of the MANs once the effectiveness of spending under the first phase has been addressed. The National Broadband Scheme which aims to provide broadband services to areas that are currently unserved is also under development. This scheme, which will also be funded under the 2007-2013 Plan, will ensure that all reasonable requests for broadband in unserved areas are met.