



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 31 October 2007.

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DÁIL ÉIREANN

*Dé Céadaoin, 31 Deireadh Fómhair 2007.
Wednesday, 31 October 2007.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Priority Questions.

Data Protection.

58. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the action he has taken to prevent improper access to confidential information within his Department; and if he will make a statement on the matter. [26532/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department, because of the nature of its work, holds extensive and detailed personal information about its customers. Most employees of the Department need and have access to this information to deliver the Department's services.

The Department is aware of its obligations to its customers under the Data Protection Acts of 1988 and 2003 to ensure that information is collected appropriately, maintained securely and used only for the purpose for which it was intended. The Department takes these obligations very seriously and takes the strongest line on the misuse of customer information by any of its staff. Any breach of trust with regard to the confidentiality of information is treated as serious misconduct under the disciplinary code and comes under immediate consideration for dismissal.

In recent years the Department has strengthened security and data protection protocols. The security of systems and processes is regularly reviewed and there is password protection on all accounts. A dedicated unit has been established to oversee business information protection across the Department and has developed and communicated policies and procedures covering the use of systems and data. This unit also investigates alleged breaches that arise. Staff are regularly reminded of their obligations under data protection and security policies and the penalties

applied to such misuse. In addition, the ongoing development of computer systems continues to incorporate further security and logging facilities.

The protection of personal data is a matter for the Department, and the Secretary General, as part of the risk management process, has established a high level group to review all aspects of access controls and security management.

Deputy Olwyn Enright: In terms of the provision of information, how many breaches of the policy have occurred in the Department over the past five years and what prosecutions have been taken against staff members who leaked this confidential information? The Minister said the Department takes the strongest possible line in this regard. He will be aware of two specific cases mentioned in the media earlier this month. In the case of the member of staff who leaked information to his criminal brother, was a prosecution taken against that person by the Garda? Another senior official in the Department improperly accessed and passed on records of approximately 40 individuals to newspapers. That individual subsequently retired, but what action was taken against that person? Did the Department prosecute that individual? What other disciplinary actions, if any, have been taken with regard to these two individuals?

What plans does the Minister have to detect improper access in the future? I am concerned that the Department did not know about these two cases until the Garda informed it of one case and it was informed by one of the people whose name appeared in a newspaper of the other.

Deputy Martin Cullen: There have been only three cases since 2002. Given the scale of the operations of the Department, the number of customers and the number of operations carried out on a daily or weekly basis, that number is relatively small, although they are serious matters. In the first case referred to by the Deputy, the official has been dismissed. In the second case, the official resigned before disciplinary action could be taken by the Department. In another case, of a less serious nature, the officials involved were cautioned about their conduct and this was noted in their personal files.

As mentioned, the Secretary General has established a high level group within the Department to constantly review all aspects of access controls and security management. The Deputy is probably aware that, under the Data Protection Act, prosecutions fall under the remit of the Data Protection Commissioner. The action taken has been quite severe; people have lost their jobs.

Deputy Olwyn Enright: Has the Data Protection Commissioner prosecuted any of the individuals involved? With regard to the third case, I assume the Minister refers to the case of the lady who won the national lottery. Some 106 officials looked up that person's file. This means 106

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officials abused their position. I would not consider that breach as of a less serious nature. I am sure the Minister agrees that staff are not engaged to look up people's private information for their own amusement.

The Minister used the phrase "the strongest possible line". Does he believe that line should include prosecution of those within the Department who abuse their position? I put it to him that if people do not fear prosecution for abuse of position, there is little to stop them from continuing with this type of behaviour.

Deputy Martin Cullen: We need to keep the matter in context. There were only three cases. While I do not minimise the importance of those cases—

Deputy Olwyn Enright: Some 40 individuals were named in one case.

Deputy Martin Cullen: Given the scale of operations the Department deals with, abuse of position does not take place on a large scale. I understand that the number of officials involved in accessing details of the person on file was 74, not 106. I did not say it was a less important matter, I meant it in comparison to giving somebody information for criminal activity, which was the case highlighted by the Deputy. That was the context in which I made those remarks.

There are improvements, ongoing training and awareness in the system. Every customer has a particular code and only that person can access that information. The system is under constant review, however, given the detailed range of welfare payments, which covers over 50 separate schemes. The system deals with 1.9 million applications, 6.5 million telephone calls and 68 million payments. In addition, 360,000 assignments have been conducted by the investigators and therefore there is a constant review of what is happening.

Deputy Olwyn Enright: Will the Minister deal with the fact that the Department did not know about the mistakes until other people highlighted them?

Deputy Martin Cullen: I am not aware that was the case. My understanding is that the Department knew, but clearly the information came into the public domain as well.

Social Welfare Benefits.

59. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the Government policy in respect of school leavers access to welfare; and his targets in relation to education training and job placement for this cohort. [26625/07]

Deputy Martin Cullen: I understand the Deputy is referring specifically to jobseekers'

payments. The Government has recognised for some years that it is undesirable for school leavers to receive social welfare payments immediately on leaving school. Their focus should be on accessing employment or further education in the first instance on leaving second level rather than looking towards welfare support. For this reason, second level students cannot access the jobseeker's allowance for three months after completion of the leaving certificate or after leaving education, whichever is the later. This provision does not apply to jobseeker's benefit, which is a contribution-based social insurance payment. Where the school leaver resides with a parent on social welfare, the qualified child increase continues to be paid for the three months on the parent's claim.

Recipients of jobseeker's payments are required to prove that they are available for full-time employment and genuinely seeking work. As part of this process, they must register with FÁS, which provides a wide range of training programmes for young people starting out in the workforce, such as the national traineeship programme, the local training initiative, and the apprenticeship scheme.

In addition, school leavers may also avail of Youthreach or the vocational training opportunities scheme, known as VTOS, administered by FÁS and the Department of Education and Science, for young people who have left school without qualifications. My Department, in cooperation with FÁS, encourages people to participate in work, training or education through the national employment action plan. Under this arrangement, people on the live register, including 18 and 19 year olds who are approaching three months on the live register, are referred by my Department to FÁS. My Department also administers support to people through the back to work and back to education programmes. Although the minimum age requirement for the back to education scheme is 21 years, special provision has been made to include people aged 18 to 20 years old who have been out of education for at least two years.

My Department, through initiatives such as the special projects fund and the family services project, supports, funds and is directly involved in a number of local initiatives to assist 18 and 19 year old people move from welfare to work or on to further education or training.

Additional information not given on the floor of the House.

Examples of such activities are the Revamp project, targeted at young people with low skills or educational attainment in the Longford area and funding in respect of a training project for a group of early school leavers based in Sligo.

I am keen to ensure that young people do not develop long-term dependency on social welfare payments. My Department will continue to pro-

mote initiatives to encourage young people to participate in work, education or training.

Deputy Róisín Shortall: I thank the Minister for his reply. I have a question in respect of policy. Having had full employment for a number of years, does the Minister believe it is acceptable that a considerable number of teenagers are on unemployment payments? The most recent figures from May 2007 show that 7,500 teenagers are in receipt of such payments. It is hard to understand the justification for that in a situation where we have full employment. The fact that 7,500 teenagers are drawing the dole is an indictment of the education system. It is also an indictment of the Minister's Department because there has not been adequate intervention in those cases. Many parents feel strongly that it should not be so easy for teenagers to move from school or training to the dole. What is the policy in respect of this matter? Does the Minister accept it is not generally seen as desirable that teenagers should be facilitated in this way because it can set bad habits in terms of their future careers? What policy is the Minister pursuing to ensure it will not happen?

Deputy Martin Cullen: I agree it is not desirable for young people coming out of school to look immediately to the welfare system because that is detrimental to their energy and enthusiasm for work. Of the 7,500 under 20 years of age on the welfare system, 3,800 had been referred to FÁS as of 19 October last. The relationship between the Department and FÁS is crucial to moving people onto schemes as quickly as possible and getting them into work.

There are extenuating circumstances in some cases. The situation is not as black and white as it might appear, or as we might like it to be, because some kids come from families which live on social welfare. We need to interact with those kids immediately to show them there is an alternative, and that a better quality of life is available if they work and have a sense of self-worth and feel they contribute to society.

We are trying to co-ordinate the Departments and their agencies better than we did in the past.

Deputy Róisín Shortall: Is the Minister aware that of the 7,500 teenagers on the dole almost 1,000 have been unemployed for over a year? While some have been referred to FÁS there are no active interventions for young people whom the education system has failed. Has the Minister set targets for the number of school leavers and early school leavers to be facilitated by training, education or employment opportunities by FÁS? This seems to be tokenism and nobody is serious about tackling the problem.

Deputy Martin Cullen: I do not agree this is tokenism. A hell of a lot of good people work in

the community to try to get these kids into the work place. The State has significant resources in the Departments and their agencies.

Deputy Róisín Shortall: Has the Minister set targets?

Deputy Martin Cullen: The Deputy may feel it is unacceptable to have 1,000 on the welfare system for over a year, but if she examined the individual cases she would know how difficult they are.

Deputy Róisín Shortall: Has the Minister targets?

Deputy Martin Cullen: My target is simple. I would prefer there were no school leavers on the social welfare system but that kids came out of school and into whatever training needed to get into the workforce.

Deputy Róisín Shortall: That is just a wild generalisation. Is the Minister doing anything about the problem?

Deputy Martin Cullen: I am. I have told the Deputy about the relationship between FÁS and the Department. The systems at FÁS are available to explain all of that. We have to be fair to these people too.

Deputy Róisín Shortall: How many of those people have got training places? There is no point referring them unless there is some outcome. The Minister obviously does not know anything about the outcomes.

Social Insurance.

60. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs his strategy for the future of the Social Insurance Fund with reference to the recently published projections by Mercer of the future balance of the fund; the Government commitment to increase State pensions to €300 per week by 2012 and to reduce the rate of employee PRSI to 2%; and if he will make a statement on the matter. [26533/07]

Deputy Martin Cullen: The second actuarial review of the Social Insurance Fund, which was required under section 10 of the Social Welfare (Consolidation) Act 2005, was published on 17 October 2007 in conjunction with the Green Paper on pensions. The focus of the review, which covers the period 2006-61, is the income of the Social Insurance Fund, including the accumulated surplus, the contributory pensions and benefits paid from the fund, including associated non-cash benefits, and other payments. The report examines matters from various aspects in the context of surpluses or deficits and projects the number of years for which that existing reserves can be

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used to keep contribution rates below breakeven rates.

The findings of this review present a broadly similar picture to those of the previous review, published in 2002, and include that the fund will move from being in surplus to running a deficit in 2009; that on foot of the annual deficits from 2009, the accumulated surplus will be exhausted by 2016; and that the ratio of people of working age to people over pension age, or the pensioner support ratio is projected to fall from 5.6 to 1.81 over the period to 2061. In other words, today for every one person on a pension six people work but that ratio will fall to under 1:2 by 2061.

In the short term, the fund has sufficient resources to provide for the changes to the PRSI system and the increases in benefits committed to in the programme for Government. Decreasing contributions however, will both increase benefits and advance the time when Exchequer subvention will be required. Legislation provides that the Exchequer is the residual financier of the fund and Exchequer contributions to cover shortfalls in contributions were the norm for over 40 years. Any shortfall in the cost of benefits paid would, in the normal way, be addressed by Exchequer subvention. Other approaches to such an annual deficit would be a matter for the Government to consider in a future budgetary context. I am certain however, that whether in surplus or in deficit the Social Insurance Fund will continue to be the cornerstone of our social welfare system.

Deputy Olwyn Enright: The Minister will be aware of his party's commitments in its election manifesto and in the programme for Government to cut the PRSI rate from 4% to 2%, costing approximately €640 million, while at the same time committing to raising the pension by €100 over the lifetime of the Government. When these proposals were made, the Government had the report to which the Minister refers in its possession.

The Minister stated that the Exchequer has covered shortfalls for the last 40 years, which I accept. Is this the Government's long-term plan for the future? Will he take any immediate steps to counter this impending deficit? He did not seem to highlight any such steps in his reply. Is the Government prepared to let the fund continue in deficit and effectively let it go bust? That is the direction it seems to be taking. Has the Government abandoned its commitment to a self-financed social insurance fund, financed through PRSI?

Deputy Martin Cullen: The best way to deal with all these matters is to keep employment very high, as we have done successfully in the last few years.

Deputy Olwyn Enright: The deficit is growing.

Deputy Martin Cullen: Of course, because we have developed new policies that were unheard of five or six years ago.

Deputy Olwyn Enright: How is the Government going to pay for them?

Deputy Martin Cullen: There are many different areas, such as disability and care. This has been made possible because we have such a strong economy and because we have such high employment. The debate has started — I welcome the Deputy's views on it — because I published the report and the other report along with the Green Paper on pensions. That is a very important debate that we will have to hold as a society and not just as Government and Opposition. The debate must be about the next 40 years and about the basis of pension contributions, about how private and public pensions are to be funded and about whether the onus on young people entering the workforce should be obligatory or not. These issues need to be resolved as we look forward.

Some of our other European counterparts have now entered this phase and have a serious issue with regard to pensions. We have a short window of opportunity to resolve this pensions issue. That will colour judgments on how the social insurance fund will be sourced and funded over the next few decades.

Deputy Olwyn Enright: I have to repeat the questions I asked the Minister, as he has not dealt with them. Has the Government abandoned its commitment to a self-financed social insurance fund through PRSI contributions, or is it seeking to allow it continue in the future? I appreciate the Green Paper has been published, but this issue must be dealt with in the immediate term, as we only have three years before the fund goes into deficit. What steps does the Minister intend to take to counter this impending deficit or is he simply going to wait until legislation following the Green Paper?

Deputy Martin Cullen: I am not sure whether the Deputy is making a pronouncement on a new Fine Gael policy to increase the payments of individuals.

Deputy Olwyn Enright: This is priority Question Time and I am asking the Minister questions.

Deputy Martin Cullen: That is what the Deputy seems to be suggesting.

Deputy Olwyn Enright: I have not announced any policy. I have asked a question.

Deputy Martin Cullen: That is what the Deputy seems to be suggesting. The fund is only one aspect of how we finance all pensions.

Deputy Olwyn Enright: The question deals with the fund.

Deputy Martin Cullen: I know that and I already answered the question at the start. The programme for Government sets out what we are doing. In parallel with that, there is a major debate on pensions which must be resolved. The Exchequer has always been the residual funder of the social insurance fund. It was so for 40 years.

Deputy Olwyn Enright: Is that what will happen in the future?

Deputy Martin Cullen: We do not have a magical way to increase that fund, unless the Deputy wants to increase everybody's contributions.

Deputy Olwyn Enright: I have not asked that.

Deputy Martin Cullen: The balance will be struck between what is in the fund, when the deficit will run out and what the Exchequer responsibility will be in making the commitments that are there. Let us be clear that all pensions are secure for the next number of years.

Anti-Poverty Strategy.

61. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs his policy on tackling child poverty; his views on the need to provide greater access to affordable non-cash services such as child care, health care and housing; and the steps he is taking in this regard. [26626/07]

Deputy Martin Cullen: The reduction and eventual elimination of child poverty is a national priority and is at the core of the strategic process to combat poverty and social exclusion as set out in Towards 2016, the national action plan for social inclusion, NAPinclusion, and the social inclusion commitments in the NDP.

One of the 12 high-level goals set out in the NAPinclusion focuses on achieving significant real increases in income supports for children, while three others address education initiatives. In addition, the detailed action targets cover services such as health, education, income support, early childhood development and care, as well as sport and leisure and participation programmes, to ensure that children reach their true potential and parents are supported in providing care for them.

Children growing up in low-income or jobless households are the most vulnerable to poverty. A high proportion of such households are composed of larger families with three or more children, as well as those headed by lone parents. The

responsibilities involved in providing proper care for children can create obstacles for parents in taking up employment that provides a decent income for their families. The NAPinclusion addresses this by providing for a case management approach that will encompass, in an integrated manner, appropriate income support, child care services and education and training to enable parents to overcome these obstacles. National and international evidence shows that employment participation is the main route out of poverty.

The social welfare commitments in the programme for Government prioritise the objectives of the NAPinclusion. They include improvements in support for lone parents as well as in the carer's allowance, child benefit, back to school clothing and footwear allowance and the school meals programme. Child care provision, pre-school facilities, family services and housing provision to meet the diverse needs of the population are further key Government commitments to better support families.

Significant progress has been made in reducing child poverty and material deprivation. The latest EU survey on income and living conditions, EU-SILC, shows, for example, that in the period 2003 to 2005, the proportion of children in consistent poverty has reduced from 12.2% in 2003 to 10.2% in 2005. I am confident the Government can maintain and build on that progress in the next ten years as a key part of achieving the overall goal in the NAPinclusion to reduce consistent poverty to between 4% and 2% by 2012 with the aim of eliminating it by 2016.

Deputy Róisín Shortall: It is generally accepted that one in nine children suffers from consistent poverty? Does the Minister accept this figure? Does he accept that a far wider cohort of children suffers from additional elements of poverty in so far as they are denied access to quality public services? I refer to those who struggle to survive on low incomes but who are unable to gain access to health services or, for example, to the 1,000 children in the Dublin area who are homeless and whose families cannot gain access to decent quality housing accommodation. There are two elements to child poverty, namely, income poverty and poverty that comes about through the denial of access to services.

As for income policy, the Government has neglected the subject of qualified children's payments for a number of years. I refer to the approximately 340,000 children of adults who are entirely dependent on social welfare. What is the Minister's policy to improve their income? Is he committed to the earlier promise to bring the rate of qualified child payment up to €30 this year? This is being demanded by a number of campaigning groups. Is he committed to an earlier proposal to consider combining family income supplement

3 o'clock

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and qualified child payment, as was promised under Sustaining Progress? It appears that little progress has been made in this regard.

Deputy Martin Cullen: I do not accept that little progress has been made. In recent years, the investment in child benefit and direct funding to children in families has been phenomenal and bears no relation to the position in previous years. In the discussions with the social partners, those involved with the relevant agencies wanted much of the available resources to be targeted specifically at families in need that have children and which, due to their overall circumstances, are in danger of encountering serious difficulties regarding access to facilities. This is the reason my reply to the Deputy specifically referred to the need for a relationship in respect of the health services and housing. The Deputy is correct in stating there is a mixture of methods involved in dealing with this issue. At one level there is direct income support, which comes from my Department and which has improved hugely over the last number of years. Obviously I am anxious to do more, but I must work within the limits of what will be available at budget time in order to enhance the payments and change the basis on which they are set. There has been a major improvement over the last number of years.

Deputy Róisín Shortall: I do not think anyone would deny that there have been improvements in general children's payments, but I asked the Minister a question about those children who are the poorest of the poor — the 340,000 children who are dependent on the qualified child payment. The sum total of this payment is €22 per week. The parents of these children are entirely dependent on social welfare income. What is the Minister's intention in respect of that meagre payment? There is a clamour to have this payment increased to at least €30 this year in order to lift these children, a third of a million, out of poverty. Is the Minister committed to this action?

Deputy Martin Cullen: I am committed to more than that. I am committed to a huge range of improvements, particularly for the less well off in society, including direct support for children.

Deputy Róisín Shortall: Could the Minister be more specific on that?

Deputy Martin Cullen: The Deputy is trying to force me to give a figure in advance of the budget, which she knows I cannot and will not do. She will have to wait for the budget to see what the figure will be when the process is completed.

62. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if he will explain the Government's failure to achieve its initial target to reduce consistent child poverty to 2% by

2007, as stated in the National Anti-Poverty Strategy; the reason this target was revised; and if he will make a statement on the matter. [26534/07]

Deputy Martin Cullen: The National Anti-Poverty Strategy target set in 2002 was to reduce the numbers of those who are consistently poor, including children, to 2% by 2007 and, if possible, to eliminate consistent poverty as then defined. Survey information produced by the ESRI showed that the level of consistent poverty had steadily fallen from 8.3% in 1994 to 4.1% in 2001. The Government considered that achieving the 2% target over the following five-year period was realistic and attainable and that it might even be possible to eliminate consistent poverty.

The consistent poverty measure was developed by the Economic and Social Research Institute in 1987. It identified people as being in consistent poverty if their income was below 60% of median income and they were also deprived of one or more goods or services considered essential for a basic standard of living. The data for measuring consistent poverty up to 2001 were drawn from the Living in Ireland Survey. From 2003, however, this survey was replaced by the EU Survey on Income and Living Conditions, EU-SILC, administered by the Central Statistics Office. The discontinuity between the two survey methods means it is not possible to compare trends in consistent poverty using these two different measures. Consequently, although EU-SILC data has shown higher rates of consistent poverty since 2003, continuing low levels of unemployment and the substantial amount of resources devoted to social welfare and other social services support the view that the downward trend in consistent poverty would have continued and that the target would have been reached by 2007 had the Living in Ireland Survey method continued in use.

Moreover, data from the first three years of EU-SILC indicate that the overall consistent poverty rate has fallen from 8.8% in 2003 to 7% in 2005 while, as I mentioned, consistent poverty among children fell from 12.2% to 10.2% over the same period. The targets set for reducing consistent poverty are now based on the latest EU-SILC figures and particularly on the progress achieved in the period 2003-05.

Additional information not given on the floor of the House.

In addition, an updated set of indicators devised by the ESRI, which are in keeping with living standards today rather than those of 1987, are being used to measure consistent poverty. On the basis of this method of measurement and the policies and resources being put in place under the National Action Plan for Social Inclusion 2007-2016, NAPinclusion, the overall goal now is to reduce the number of persons, including children, experiencing consistent poverty to between

2% and 4% by 2012, with the aim of eliminating consistent poverty by 2016.

The continued reduction and eventual elimination of child poverty remains a top priority for the Government and the programme for Government prioritises the objectives of NAPinclusion in this regard. In working to deliver the Government programme over the coming months, my plan is to build on the significant progress that has been made in reducing poverty in the past ten years and to deliver real improvements in living standards and wellbeing for the most vulnerable in our society, especially our children.

Deputy Olwyn Enright: I am sure it will be a great relief to the 111,129 children in poverty to know that they are not really in poverty at all but that the data merely changed. From a more realistic point of view, can the Minister tell us whether an independent framework will be put in place to measure progress on the new targets set out in NAPinclusion in order to ensure that they are achieved within the given timeframe?

Although this may be under the remit of the Minister for Health and Children, is there a group within the Cabinet which deals with child poverty in a holistic way, so that all of the areas of Government that must be included in order to address this issue, including education, housing and social welfare, may work together in a coherent way rather than leaving the individual Departments to do their own thing? That is part of the strategy, but how can we independently ensure it is achieved?

Does the Minister agree with the comments of the End Child Poverty Coalition which described Ireland as having one of the worst records on child poverty in Europe, or what are his views on it?

Has the Minister given consideration to encouraging greater uptake of the FIS and ensuring that people are fully aware of it, and is there any possibility of using the data available to automatically let people know they are eligible for FIS without having to formally make an application?

Deputy Martin Cullen: On the last point, the Department of Social and Family Affairs is probably the best at informing people and produces a range of information packs and works carefully with its customers.

Deputy Olwyn Enright: I appreciate that.

Deputy Martin Cullen: That is acknowledged generally throughout society. In terms of trying to get to individual families and deal with them, the Department does that daily. The National Action Plan for Social Inclusion, 2007 — 2016, set out to do that. I gave Deputy Shortall the figures. The object of the plan is to reduce consistent poverty to between 4% and 2% by 2012, with the aim of eliminating of it altogether by 2016. It is a major priority with the programme for Govern-

ment and across all strands of the Departments and it is reasonable to suggest there is much better co-operation between the Departments in trying to ensure the different services are provided or correlated properly to the maximum advantage of the individual families and children who find themselves in the difficulties we are discussing here.

Other Questions.

Anti-Poverty Strategy.

63. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the action he is taking to reduce child poverty; and if he will make a statement on the matter. [26262/07]

75. **Deputy John Perry** asked the Minister for Social and Family Affairs his views on the statement by The Combat Poverty Agency in its annual report that over one in ten children are living in consistent poverty, that Ireland's level of child poverty remains high by European standards and that Ireland has a relatively low level of service provision for families and children; the measures he plans to take to alleviate child poverty in view of same; and if he will make a statement on the matter. [26170/07]

101. **Deputy Olivia Mitchell** asked the Minister for Social and Family Affairs if he will carry out research on the mechanism for reducing child and family poverty, both in terms of income and service support, aimed at streamlining access to supports and minimising poverty traps in this area; and if he will make a statement on the matter. [26184/07]

Deputy Martin Cullen: I propose to take Questions Nos. 63, 75 and 101 together.

The reduction and eventual elimination of child poverty is a national priority and at the very core of the strategic process to combat poverty and social exclusion, as set out in Towards 2016, the NAPinclusion, and the social inclusion commitments in the NDP.

One of the 12 high level goals set out in the NAPinclusion focuses on achieving significant real increases in income supports for children. Three others address education initiatives. In addition, the detailed action targets in the plan cover services, such as health, education, income support, early childhood development and care, identified by The Combat Poverty Agency as highly important in tackling poverty in families and ensuring that children reach their true potential.

Children growing up in low income or jobless households are the most vulnerable to poverty. Many of these households are composed of large families with three or more children, and those

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headed by lone parents. The responsibilities involved in providing proper care for children can create obstacles for parents in taking up employment that provides a decent household income for their family. The NAPinclusion addresses this by providing for a case management approach that will encompass, in an integrated way, appropriate income support, child care services, and education and training to enable parents overcome these obstacles. National and international evidence shows that employment participation is, as I stated earlier, the main route out of poverty.

Research has a key role in supporting and facilitating policy development and the evaluation of policies, with particular reference to the outcomes being achieved. The Office for Social Inclusion commissioned the ESRI to produce a series of social portraits on the various life cycle groups. One such portrait, on children, published earlier this year, shows the current situation. This will form a basis to track progress of the ten year national action plan over the period of its implementation. Similar evidence of progress over this period will emerge from the seven year National Longitudinal Study of Children which commenced in May last. This outcomes based approach will also assist in identifying policy areas where more specific, tailored research is required. Furthermore, policy development will build on the excellent research already completed at national level and comparative research at international levels will enable us to learn from best practice in other countries.

Significant progress has been made in reducing child poverty and material deprivation. The latest EU-SILC survey shows, for example, that in the period 2003 to 2005 the proportion of children in consistent poverty has reduced from 12.2% to 10.2%. I am confident we can build on this over the next ten years and the specific targets set in the NAPinclusion can be achieved.

Deputy Róisín Shortall: By anybody's standards a 40% uptake in family income supplement is very disappointing. This measure is targeted towards low income families where one parent is in employment, yet a considerable number appear to be unaware of it. The Minister referred to Towards 2016. Is he aware a commitment was made in Sustaining Progress to examine the possibility of combining the family income supplement and the qualified child payment in order to make a payment to help children in low income families where the income would taper if one or both parents went into the workforce? There is a difficulty in treating poor children differently depending on whether their parents are poor because they are on welfare or due to low paid employment. There is a need to streamline the system. The fact the uptake in family income supplement is only 40% should spur on the Minister to address the matter. It appears no action has

been taken on the commitment that was given and I wish to know why that is the case.

My second question relates to a matter we discussed earlier. Not alone are children affected by income poverty, but they are also affected by public service poverty. Children in poor areas have to wait over a year for a psychological assessment. Is the Minister aware that children in certain areas have to wait over a year for assessment by an occupational therapist?

An Leas-Cheann Comhairle: I remind the Deputy that questions should not exceed one minute. Likewise, replies from the Minister to supplementary questions should not exceed one minute.

Deputy Martin Cullen: The Leas-Cheann Comhairle is being hard on me.

Deputy Róisín Shortall: This is what I mean by public service poverty. What is the Department doing to address the matter? I accept the problem does not relate to the Minister's area of responsibility alone but the social inclusion unit is based there and I wish to hear what level of co-ordination is involved.

Deputy Martin Cullen: Deputy Shortall is correct to some degree regarding the family income supplement and the other payments in that there is a myriad of payments. I think the question the Deputy is trying to ask is how one can amalgamate the payments to get the best from them. The problem is that when one puts the figures together, one hits the barrier to what people are entitled on a means tested basis. In order to encourage them to get back into the workforce, the question is how much a person can earn without losing rent support and all of the other incomes also.

Deputy Róisín Shortall: What I said is that 60% of people who are entitled to the family income supplement are not claiming it.

Deputy Martin Cullen: I am answering the Deputy's question. I agree——

Deputy Róisín Shortall: My question was about a narrower area.

Deputy Martin Cullen: As the Deputy well knows, one cannot just pick one payment in isolation from all the different payments that exist.

Deputy Róisín Shortall: I am asking the Minister about one payment.

Deputy Martin Cullen: That has been the curse of it.

Deputy Róisín Shortall: The Minister gets lost in generalisations and waffle. I am asking a specific question.

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

Deputy Martin Cullen: Ten minutes ago Deputy Shortall was suggesting the opposite to me. The Deputy is correct that one cannot look at these payments in isolation from each other. One has to look at them as a cohort of payments and examine how one can get the maximum benefit from them. I do not argue with that point.

The Deputy is correct about access to public services. As much as any Deputy in the House, I hold clinics every week and there is a significant shortage of people, for instance, in occupational therapy. We have thousands of vacancies and we do not have persons qualified to take up the posts.

Deputy Róisín Shortall: That is not true.

Deputy Olwyn Enright: There is an embargo.

Deputy Martin Cullen: That is a significant problem. There is no point——

Deputy Róisín Shortall: On a point of order, that is not true.

Deputy Martin Cullen: There is no point——

An Leas-Cheann Comhairle: We have time to return to this question. The Minister should finish his reply to this supplementary question. I will then call Deputy Enright and Deputy Ó Caoláin and return to Deputy Shortall.

Deputy Róisín Shortall: On a point of information——

An Leas-Cheann Comhairle: As the Deputy is aware, there is no such thing as a point of information but she is going to proceed anyway.

Deputy Róisín Shortall: A total of 150 occupational therapists are waiting to be employed. They are on a panel but the embargo has prevented their employment.

An Leas-Cheann Comhairle: I thank the Deputy. Does the Minister wish to conclude his reply to the supplementary question?

Deputy Martin Cullen: Perhaps the Leas-Cheann Comhairle would protect me from being interrupted. I have interrupted nobody.

An Leas-Cheann Comhairle: I certainly will.

Deputy Róisín Shortall: It is important for the Minister to be accurate in his statements.

Deputy Olwyn Enright: I wish to revert to the Minister on two points.

An Leas-Cheann Comhairle: I would rather the Deputy asked a question.

Deputy Olwyn Enright: It is a question. Good policies are in place and I am not critical of them. What I want the Minister to accept is that there is a gap between what is decided as policy and what will happen on the ground. In light of that, can I return to the priority question and ask the Minister again whether there is a mechanism within the policy format that has been put forward to evaluate it as it is being implemented to ensure that by the time we reach the 2012 and 2016 deadlines we will have achieved what we set out to achieve, which did not happen in terms of the 2007 deadline, regardless of the data change?

Deputy Martin Cullen: The simple answer is “Yes”. I have set it out for the Deputy. Clear measurements are being put in place to ensure we can measure the outcomes.

The Deputy is correct — I have no argument with that point. There is a policy on one side but there is a question as to whether we are maximising the outcomes on the other. This is why, within NAPinclusion and the measurements being put in place and monitored by the Department and a number of the agencies, we will be able specifically to judge what outcomes we are achieving with the families with whom we are interacting. We should be able to learn from this whether the mix is correct or incorrect.

Deputy Caoimhghín Ó Caoláin: Does the Minister agree it is time to review the benchmarking against which social welfare payments are set in order to ensure they are adequate to meet the cost of living needs — I emphasise “needs” — of those dependent on social welfare payments and their children? Did the Minister examine the report produced last year by the Vincentian Partnership for Social Justice? If so, can he advise whether he has taken on board the recommendations contained therein regarding the minimum essential budget necessary for the various household formations that make up Irish society today?

Deputy Martin Cullen: Only two weeks ago I met all 32 of the different groups involved at a pre-budget forum. To be fair, all of the groups put forward a very reasoned and reasonable case. However, the cost of doing what they requested for this year alone would be €3 billion to €4 billion, which is not feasible or realistic. Therefore, we are trying to identify the key issues that can be funded and prioritised. In conjunction with the Government, I must make a choice as to where we maximise funding.

I favour targeting the less well off. I do not look to a general universal payment as I am not sure it would offer the best outcome and would cost a lot of money to implement. Moreover, the benefit for some families would be marginal because they do not need it in many cases. I tend to favour prioritising resources and directly targeting in a maximum way families who are less well off,

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particularly where children are clearly in danger of poverty.

These are choices that must be made as we go forward. Our social welfare system is universal, fair, open and well funded, and is indicative of why many people are in this country. It is accepted this country makes payments that are comparable to those made in many other countries.

Deputy Róisín Shortall: Many representations have been made to Members with regard to the proposed changes to the funding of child care in disadvantaged areas. This is exactly the type of public service to which I refer, where low income earners and children living in poverty are being denied access to quality services. This is an issue that has arisen under the Minister of State with responsibility for children, Deputy Brendan Smith, but it will have a direct impact on many recipients of social welfare and those who have managed to get off social welfare and into the workforce but who now find there is a serious incentive for them to return to welfare.

A cross-departmental approach needs to be taken in this area. Is the Minister aware of this looming issue? Has it been discussed in the social inclusion unit in his Department? Have the alarm bells rung for the Minister yet? What specific action will the Department take, given its responsibility to deal with child poverty, but also with regard to encouraging people to move off welfare and into the workforce?

Deputy Martin Cullen: What was the original question?

Deputy Róisín Shortall: I referred to the new payment arrangements for child care services in disadvantaged areas, which is looming as quite a significant issue. It has been forecast that it will act as a disincentive for people moving off welfare and into the workforce and encourage others back onto welfare. Is the Minister aware of the issue and what action does he propose to take?

Deputy Martin Cullen: We are aware of the issue. It is being considered at present because it highlights exactly the trap in which one can end up when instigating and trying to target new and better policies. One can end up creating a situation which was not foreseen but which appears on the horizon.

This is not unique and has happened before in other areas. The Department, with the Minister of State with responsibility for children, is examining this issue to ensure the policy, which is intended to have a beneficial effect, does not have negative consequences. The last thing we want is to encourage people to leave the workforce and re-enter the social welfare system. We want people to move in the opposite direction.

Data Protection.

64. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the action he is taking to ensure his Department is fully compliant with the Data Protection Act 1988; and the steps, in view of recent newspaper reports, that have been taken to ensure data stored by his Department is properly secured and unavailable to third parties. [26278/07]

Deputy Martin Cullen: My Department, owing to the nature of its work, holds extensive and detailed personal information about customers. Most employees of the Department need and have access to this information to deliver the Department's services. The Department is aware of its obligations to its customers under the Data Protection Acts 1988 and 2003 to ensure information is collected appropriately, maintained securely and used only for the purpose for which it was intended. The Department takes these obligations very seriously and takes the strongest line on the misuse of customer information by any of its staff. Any breach of trust with regard to the confidentiality of information is treated as serious misconduct under the disciplinary code and comes under immediate consideration for dismissal.

Since the incidents referred to in the media, the Department has strengthened security and data protection protocols. The security of systems and processes is regularly reviewed and there is password protection on all accounts. A dedicated unit has been established to oversee business information protection across the Department and has developed and communicated policies and procedures covering the use of systems and data. This unit also investigates alleged breaches that arise.

Staff are regularly reminded of their obligations under data protection and security policies and the penalties applied to such misuse. In addition, the ongoing development of computer systems continues to incorporate further security and logging facilities. The protection of personal data is a matter for the Department. The Secretary General, as part of the risk management process, has established a high level group to review all aspects of access controls and security management.

Deputy Róisín Shortall: Earlier, in reply to a similar question, the Minister stated that improper access to confidential information occurred in only three cases. Given that just three cases came to the attention of the media, I find it impossible to believe these are the only cases in which improper access was gained to confidential information. On what basis did the Minister make a categorical statement on the number of cases? In the aftermath of three cases highlighted in the media, what look-back procedure was employed to assess access to confidential information and

how did it enable the Minister to make such a categorical statement?

What role did the Data Protection Commissioner have in respect of the three cases that have come to light? What sanctions or recommendations did he make in respect of the operation of the Department?

Deputy Martin Cullen: I confirm my earlier statement that since 2002 three investigations have been concluded which highlighted unauthorised disclosure of personal data by officials of the Department.

Deputy Róisín Shortall: That is a different issue.

Deputy Martin Cullen: There are six investigations——

Deputy Róisín Shortall: The Minister indicated earlier that there were only three cases. He now states that three cases were investigated.

Deputy Martin Cullen: No, I said three investigations have been concluded since 2003.

Deputy Olwyn Enright: The Minister said there had only been three cases since 2002.

Deputy Martin Cullen: There have only been three——

Deputy Róisín Shortall: How does the Minister know there have only been three cases?

Deputy Martin Cullen: All I can do is ask the question and secure the relevant information. It is as simple as that. Six investigations are under way. Two cases were referred to the Department by the Office of the Data Protection Commissioner, while five further cases relate to the disclosure of personal information and two further cases relate to alleged disclosure of personal information. The six investigations under way are current whereas the three cases to which I referred arose between 2003 and 2005.

Deputy Róisín Shortall: Potentially, there may be many more cases.

Deputy Martin Cullen: The number is not large. I am giving the Deputy the accurate figure which, in the scheme of things, is very low.

Deputy Róisín Shortall: Has a look-back procedure been employed?

Deputy Martin Cullen: There is constant look-back and study of all cases and the information gleaned is used to improve the security of the Department's systems.

Deputy Róisín Shortall: How many cases are there?

Deputy Olwyn Enright: Exactly what spot checks are in place? The Minister stated the Department is aware of only three cases while six cases are under investigation. Will he clarify whether the latter figure includes the three cases under discussion or whether the overall number is nine? In each of the three specific cases investigated since 2002, how exactly did the breaches come to the attention of the Minister or his Department?

Deputy Martin Cullen: The Department has taken a number of initiatives. Since 2004, presentations have been given to more than 1,200 departmental staff, including 600 in the past 12 months. An Internet site is being developed to support staff in protecting the confidentiality, integrity and availability of the Department's business information. The Department regularly produces posters on information security for distribution and display in its offices and to date in 2007 two such campaigns have been completed. Articles on information security and data protection are published regularly in the Department's social affairs and training magazines. Furthermore, the business information security e-learning programme was launched this summer to increase and announce the options available to staff and complement the Department's other activities. This programme comprises five modules focusing on information and PC security awareness. Log-on messages are regularly displayed on computer systems and are usually run for a week at a time. In September 2005, the Secretary General issued two e-mails to all staff on the issues of internal fraud, failure to follow procedures and abuse and misuse of personal data and information. Subsequent messages have issued from the personnel section of the Department.

Deputy Olwyn Enright: The Minister did not answer the specific question.

Deputy Caoimhghín Ó Caoláin: Given that there seems to be some uncertainty as to the number of such abuses — while the Minister spoke of a number of cases of which he is aware, he must accept that there may be many more cases of which he is not aware or which have not yet come to light — in trying to address all these issues, what additional security measures has the Department introduced to prevent the disclosure of personal information relating to social welfare recipients to whatever interest? To the Minister's knowledge, have concerns been raised in the Department regarding the feeding of information to commercial interests? I speak specifically with regard to insurance companies, an issue addressed in the House on a previous occasion. Recognising that such a practice would be an absolute breach of the data protection legislation, what steps are being taken to close off that avenue?

Deputy Martin Cullen: I assure the Deputy that I raised this issue in the Department. One of the first steps I took in discussions with senior management was to raise this issue and I indicated that it would be intolerable if further breaches of security were to arise in the Department's systems. I cannot deal with hypothetical questions but only the facts available to me, nor can I speculate as to whether there have been other cases because I simply do not know the answer. I can only deal with facts. I asked the Department for information and provided the accurate information available in the Department to the House. The security procedures for internal computer systems, which are significant in the Department of Social and Family Affairs, are up to the mark and up to date. All accounts have specific log-on security details.

This issue must be viewed in context. Given the scale of the Department's activities and the number of customers with whom it deals, the number of cases is minuscule. Nevertheless, I do not minimise their importance and the Secretary General, other senior staff in the Department and I take the matter seriously.

Deputy Olwyn Enright: How were the breaches involved in each of the cases referred to brought to the attention of the Department and the Minister?

Deputy Róisín Shortall: I am concerned that the Minister has been less than forthcoming with information. First, he informed the House that there were only three cases. One hour later, he informed us that there are a further six cases. We still do not know whether any look-back procedure has been used or whether a spot-checking mechanism was introduced to determine the extent to which access to information was abused by his officials. I will repeat my earlier question. What role has the Data Protection Commissioner had in this debacle and what sanctions or recommendations has he made regarding the operation of the Department?

Deputy Martin Cullen: That information is not available, but I will get it if the Deputy tables a question on this matter. Deputy Enright asked how the information became available in the Department, but I do not have the details in front of me.

Deputy Olwyn Enright: The Minister told the House that the information did not become available through leaks in the media. If the Minister knows this, then he knows how the information came to light.

An Leas-Cheann Comhairle: I call Question No. 65.

Deputy Martin Cullen: I referred to the fact that the information was in the media. I did not refer to the fact that——

Deputy Olwyn Enright: The Minister did not. He should read the record.

An Leas-Cheann Comhairle: I ask that the Minister and the Deputy obey the Chair.

Pension Provisions.

65. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the number of working and non-working women respectively who have personal or occupational pensions; and if he will make a statement on the matter. [26169/07]

66. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs the steps he will take to facilitate women forced out of employment due to the marriage rule to avail of contributory pensions; and if he will make a statement on the matter. [26174/07]

83. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs the steps he will take to fulfil the commitment in An Agreed Programme for Government to ensure women are treated fairly in terms of pension provision; and if he will make a statement on the matter. [26172/07]

98. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he will award credited contributions for old age pension purposes to persons who have been carers for a protracted period; and if he will make a statement on the matter. [26240/07]

104. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs his intentions on the awarding of credits to home-makers and other carers for years spent on caring duties in circumstances that are not covered by legislation; and if he will make a statement on the matter. [26290/07]

Deputy Martin Cullen: I propose to take Questions Nos. 65, 66, 83, 98 and 104 together.

The most recent figures published by the Central Statistics Office for supplementary pensions coverage relate to the fourth quarter of 2005 and showed that 50.6% of women in employment had private or occupational pensions, a significant improvement on 2002 when 44.6% of women had such coverage. Based on these figures, we can estimate that there are approximately 475,000 women in employment with private or occupational pensions and 464,000 without such coverage. No statistics are available regarding pensions coverage for those outside the workforce.

The results of the Quarterly National Household Survey are useful in tracking the overall pension coverage rate, but there is a lack of qualitative data on people's attitudes to pensions and on the differences between male and female uptake levels. This was recognised in the national pensions review published by the Pensions Board in 2006 and a commitment was given by the board to do follow-up research.

The board is finalising its research on this matter and hopes to publish its findings by the end of the year, which will form the basis of the information sought in the questions. The research involves a comprehensive survey on pension uptake and the behaviours behind it. The survey is, to the knowledge of the board, the largest of its kind undertaken and will provide fresh data on pensions coverage and information to draw out the reasons contributing to below-average coverage rates among women.

Many women in the private and the public sectors left employment upon marrying because they were required to or it was the societal norm at the time. Women who left the workforce through the operation of the marriage bar were primarily public servants who were not insured for social welfare pension purposes. Their loss of pension rights relates more to their occupational positions rather than social welfare pension entitlements.

The Government is anxious to ensure that as many people as possible can be accommodated within the social welfare pensions system with due regard being paid to the contributory principle underlying entitlement to contributory payments and the need to ensure that resources are directed to those most in need. In the past ten years, means tests have been improved and qualifying conditions for contributory payments made easier.

I published the Green Paper on Pensions on 17 October. It includes a full discussion on the issues raised by the Deputies. To address these issues, the Green Paper covers a range of reforms, including the use of universal entitlements and backdating the home-makers scheme.

My Department is carrying out a technical review of the entire social welfare code to examine its compatibility with the Equal Status Act 2000, as amended. This will identify any instances of direct or indirect discrimination on any of the nine grounds under the Act, including gender, sexual orientation, marital status and family status, that are not justified by a legitimate social policy objective or where the means of achieving that objective are either unnecessary or inappropriate.

Deputy Olwyn Enright: I thank the Minister for his reply. I appreciate that the report will contain some of the statistics I seek, but will it detail the age categories of women who take up pensions? It would help to inform the House as we proceed with the Green Paper's provisions.

I will probably be referred to the Green Paper, but does the Minister intend to take steps to incentivise the uptake of personal pensions among women, particularly younger women? The Minister shares my concern regarding the large number of female employees in low-paid employment, such as in hotels and restaurants. They comprise a vulnerable category. Are there plans to target such employees through advertisements or promotions? May I ask another question?

An Leas-Cheann Comhairle: I will revert to the Deputy.

Deputy Martin Cullen: The Pensions Board has been doing what the Deputy has suggested. She identified a key sector in which pension penetration is poor, namely, general hospitality. Many women are employed in that sector and the awareness and uptake of pensions therein is among the poorest by a long way.

The report of the Pensions Board will be the largest and most fundamental of its kind and is due by the end of the year. It will consider all pension issues, including specific issues relating to women. These matters are also addressed in the Green Paper, which must form part of the debate during the coming months.

Deputy Róisín Shortall: I compliment those involved in drafting the Green Paper because it is an excellent document, but some of the pressing pension issues will be deferred for a minimum of one year or, in all likelihood, longer. We cannot afford that.

The Minister accepts that there is a specific problem in respect of women, as nearly 90% of women working in catering have no supplementary pensions. Does the Minister accept that, from a policy perspective, the reliance on tax-based pension schemes will not do much to help people in these categories of employment? Does he accept that the current system of tax relief given at the top rate up to a substantial limit militates against the women in question and other people on low incomes or who have taken time away from the workforce to perform caring duties? From a policy perspective, there has been no equity to date in the approach to tax relief.

Deputy Martin Cullen: The situation is more complex than that and I would not accept that we are putting everything on the long finger. In recent years, investment in the National Pensions Reserve Fund has been significant and innovative. Many European countries would like to do the same. The investment in the social welfare system and the increase in the non-contributory pension in recent years have been significant.

The Deputy addressed precisely the complexity of the points raised in the Green Paper, namely, how to deal with the issues in the long term. I do not have the answers with me. I have a number of ideas, but I must interact with the social part-

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ners and all of the stakeholders in the system. I worry that everyone will approach the debate with vested interests, namely, to pay as little as possible and leave the problem for someone else. If that is the approach, we will get nowhere. The debate must be comprehensive and get buy-in from trade unions, employers, the financial markets and the State. Only in that context can we address specific issues. For example, not only is there a poor take-up of pensions in the hospitality and tourism sectors in which many women are employed, but the level of pensions awareness therein is one of the lowest.

An Leas-Cheann Comhairle: I wish to allow a number of Deputies to contribute.

Deputy Martin Cullen: The Pensions Board has embarked on this campaign. The awareness of pensions has risen dramatically in the past number of years and will continue to do so.

Deputy Caoimhghín Ó Caoláin: I am mindful of the Minister's previous response in respect of targeting those most in need. In this context, does he not agree that the current tax incentives surrounding pension provision are skewed in the interests of those who are able to afford pensions or are the most well off, with a resultant significant cost to the Exchequer, and that they are ineffective policy instruments in terms of addressing the needs of the lowest paid workers, many of whom are women?

Is the Minister mindful of the average earnings of women? They are some 15% less than their male counterparts across the board. In terms of pension provision for those most in need and for the greatest swathe of women workers, does the Minister agree the current policy of open-ended tax incentives, which is certainly the case for those in the most well off sector, has not served us well?

Deputy Martin Cullen: Incentives through the tax system are a legitimate part of a package of measures to encourage people to take up pensions. We need to get many more people to take up pensions, particularly young people joining the jobs market. I have said this publicly and clearly. People must see a pension as an asset and as desirable as owning one's own home. The SSIA scheme was a specific type of programme and would not solve a person's pension requirements for 25 or 30 years, so it is not the answer. However, the SSIA scheme demonstrated that if one makes something clear and tangible to people and allows them to see their asset, they are more likely to participate in a scheme. The question is how we can bridge the gap in people's understanding of their pension needs, get them to invest and help them view a pension as a mobile asset. If people change jobs, that pension must be a mobile asset belonging to them. That is one of

the issues we must address in the debate surrounding the Green Paper.

Deputy Seymour Crawford: As the Minister said, this is a complex issue and there are many problems, especially concerning women. I refer to farming—

An Leas-Cheann Comhairle: A questions please, Deputy.

Deputy Seymour Crawford: Yes. Is the Minister examining the situation whereby farmers' wives have been carrying on the business of farming, while in many cases the farm is taxed only in the name of the husband? This must be addressed. Does the Minister have a figure regarding the number of women dependants involved in the pension scheme who were forced to give up their jobs in earlier years? The Minister recently said 47,000 people were on non-contributory social welfare pensions but 30,000 of those were women. How many of those were forced out of jobs? Self-employed people need to be dealt with and properly advised. Is the Department making any effort to do that?

Deputy Martin Cullen: There are no statistics available on those affected by the public service marriage bar. However, the requirement to leave work on marriage also applied in many private sector areas, where it was customary. The Department estimates that approximately 30,000 women do not receive support through the social welfare system in their own right or as qualified adults.

Regarding farming, at the launch of this Green Paper I made it clear that we cannot begin this debate on an exclusive basis. It must be inclusive so that all elements in society must be included in the debate.

Deputy Seymour Crawford: What about the self-employed?

Deputy Martin Cullen: All workers, self-employed and PAYE, who join the job market at 18, 19 or 22 years of age must participate and be accounted for in the overall context of how we will deal with pensions as a society over the next 30 or 40 years. As we know, the starting age is increasing while the retirement age is decreasing, which means we are being squeezed at both ends of the scale.

We are fortunate that this window, albeit short, to deal with this is available to us, unlike the UK, Germany and other countries where the demographics have changed significantly to the rates we have. We have six people working to support each pensioner, but within 40 years that will change to almost one to one. Those entering the jobs market now will be in that position in 40 years time.

Leaders' Questions.

Deputy Enda Kenny: I wish to ask the Taoiseach about his appointments. Before he appointed Deputy Dempsey as Minister for Transport, the Taoiseach was aware of his political history. He knew of the Minister's enthusiasm for electronic voting and how he made a shambles of it, costing €60 million. He knew of the Minister's intention to introduce third level fees until he discovered that the plain people of Ireland would not accept it. The Taoiseach was also aware that the Minister used the official resources of the Department of Education and Science to provide material for the local elections, for which he had to apologise. Despite this, the Taoiseach appointed him Minister for Transport on 14 June 2007. Unfortunately, the situation has gone from bad to worse since then.

The Minister tried to renege on a promise to introduce compulsory breath testing at the scene of a traffic accident, which came about following a Private Members' motion by Fine Gael. He presided over the loss of slots from Shannon to Belfast and, in a series of blunders, he said senior business figures in the region were exaggerating the impact. He failed to appoint directors who could have explained the matter to the board and when evidence emerged that his Department had been notified some weeks in advance of Aer Lingus making its decision, he appointed an official to inquire into her own actions.

However, I have never seen such a monumental fiasco perpetrated on the people of this country by any Minister as has been done last Thursday, despite the fact that we heard on numerous occasions that it was discussed in some detail by the Cabinet, on their salaries of €250,000 and above. The handling of the provisional licence situation is a complete and utter shambles and has forced the Minister for Transport, Deputy Dempsey, into the most public, humiliating U-turn in Irish political history. He has demeaned the Road Safety Authority and its staff and has given people the impression that legislation is not to be respected.

On Sunday, he told us his neck was on the line, that 120,000 holders of second provisional licences would be tested by next March and that everybody who wants a test by next June will have it on demand. If his neck is on the line and these two criteria are not met, is the Taoiseach prepared to dismiss the Minister, Deputy Dempsey?

The Taoiseach: I am not sure what question was asked other than the last one.

Deputy Enda Kenny: The Taoiseach should answer the last one.

The Taoiseach: No. I am going to let him get on with the job. That is the important thing.

Deputy Enda Kenny: Fine. They will go on as usual.

A Deputy: Then he can do what he likes.

The Taoiseach: He will not do what he likes. He will try to do his job to the best of his ability and he is doing that.

Deputy Enda Kenny: We know what that is.

The Taoiseach: The Road Safety Authority's plan for 2007 to 2012 was approved by Cabinet and was launched by the Minister, other colleagues and me last week. The primary target of that strategy is to reduce road deaths to no greater than 60 fatalities per million population by the end of 2012. This would equate to an average of 21 road deaths per month or 252 per year. The average number of road deaths per month so far this year is 28. The request for tender to operate speed cameras was recently issued and six companies were shortlisted. More than 30,000 people have been tested under the mandatory alcohol testing. Overall, there is a downward trend. As has happened over the past ten years, in 1998 and 2003, we received the road safety report, and this one contains over 120 recommendations.

It was clear from the reaction of the public, and of Members of the House, that while people supported these measures, the fact that we did not allow enough time for them was considered unfair. Although the decision had the unanimous support of the RSA and others, quite correctly the Minister, Deputy Noel Dempsey, having reflected on it for a short period, believed it was unfair for provisional driving licence holders and made his changes on that basis.

With regard to the Deputy's last question, it is challenging to try to deal with the backlog in a short period of time but at least people will be given an opportunity to regulate their position. I believe there will be a good result. Some people have driven with provisional licences for up to 20 years or so, although proportionally their number is not too high at between 20,000 and 30,000. Many others have not been taking the law seriously. Holders of first provisional licences are supposed to be accompanied by a licence holder but that rule has not been enforced. By next July, however, everybody must be on the right side of the law when the gardaí start to enforce this measure.

The backlog of approximately 130,00 should be dealt with by March and the remainder must be dealt with by the summer. To achieve this, the Minister will require additional resources, which he hopes to get from the Minister for Finance, to increase the number of driving tests in the private sector. If we can achieve that, the figures should be brought into line by summer. It will be demanding but I believe there will be a huge amount of compliance in the next number of

[The Taoiseach.]

months. People will study their DVDs and take their tests. More important, people who did not bother previously to sit the driving test will now have to do it.

It is a sensible solution rather than forcing people off the roads immediately, which would have happened had the order taken effect yesterday. The Road Safety Authority and others thought it was the right thing to do but one must take a pragmatic view and that is what the Minister has done.

Deputy Enda Kenny: Last weekend the Cabinet decided to give legal effect to this decision. However, a bright light seems to have shone on the members of the Cabinet over the weekend when they discovered the mayhem that would descend on the 120,000 holders of second provisional licences. The Taoiseach admitted today that it is not necessary for a Minister to measure up to performance targets, and that he will not dismiss the Minister, Deputy Noel Dempsey, if he fails to reach the objectives for next March and next June. This is no different from the nursing home repayment scandal, electronic voting, PPARS, decentralisation, hospital waiting lists and a litany of other failures by Ministers. Nobody in the Government is prepared to stand up and admit that he or she was wrong and did not measure up. Of course, the Taoiseach has himself set the standards for the dismissal of a Minister, which will make it difficult for him to do it.

At what level did the Cabinet consult with the Garda about this matter? I understand from Garda spokesmen that there was no consultation with the Garda. Will the Taoiseach confirm which level of the Garda was informed by the Cabinet that this decision would be implemented this week? The Minister, Deputy Dempsey, said in his statement on Sunday that the gardaí will enforce the law and will use discretion. These are not interpreted as comments or requests but as orders. By implication, has the Minister not put the Garda in the impossible position of being seen to be a tool of Fianna Fáil in Government to cover up its incompetence? The Minister, on behalf of the Government, tells the Garda Síochána that it will enforce the legislation and will do so with discretion. The Minister has left the Garda in a position where it is seen, in some quarters, to be subservient to what the Government wants it to do instead of implementing the law.

Pragmatism came to light on Sunday, when the Government realised the consequences of an ill thought out, rushed decision and how it was to be implemented. No Member of the House wants incompetent or unqualified drivers behind the wheels of vehicles. However, the Government's rush to implement this measure in four days would have caused absolute mayhem for 120,000 drivers, given that between 40% and 60% fail the

driving test. The position would have been very difficult.

Who in the Garda did the Cabinet consult? Second, does the Taoiseach not believe that the Government and a Fianna Fáil Minister have, by implication, used the Garda as a tool of Government to cover for the Government's incompetence?

The Taoiseach: No, I do not agree with any of the Deputy's points. The Road Safety Authority brought forward the comprehensive proposals, as it has done for some time. The authority is doing excellent work. The range of measures and the resources we have allocated to them, including the traffic corps, have achieved an enormous advance from the previous position, where there was carnage on the roads.

As always with these questions, there is an attempt to switch the issue. Three or four years ago I was answering questions about the carnage on the roads and what we were doing about it. Now, 30,000 mandatory alcohol tests are carried out. We are working on proposals, which involve strict legal complexities, for dealing with what happens on the roadside. I explained this issue in the House two weeks ago. We have established a dedicated traffic corps comprising 800 personnel and the Road Safety Authority was vested last year. There is a ministerial road safety committee and penalty points have been introduced and extended. All these measures have helped to deal with the issue. The Cabinet discussed the more than 126 proposals at length, both in draft and detailed form. Obviously, we do not discuss every last detail of procedure but we discussed them at length.

With regard to the Garda, the Minister was quoting on Sunday directly from what Assistant Commissioner Rock said at the press conference. It was taken from his reply. Deputy Kenny appears to have got this wrong but, in fairness, he was not at the press conference. When a question was asked at the press conference, Assistant Commissioner Rock stated that if the order was coming into force on 30 October, the gardaí would take a pragmatic view of its implementation. The Minister did not say that, so no pressure is being applied.

The Garda was consulted. Assistant Commissioner Rock was involved in the press conference and in the presentation of the report. The Garda was involved. As to whether it was discussed throughout the force, that is a matter for the Garda, although I do not believe it was.

Deputy Kenny has made a bad call. He and others have said that this will affect 120,000 people. It was not affecting 120,000 people but 430,000. When considering the order, everybody referred to 120,000 but the entire number of provisional licence holders is 430,000, ranging from first to fifth provisional licences.

Deputy Paul Kehoe: Clear the backlog then.

The Taoiseach: We are clearing the backlog.

Deputy Paul Kehoe: You are not.

The Taoiseach: That position could not be changed over two or three days. For that reason, more time had to be given.

Deputy Eamon Gilmore: Since the Government was elected for a third time three months ago, it has created three new Ministers of State, established new committees with chairs, vice chairs and convenors and introduced legislation to facilitate a former Minister in claiming his pension. There is nothing wrong with this as it is fair that people can claim their pensions but it would be nice if it was extended to former gardaí and old age pensioners and not confined to Ministers. The Government also proposes to give its members substantial pay increases that would make the Taoiseach the highest paid head of government in the world. By any standards this amounts to feathering one's own nest, particularly when there are cutbacks in the health service, child care and other areas of public services. Is the taxpayer getting value for money with regard to these increases?

I am delighted to see that the Minister for Transport, Deputy Noel Dempsey, has joined us as it gives me the opportunity to use him as an example. Last week, a report from his Department informed us that senior officials, including the Secretary General of the Department of Transport and the Secretary of the Government, knew about the Shannon issue. It appears everyone knew about this matter except the Minister with governmental responsibility for it. Even if we believe all of this, the kindest thing we can say about the Minister, Deputy Dempsey, is that he is not on top of his job.

Even by the normal standards of incompetence set by the Government, the Minister's performance since last Thursday takes the biscuit. On Thursday, he told people who must wait months for a driving licence that they have four days to get such a licence or get off the road.

Deputy Noel Dempsey: I did not.

Deputy Eamon Gilmore: On Friday, the Minister pulled back somewhat and on Saturday he said the plan would proceed and that the Garda must be sensible in implementing it. Then on Sunday, when faced with the inevitable, he climbed down on the issue.

Deputy Noel Dempsey: The Deputy should get his facts right.

Deputy Eamon Gilmore: For all of this, the Minister, Deputy Dempsey, will receive an extra €25,666 per annum. Why is the taxpayer being asked to give the Minister this pay increase of €500 per week and what will he do to earn it?

Deputy Michael Ring: He will deal with the matter of the electronic voting machines.

The Taoiseach: Deputy Gilmore has used his time to ask questions on Aer Lingus, the Review Body on Higher Remuneration in the Public Sector, pensions and transport but I am only allowed to answer one. Which one would the Ceann Comhairle like me to answer?

Deputy Richard Bruton: In which area does the Taoiseach represent value for money?

Deputy Eamon Gilmore: The Taoiseach should answer the question I asked.

An Ceann Comhairle: I am sure the Taoiseach is excellent at multiple choice.

Deputy Eamon Gilmore: Why is the Minister responsible for these screw ups receiving an extra €500 per week?

The Taoiseach: I presume the question then relates to the Review Body on Higher Remuneration in the Public Sector. The body was established almost 40 years ago and is an independent entity that has the primary function of advising the Government on these matters. Deputy Gilmore will be aware of this as in his trade union days relativity was used regarding people in the review body and senior trade union representatives. This most recent report covered the Civil Service, local authorities, health boards, non-commercial State bodies, An Garda Síochána, the Defence Forces, hospital consultants, members of the Judiciary and political office holders. Some 95% of the report related to the various grades while 5% related to political office holders, although one would not have thought so given the events of recent days.

The pay review that took place for senior positions is the first since 2000 and I note that the report suggests a reversion to a four year gap between reviews. I think this is correct because the longer one allows to pass between reviews, the greater increases that would be small for the majority of people can seem. I leave myself out of this because I accept that I have received a huge pay increase.

Deputy Ulick Burke: The Taoiseach will be gone before the next review.

Deputy Seán Barrett: The Review Body on Higher Remuneration in the Public Sector is important in how it affects pensions.

The Taoiseach: I agree but I will say nothing. The Minister, Deputy Dempsey, has received a pay increase as have all Ministers.

Regarding Aer Lingus, the official report of what happened has been released. Pension legislation has been explained well elsewhere.

[The Taoiseach.]

On last week's decision, we stated on Thursday that everything could be done, with the order signed, by Tuesday. However, we are fair people and it was clear that it would not be possible for the 430,000 people affected to comply.

Deputy Michael Ring: Is the Taoiseach suggesting it was possible on Thursday but not on Friday?

Deputy Jim O'Keeffe: When did the Taoiseach discover this?

The Taoiseach: In holding the office of Taoiseach one sees a good deal of hypocrisy. One day people complain about the number of drivers that are on the road without complying with the law, while the next day they bemoan the fact that a law must be complied with. Perhaps some day the Opposition will make up its mind. The truth is the Opposition says "Yes" to whoever approaches it.

Deputy Michael Ring: The Taoiseach is very good at such behaviour.

The Taoiseach: The Deputy will say "Yes" to whoever asks him a question without defending anybody or making a decision.

Deputy Michael Ring: That is how Fianna Fáil operates.

The Taoiseach: The decision made by the Minister, Deputy Dempsey, means that in a matter of months there probably will be a greater degree of compliance with traffic regulations in the country than ever before.

Deputy Michael Ring: Will the Taoiseach sit the tests with them?

The Taoiseach: Several hundred thousand tests will be conducted in the given period.

Deputy Shane McEntee: Why did the Taoiseach postpone the recommendations of the Road Safety Authority? It did not suit him to consider it.

The Taoiseach: People need more time to take these tests and that is fair enough, although, in some cases, they are already breaking the law of the land. However, we must be fair and pragmatic.

Deputy Shane McEntee: Did the Taoiseach read the recommendations of the Road Safety Authority?

An Ceann Comhairle: The Taoiseach must be allowed to speak without interruption.

Deputy Shane McEntee: The recommendations for a draft plan last May were ignored for political reasons and thus people have been sentenced to death over the next two years.

Deputy Noel Dempsey: The Deputy got his answer on LMFM yesterday.

Deputy Shane McEntee: The Minister has belittled the Road Safety Authority. Did the Minister read the recommendations last May or were they withheld from him, like the information on the Shannon issue?

An Ceann Comhairle: The only person who may raise a point of order on Leaders' Questions is the leader concerned. Deputy McEntee cannot interrupt during Leaders' Questions.

Deputy Shane McEntee: Everyone else is doing it.

An Ceann Comhairle: The Taoiseach to conclude.

The Taoiseach: I hope there is strong support for the Road Safety Authority in the House. This is the authority's third report and I hope everyone supports the efforts we are making to get greater compliance and to keep the number of road deaths and injuries down. It takes time to create a different culture where people no longer believe they can ignore these things. The Minister is right to give the matter more time.

A Deputy: This is great leadership.

The Taoiseach: Stop that. Is the Opposition serious about people being killed or not?

Deputy Shane McEntee: We are serious——

The Taoiseach: Then stop.

Deputy Shane McEntee: ——but the Taoiseach is not.

Deputy Eamon Gilmore: No issue has been raised as often during Question Time and Adjournment Debates as the length of time young drivers must wait to sit the driving test and the number of people consequently driving with only a provisional licence. For the Taoiseach to suggest it was an accident or that, somehow, 430,000 could be overlooked is proof the Government is seriously out of touch.

To return to the Minister, Deputy Noel Dempsey, if he was a driver rather than a Minister, he would be on his third provisional licence at this stage, with no prospect of passing the test.

Deputy Noel Dempsey: Deputy Gilmore is still on a learner permit.

Deputy Eamon Gilmore: How bad must matters get before the “R” word dawns on somebody on the Government side of the House? Across the water, five or six Cabinet Ministers have had to resign. A Home Secretary resigned because the wrong figures were released about prisoner releases and an Education Secretary had to resign because the exams authority got something wrong, but no matter what a Minister of this country does or how badly he screws up there is never any question of a resignation or an apology to the House. Instead, he is rewarded with an increase in pay.

Deputy Bernard J. Durkan: He gets an Oscar.

Deputy Eamon Gilmore: How bad must a Minister be or how many mistakes must he make before continuance in office becomes an issue for the Taoiseach? I do not wish to rehearse the Minister for Transport’s legacy in terms of the areas where he has got into trouble, or indeed those of the Minister, Deputy Cullen, sitting beside him, or the costs involved to the taxpayer——

An Ceann Comhairle: The Deputy should ask a question as we are over time.

Deputy Eamon Gilmore: How bad must matters get before the Taoiseach will decide he should part company with a Minister, rather than give him or her an increase in pay?

The Taoiseach: The point I made about the figures is that 122,000 people are on the waiting lists, while 430,000 people have provisional licences.

Deputy Róisín Shortall: Did the Government not know all that on Thursday?

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: If people had to comply with the law by Tuesday, this would have created horrendous difficulties. However, we must face up to the difficulties. We cannot go ahead ——

Deputy Seymour Crawford: How did it all change on Thursday?

An Ceann Comhairle: The Taoiseach must be allowed to respond without interruption. I must make it clear that the only people entitled to make a contribution during Leaders’ Questions are the leaders of the parties. This is straightforward under Standing Orders.

The Taoiseach: The waiting list can be cleared within a few months, but if the Garda starts to enforce the regulations, which it has not been doing and which has never been done, that would affect 430,000 people. That was not the focus for the Road Safety Authority, which worked on this

matter every day, the Garda or ourselves. The people who work on this matter every day did not focus on that issue. It is easy in hindsight to say there are 420,000 waiting for tests. On the question as put by Deputy Gilmore, it is not the fact that we have discussed this issue here for years.

Deputy Eamon Gilmore: Why?

The Taoiseach: I will tell the Deputy. Some 40,000 people have had more than five provisional licences. They have no interest——

Deputy Eamon Gilmore: It was discussed.

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: These people never bothered to apply to do their test.

Deputy Róisín Shortall: Some have been on provisional licences for ten years.

The Taoiseach: Some have been driving on provisional licences for 20 years, some have had 17 or 18 provisional licences. The point is they have never bothered to apply for a test. Only one in five people bother to apply. That is the reason for the difference as between 120,000 and 430,000. Everybody driving on our roads will have to comply with the new regulations. The position is that the number in question was not focused in by the Road Safety Authority, the Garda, the Department or the Government. The fact that Deputies Gilmore and Kenny mentioned that figure rather than the overall figure shows they did not focus on it either.

Deputy Róisín Shortall: Now it is our fault.

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 Jimmy Deenihan — the delay in sending a technical team by the Department of Education and Science to commence planning for an eight-classroom school to replace existing defective building (details supplied), which was approved in January 2006 and highlighted by the commission on school accommodation in November 2006; (2) Deputy Leo Varadkar — that the Minister for Education and Science report to the Dáil on her Department’s response to the recent announcement by Fingal County Council that 13 sites for new schools will be acquired in Fingal for the provision of new schools under the accelerated school building programme to allow these schools to be up and running by September 2008; (3) Deputy Mary O’Rourke — the up-to-date situation regarding the mid-Shannon corridor tourism infrastructure

[An Ceann Comhairle.]

investment scheme; (4) Deputy James Bannon — to outline what, if any, plans are in place for a cohesive policy to expedite the development of slurry generated electricity; (5) Deputy Joe Costello — to raise the issue of EU standards for toy safety at the next Council of Ministers; (6) Deputy Kathleen Lynch — if the Minister for Health and Children is aware that the number of children attending for care at the paediatric diabetes unit in Cork University Hospital has risen to 270, more than twice as many as were attending four years ago. Will she outline what extra resources have been given to the unit to cope with this extra demand, will she explain why the clinical nurse specialist who was to take up her post on 23 September has not been appointed and will she make a statement on the matter?; (7) Deputy Ciarán Lynch — if the Minister for Health and Children is aware that the number of children attending for care at the paediatric diabetes unit in Cork University Hospital has risen to 270 and that resources in regard to this service are still below recommended guidelines. Will she outline what extra resources have been given to the unit to cope with this extra demand and will she make a statement on the matter?; (8) Deputy Joe McHugh — the Department's position on major scheme funding with respect to the Rathmullan water scheme, replacement of pipes and to indicate whether funding will be released under the water conservation programme; (9) Deputy Terence Flanagan — the need for the Minister for the Environment, Heritage and Local Government to appoint an inspector from his Department to assess the health and safety concerns of residents of Carndonagh Road, Donaghmede, and all local residents with regard to the operations carried out by Barnmore demolition in the Baldoyle industrial estate. Previous communications from me and local residents with Fingal County Council and Dublin City Council have been ignored. I ask the Minister to intervene, take charge and appoint an independent official from his Department to deal with this urgent health issue; (10) Deputy Jack Wall — the design lay-out of a school campus, details supplied, in regard to the safety of the students, recreational area for the students, general traffic control of the campus and the future of the campus; (11) Deputy Bernard Allen — the totally inadequate services for children with diabetes in the Cork and south Munster area; (12) Deputy Simon Coveney — the need for the Minister to outline how he plans to resolve the Cork Airport debt issue with the Cork Airport Authority and the Dublin Airport Authority and to give a time scale for a resolution of the matter; (13) Deputy Aengus Ó Snodaigh — to extend the deadline of 2 November for submission of applications for the community child care subvention scheme and for a thorough review of the scheme in full consultation with the community and voluntary child care sector and the suspension of its introduction

pending essential changes to ensure equity, accessibility and affordability for all users of these facilities; (14) Deputy Caoimhghín Ó Caoláin — to suspend the introduction of the community child care subvention scheme pending full consultation with the community and voluntary child care sector, given the widespread concern at the impact of this scheme in its present form, including the creation of a two-tier child care system, increased costs for many families and the closure of facilities; (15) Deputy Dan Neville — the discharge from Tallaght hospital of a suicidal person where a recruitment ban has prevented the hospital from appointing a suicide prevention nurse; and (16) Deputy Chris Andrews — in light of recent difficulties, that the Minister for Health and Children encourage meaningful dialogue and consultation between the HSE and the IPU, the Irish Pharmaceutical Union, on the new policy on the pricing of drugs due to come into effect on 1 December 2007.

The matters raised by Deputies Kathleen Lynch, Ciarán Lynch, Bernard Allen, Dan Neville and Jack Wall have been selected for discussion.

Ceisteanna — Questions (Resumed).

Agreements with Members.

1. **Deputy Enda Kenny** asked the Taoiseach the nature of the agreement between the Government and Deputy Jackie Healy-Rae; and if he will make a statement on the matter. [16823/07]

2. **Deputy Enda Kenny** asked the Taoiseach the nature of the agreement between the Government and Deputy Michael Lowry; and if he will make a statement on the matter. [16824/07]

3. **Deputy Enda Kenny** asked the Taoiseach the nature of the agreement between the Government and Deputy Finian McGrath; and if he will make a statement on the matter. [16825/07]

4. **Deputy Enda Kenny** asked the Taoiseach the nature of the agreement between the Government and Deputy Beverley Flynn; and if he will make a statement on the matter. [16826/07]

5. **Deputy James Bannon** asked the Taoiseach if the cost of deals with Independent Deputies valued at hundreds of millions of euro will be reimbursed to the taxpayer; and if he will make a statement on the matter. [17107/07]

6. **Deputy Bernard J. Durkan** asked the Taoiseach if he or his Department have quantified the expected cost of meeting the requirements of individual Members of the Oireachtas in return for support for the Government of the Thirtieth Dáil; if a supplementary budget is

planned to meet such costs or if costs are expected to be met from other sources or curtailments in the national development plan; and if he will make a statement on the matter. [17249/07]

7. **Deputy Joan Burton** asked the Taoiseach the role played by officials of his Department in regard to costing of agreements entered into with certain individual Deputies in the Houses of the Oireachtas in return for their political support; and if he will make a statement on the matter. [17475/07]

8. **Deputy Leo Varadkar** asked the Taoiseach if he will put on the record of the Dáil the agreement made between the Government and various Independent Deputies to secure their support for the Government; and if he will make a statement on the matter. [17517/07]

9. **Deputy Eamon Gilmore** asked the Taoiseach if he will place in the Library of the Houses of the Oireachtas all copies of agreements he has concluded with individual Members of Dáil Éireann, arising from his election as Taoiseach; if costings have been done for such agreements; and if he will make a statement on the matter. [20161/07]

10. **Deputy Eamon Gilmore** asked the Taoiseach the procedures in place within his Department for providing special assistance to certain Members of Dáil Éireann; the Members to whom this assistance is available; and if he will make a statement on the matter. [20162/07]

11. **Deputy Enda Kenny** asked the Taoiseach the arrangements in place in his office for providing special assistance to certain Independent Members of Dáil Éireann; and if he will make a statement on the matter. [16827/07]

12. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the nature of the assistance to be given by his Department to Independent Deputies with whom he has concluded agreements; and if he will make a statement on the matter. [16862/07]

The Taoiseach: I propose to take Questions Nos. 1 to 12, inclusive, together.

These are political agreements that I have entered into as leader of the Fianna Fáil Party with individual Independent Deputies. The agreements are confidential, but I am happy to confirm to the House that they are, as always, based on the programme for Government, which incorporates the national development plan, approved Government programmes and annual Estimates for capital and current expenditure. As Deputies will be aware, such arrangements have existed over the past ten years and in all instances I have used my best endeavours to deliver them.

In terms of the assistance given to Independent Deputies, as has been the practice over ten years,

a staff member in my office assists the Government Chief Whip's office in its work in liaising with these Deputies. This official meets them on a regular basis and arranges to keep them briefed on issues as they arise. I confirm that there is no additional cost to the taxpayer in dealing with these Deputies. The official dealing with the Deputies is an assistant principal and he assists the Chief Whip in this matter. In seeking to be as helpful as possible to the priorities and issues of concern to the Deputies, this is managed within the expenditure on programmes within the programme for Government and the national development plan and will be within the parameters of planned expenditure within departmental Estimates.

Deputy Enda Kenny: There are four questions about the nature of the agreement made between the Government and four Independent Deputies, but the Taoiseach has not referred to the nature of that agreement or explained what those agreements mean.

From July 2003, the code of conduct makes it clear that office holders are accountable to the Houses of the Oireachtas and in so far as is possible they are compelled to give accurate and truthful information when accounting to the House. It is clear therefore that office holders should be judicious in the use of public resources and facilities and that these should be used in a way that provides the public with value for money. The code also makes certain stipulations for representations made and received by office holders. These are aimed at ensuring responses sought or given to representations are in keeping with responses that would be given to the Houses of the Oireachtas generally. This is to prevent preferential treatment.

Does the Taoiseach agree that the persistent refusal to detail the nature of the agreements reached with Independent Members is inconsistent with the requirements of the code of conduct of office holders as published in July 2003? In the context of the arrangements which involve or are likely to involve the expenditure of public funds, is there a justification to claim that they are exempt from review because they are political agreements? In other words, if the Taoiseach has decided to give Deputy X a guarantee of some infrastructure in a constituency, can he claim that is a political agreement and therefore not subject to review of the national spatial strategy or whatever? At best, these could be described as political agreements designed to involve the expenditure of public moneys in a particular way and, as such, they should be subject to parliamentary scrutiny.

I saw the bottom of a list from one of these Deputies on television. I do not have a clue what is in the agreement, nor, I suppose, does anyone else. In terms of the code of conduct published by the Government for office holders, is it not inconsistent to have secrecy about arrangements

[Deputy Enda Kenny.]

made between the Taoiseach, on behalf of the Government, and Independent Deputies?

The Taoiseach: In this Dáil, which started a number of months ago, as in the last two Dála and previous Dála, this is the procedure followed. In this Dáil, apart from the parties in Government, Fianna Fáil, the Progressive Democrats and the Green Party, the Government appreciates and acknowledges the support it receives from Deputies Finian McGrath, Michael Lowry and Jackie Healy-Rae. We appreciate that before a Government was formed, we discussed the relevant issues of priority to these Deputies. Those issues, many of which are in the public domain, concern nothing other than what people would be seeking in the national development plan, the programme for Government and departmental Estimates issues such as Transport 21. They relate to stated Government policy therefore. The commitments and interests the Deputies have, which are all constituency initiatives or, if not, may concern the overall health service, are in line with providing extra teachers, extra funding for primary and secondary education, additional beds and additional health services. In some cases they are seeking priority areas within their constituencies so that consideration would be given to particular projects in those areas. There is nothing secretive or unusual. In line with their own issues, some Deputies have priorities concerning disabilities, county roads, enterprise and creating employment. All those issues are reflected in the programme for Government and the expenditure programmes. There is nothing outside of these. In supporting the Government, the Deputies hope they will be able to get some degree of priority for those issues. As I have done for ten years and will for the next five, I will do my utmost to deliver on those issues for Deputies who support the Government. In raising these issues Deputies are not ignoring the reality of departmental budgets, national plans and other issues. They are all documented issues that fall within those programmes. Some Deputies have made the issues public knowledge and I have mentioned more of them here. It is right and proper, however, for the Government to try to deliver on some of those matters and for Deputies to seek their implementation.

Deputy Enda Kenny: While the Taoiseach appreciates the support of three Independent Deputies, is he saying the agreements worked out with them do not mean that anything extra will be delivered to their constituencies that would not normally have happened because of the programme for Government? Will he confirm that is what he means by saying that all the things they have discussed are issues already contained in the programme for Government that are relevant to their constituencies? If what the Taoiseach is saying is true, these agreements are worthless in that

they would occur in any event. This is despite the fact that a Deputy might say he has acquired major expenditure for his constituency, while another says the implications of the agreement he worked out were both national and international.

I wish to pose a further question concerning another Independent Deputy who happens to be from my constituency. For some peculiar reason, the weekend before a major court case, the Taoiseach chose to make an extraordinary comment that the Deputy in question — good luck to her — might well be in a position to be appointed as a Minister of State in the lifetime of his Administration. I accept it is for the Taoiseach to make that comment, but does he not consider that sent out a signal to the national broadcaster, going into a court case the following weekend, that it should take cognisance of what the Taoiseach said about a person who is an Independent Member of the House? Does the Taoiseach not see the implication of that?

On 15 June, Deputy Flynn said:

I am absolutely delighted with what I have secured for Mayo. Bertie Ahern has verbally agreed a very generous package for the county and I will be supporting him for the vote for Taoiseach this afternoon. I do not have a signed agreement. I did not seek one. I fully accept the word of the Taoiseach. I do not need to be waving about a piece of paper.

On 26 June, the Taoiseach said——

An Ceann Comhairle: I remind Deputy Kenny that under Standing Orders quotations are not allowed during question time.

Deputy Enda Kenny: All right.

An Ceann Comhairle: I am sure the Deputy is well aware of that.

Deputy Enda Kenny: As the Ceann Comhairle reminded me when he was Minister for Justice and zero tolerance, accuracy is critical to fact.

An Ceann Comhairle: Whatever about history, we are here in the present and Deputies cannot cite quotations during question time. It is not allowed.

Deputy Enda Kenny: I might not be as good as Mr. Cameron, but I can memorise a short statement like that.

An Ceann Comhairle: The Deputy may summarise it.

Deputy Enda Kenny: On 26 June, the Taoiseach said he had entered into no agreement with the said Deputy. Who is telling the truth? Is the Deputy telling the truth or must I take it that the Taoiseach's words on the record of the House are clear, factual and truthful? From that point of view, will the Taoiseach confirm that the agree-

ments he has worked out are already part of the programme for Government and would happen in any event? Will he comment on his extraordinary statement before a major court case, which was out of all our hands? Will he confirm whether or not there is an agreement with the Deputy? She said in public that there is. The Taoiseach said on the record of the House that there is not. If there is an agreement, issues of import arising recently in that constituency might well be considered.

Deputy Finian McGrath: The Deputy is only jealous.

Deputy Enda Kenny: I am not jealous.

The Taoiseach: I will deal with the Deputy's questions separately. It is not a question that agreements one makes, either political agreements between parties or in this case we are talking about agreements with Independents, are meaningless. I have been doing this for the last ten years. Independent Deputies may emphasise their national or international priorities. Deputy Finian McGrath, who is present in the House, had a particular issue whereby he wanted to ensure the mandate for Shannon—

Deputy Bernard Allen: Will it be there for him?

Deputy Seymour Crawford: He will not be disappointed now.

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: —and people landing on international flights from the United States or other countries would be based on a UN mandate.

Deputy Bernard J. Durkan: Fair play to the Taoiseach.

The Taoiseach: We agreed to that.

Deputy Eamon Gilmore: That is the case already.

The Taoiseach: Yes, but the Deputy knows how many arguments there have been about that.

Deputy Eamon Gilmore: That was giving him nothing.

The Taoiseach: If the Deputy wants to say that—

Deputy Eamon Gilmore: It was giving him nothing.

Deputy Bernard Allen: The Deputy sold himself short.

An Ceann Comhairle: We cannot have these continuous interruptions while the Taoiseach is making his contribution. Every contributor must get the same level of courtesy.

Deputy Finian McGrath: They are only jealous.

Deputy Terence Flanagan: Of what?

An Ceann Comhairle: The same courtesy must be extended to the Taoiseach as he extends to other party leaders.

The Taoiseach: At least two of the Deputies had the Disability Act as a priority and we are spending €900 million on the Disability Authority. They want to see that happen for national programmes, not just for their own constituencies. They also want to see the education programme providing additional teachers and dealing with forms of autism.

Deputy Finian McGrath: Hear, hear.

The Taoiseach: These issues are being put forward by the Deputies and the Government takes account of their views to try to prioritise some of the issues. In the case of Deputy Healy-Rae, he said on the record of the House that within the national development plan and Transport 21 he wanted to prioritise some road projects.

Deputy Bernard J. Durkan: Kerry South.

The Taoiseach: We must take cognisance of some of these issues. Therefore it is not in any way useless or meaningless. It gives them an opportunity to highlight some of these issues. I would like to think that every single aspect of the national development plan, the programme for Government or Transport 21 would be fulfilled but realistically it is not always easy to get every single thing done. The Deputies have their say in prioritising them. It is a democracy and there is nothing wrong with Deputies doing that. They provide a useful service to their constituents by trying to do so.

I had no written agreement with Deputy Flynn. In my discussions with her prior to the formation of the Government, I had outlined to her the procedures that we would be following in the programme for Government, which was still under negotiation at that stage, and the national development plan, the spatial strategy and Transport 21. Her comments were based on that. I did not draw up, nor did she ask for, any individual items for her constituency. She was interested in the broad position. The national broadcaster asked me a question and I answered it. The Deputy may feel I should not have answered it. I usually try to answer its questions to the best of my ability, as I do the Deputy's questions. That is all I did.

Deputy Bernard Allen: That is a change.

The Taoiseach: I assure the Deputy that I have never had, and am unlikely ever to have, any influence over the national broadcaster which would probably not publish something positive about me but will publish something negative. I have very little influence over it. What I would have said the week before a court case would have had no relevance. I did not know that the case was coming on. What was happening in the courts was not high in my priorities the following week when I was trying to form the programme for Government. The director general made it clear that he and his legal team took no account of that whatever. Their decision was made before that, to judge by what he said subsequently.

Deputy Enda Kenny: I accept the Taoiseach's word that he has made no deal with Deputy Flynn apart from comments about the national spatial strategy and the national development plan including Transport 21. References to deals about the protection of cancer facilities and so on were not part of those discussions.

I do not suggest that the Taoiseach was in a position to exert pressure on the national broadcaster but that when the Taoiseach speaks on an issue the weekend before a major court case, people, like the agencies taking cognisance of Government policy, would surely take note of what he says. I am happy to note that the arrangements, or agreements as they have been called and touted by several Independent Deputies, are merely reflections of what is contained in the national development plan and that there is nothing outrageously special about them just because they offer support when they vote on occasions. I thank the Taoiseach for that confirmation. I accept his word in the House, speaking as Taoiseach on this matter.

Deputy Eamon Gilmore: Deputy Finian McGrath is still hovering around the perimeter of the House. Is there a documented agreement with Deputy Finian McGrath which he has signed, an exchange of correspondence or a written record of whatever he claims he agreed with the Taoiseach in return for his continuing and loyal support for the Government?

Will the Taoiseach tell us whether he has agreed anything with Deputy Finian McGrath that is not already in the programme for Government or the national development plan?

The Taoiseach: I appreciate that Deputy Kenny accepts what I say is the position. In all her discussions Deputy Flynn was more interested in the programme for Government which includes cancer strategies and such issues. She was concerned for the west of Ireland but also wanted to see that there would be proper resources and allocations made to the broad areas of health and education. She did not get into individual issues.

A programme for Government covers all areas and the national development plan is an enormous programme involving €181 billion over its life, including Transport 21 and other programmes. Deputies have sought to prioritise issues that are important to them in the discussions. There are written agreements with Deputy Finian McGrath and the other Deputies. This is not a claim. There are agreements based on negotiations with me about their national and local priorities. They want to achieve those priorities and I and my colleagues will try faithfully to assist in achieving them. I have done this for the past ten years.

The agreements are made in good faith on important national and local issues. Deputy Finian McGrath's priorities, which he has advocated in this House, are in education, health, disability and local community-based issues important to his constituency, Dublin North Central. I feel honour bound to do my best to complete these issues, in return for support. The issues fall within the broad programme for Government and specified programmes.

It is entirely proper that a Deputy work to advocate achievement on these issues. They are not extraordinary issues but they are important whether national, local or international. A Deputy is entitled to advocate them and a Government is entitled to try to implement them and assist in their implementation over time.

Deputy Eamon Gilmore: Every Deputy is entitled to seek to advance whatever issue or agenda he or she has, and Government is entitled to agree or disagree to pursue that. We are, however, dealing with something more than just in the nature of a political agreement. The Taoiseach has defended keeping this agreement secret on the grounds that it constituted a political understanding between him and Deputy Finian McGrath, and other Independent Deputies. It is clear from what he has said that these agreements relate to national and international issues and matters to public expenditure. While he is perfectly entitled to reach whatever agreement he wishes with Deputies on those matters, we are entitled to ask what is in the agreements. This is not just a matter of politics but of public expenditure, the use of the people's money and what the Taoiseach describes as priorities. If, for example, one Deputy gets some kind of favoured treatment for his or her constituency other Members are entitled to know what that is. I submit that the Taoiseach is obliged to put on record what he has agreed with the Independent Deputies. The documents relating to those agreements should be on the public record.

This is not a matter of political interplay but of the management of the people's money. Is there anything that the Taoiseach has agreed with Deputy Finian McGrath or other Independent Deputies not already documented in the programme for Government or in the national

development plan? We are entitled to know that. Will the Taoiseach tell us what it is? He is dancing around in secrecy but there is no great secrecy about these things, we should know what they are.

The Taoiseach: There is no secrecy about these issues. The Deputies by and large have published and spoken about them. The House votes on public expenditure under the departmental Votes whenever anything is done about these issues. The Deputies have raised national issues that are in the programme for Government such as the number of beds to be opened, the number of acute beds and other hospital issues, education issues, disability and autism issues, all of which are in the public interest and to which probably every Deputy subscribes. There is nothing exceptional about that other than that the Deputies want to see progress on these issues nationally, with a knock-on effect in their own constituencies. None of these understandings is horrendously long. They specify local issues such as communities and roads. There is no great secret about them. Some of the Deputies mentioned these roads, which are already in local authority plans, which they want to see progressed in the next few years. None of these issues is outside this. I meant to say there is a total of €180 billion in the national development plan to cover these issues in future years.

Deputy Bernard J. Durkan: Does the Taoiseach agree that the fine aspirations he attributed to the Independent Deputies apply to all Members, including those of his own party? He stated he has entered into a political agreement. What does that entail? Does it mean that those five Members get a larger slice of the national cake? I am sure the Ceann Comhairle would like to know if potholes were to become an endangered species in south Kerry, or if the Luas was to appear there. Do these agreements mean that a special allocation is being made to deal with the requirements of the individual Deputies?

Notwithstanding their high aspirations in the local and national interest, the Taoiseach knows that politicians want to know what is in it for them and for their immediate constituents. Can the Taoiseach explain what these agreements mean for those individual Deputies? How does that affect other Members, including those from the Government parties? Do they get less while the special few get more? I was studying Deputy Finian McGrath's face when the Taoiseach was speaking. He looked perplexed and as worried as a manager whose football team was about to be relegated. Is there more to these agreements than the Taoiseach has already told the House?

The Taoiseach: Everybody gains from every improvement. When the Deputy is on his holidays in south Kerry next August, the benefits of the improved roads, thanks to the Ceann

Comhairle over the last ten years and with the assistance of Deputy Healy-Rae——

Deputy Bernard J. Durkan: He is worried about the special arrangement.

Deputy Eamon Gilmore: The Ceann Comhairle is also responsible for the wall in south Kerry.

The Taoiseach: I find that the road from Kenmare to Kilgarvan improves every year, which is hugely beneficial. The representations of the former Minister——

Deputy Bernard J. Durkan: Does the Taoiseach think the Luas will go there?

The Taoiseach: There is no proposal for the Luas to go to Kilgarvan.

Deputy Bernard J. Durkan: We are re-assured. The Ceann Comhairle is safe.

An Ceann Comhairle: It is nice to know we are on the one road.

Deputy P. J. Sheehan: I invite the Taoiseach to go through the tunnel and see south-west Cork.

Deputy Caoimhghín Ó Caoláin: Following the general election, Deputy Healy-Rae stated he had an agreement which he described as “private and personal”.

The Taoiseach: And then he went on for half an hour.

Deputy Caoimhghín Ó Caoláin: Does the Taoiseach agree that any agreement involving public administration or the expenditure of public money can not be described as private or personal? If the Taoiseach has an agreement with the Independent Deputies, does he accept he has a duty to place copies of such an agreement in the Oireachtas Library? There is a strong belief in this Chamber, and not for any idle reasons, that the fact Deputy Healy-Rae has been appointed Chairman of an Oireachtas committee is another element in an agreement that he reached with the Taoiseach, which he describes as private and personal. Was there an understanding or agreement between the Deputy and the Taoiseach that he would be appointed as the Chair of a committee?

The Taoiseach has been careful in his references to costs. He stated there will be no additional cost to the taxpayer in dealing with these Deputies. However, I believe that there is a cost which probably entails the movement of funding from one area to another. This can be to fast-track particular projects, or to ensure funding is available for specific undertakings and other areas, therefore, suffer as a consequence. If there is no additional cost to the taxpayer, can the

[Deputy Caoimhghín Ó Caoláin.]

Taoiseach assure the House there is no movement of funding from one area to another in order to accommodate the specific demands by these Deputies? As a result of the concerns expressed here, does he accept this issue requires absolute transparency? Does he agree it is unfair on the poor Ceann Comhairle that a Deputy in his constituency will claim responsibility for the delivery of every positive project and development taking place there?

We need to know the truth. It should be exposed and it is the responsibility of the Taoiseach to do so.

An Ceann Comhairle: Your concern is touching, but you must leave the Ceann Comhairle out of this.

Deputy Caoimhghín Ó Caoláin: You are welcome to it nonetheless.

The Taoiseach: The Deputy knows that I always do my best to honour agreements made. He knows more than most that I try to honour deals that I have made over the years. I have not made them all public or transparent and some of them were made in my capacity as Taoiseach. His party would know that very well.

Deputy Brian Hayes: Humility.

Deputy Caoimhghín Ó Caoláin: I again invite the Taoiseach to come clean.

Deputy Arthur Morgan: Is that personal as well?

The Taoiseach: I will not rise to that imputation. These issues are covered by the programme for Government. They incorporate the national development plan, Transport 21, the annual Estimates and expenditure. Perhaps at times lobbying by Deputies from any side of the House, whether or not they are Government Deputies, changes the balance of where something goes, but that happens all the time. Some school gets more priority than another, which is what Deputies do here all the time. They ring the Department of Education and Science and they lobby the Department and the Minister. Long may it last, because that is what democracy is all about. I cannot see anything wrong with it. The Deputy himself supports the Government sometimes and it works to his advantage.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has again carefully avoided answering the question about Deputy Healy-Rae's Chair of an Oireachtas committee. Was there an understanding between the Deputy and the Taoiseach, or anybody acting on his behalf, that gave him to understand he would have the Chair of an Oireachtas committee as part of the arrangement for his support?

The Taoiseach: No. Deputy Healy-Rae was Chairman previously.

Deputy Caoimhghín Ó Caoláin: We know that. That is why we are puzzled.

The Taoiseach: He certainly was anxious to get back in some capacity. We spread the Chairs fairly around.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has still not answered the question. Was there an agreement?

The Taoiseach: No.

Deputy Caoimhghín Ó Caoláin: Was there an understanding?

Deputy Eamon Gilmore: This has been a useful exchange because Members are beginning to discern what the Taoiseach has agreed with the Independent Members. In the case of Deputy Beverly Flynn, it is clear that her return to Fianna Fáil was agreed. In the case of Deputy Lowry, the agreement involved some form of political rehabilitation. As for Deputy Healy-Rae, he has been around for a long time and I am sure that whatever is contained in his personal and private agreement is of some substance.

Deputy Enda Kenny: Comfort.

Deputy Eamon Gilmore: However, it bothers me that the Taoiseach appears to have taken Deputy Finian McGrath for a ride. He does not appear to have got anything of substance in the distribution of largesse last week.

Deputy Brian Hayes: Perhaps he was given a roundabout in Artane.

Deputy Eamon Gilmore: Today, the Taoiseach has told Members that he has not received anything that was not already contained in the programme for Government or the national development plan. In such circumstances, the enthusiasm with which he supports the Government is——

Deputy Bernard J. Durkan: Inspiring.

Deputy Eamon Gilmore: —— difficult to understand.

The Taoiseach: I greatly appreciate the support the Government receives from Independent Deputies. The Government will work with them as best it can to deliver its programme for Government, which incorporates many of the issues of interest to them. Like the other Deputies who support the Government, Deputy McGrath has indicated clearly to it — and I have agreed with him — the issues on which we are trying to achieve progress. In fairness, Deputy McGrath, is a strong advocate in the field of dis-

abilities. His most pressing issue concerns the support of issues regarding disabilities and autism. Rather than concentrating on individual issues, he wishes to see development on an agenda in which he strongly believes. This does not simply pertain to his constituency because most of the schemes in question are national in scope.

Ministerial Responsibilities.

13. **Deputy Enda Kenny** asked the Taoiseach the responsibilities of the Ministers of State at his Department; and if he will make a statement on the matter. [16828/07]

14. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the responsibilities of the Ministers of State in his Department; and if he will make a statement on the matter. [18792/07]

15. **Deputy Eamon Gilmore** asked the Taoiseach the responsibilities of the Ministers of State at his Department; if powers and functions have been formally delegated to each such Minister of State; and if he will make a statement on the matter. [20163/07]

The Taoiseach: I propose to take Questions Nos. 13 to 15, inclusive, together.

The Government appointed Deputy Tom Kitt as Government Chief Whip and Minister of State at my Department and at the Department of Defence. Deputy Dick Roche was appointed Minister of State at my Department and at the Department of Foreign Affairs with special responsibility for European Affairs.

As Chief Whip, the Minister of State, Deputy Tom Kitt, is primarily responsible for the organisation of Government business in the Dáil and for the Government's programme for Dáil reform. He also oversees preparation of the Government's legislative programme. In addition, my statutory functions under the Statistics Act 1993 for the Central Statistics Office have been delegated to the Minister of State, Deputy Tom Kitt.

In a co-ordinating role in the Department of the Taoiseach, the Minister of State, Deputy Roche, chairs the interdepartmental co-ordinating committee on European Union affairs. The committee keeps under review and works to ensure coherence on the full range of issues on the EU's agenda. The committee has a particular focus on the correct and timely transposition of EU legislation. The Minister of State, Deputy Roche, also plays a central role in consolidating and further developing Ireland's positive bilateral EU relations, particularly with the new member states.

In addition to these duties, the Minister of State, Deputy Roche, has a heavy workload within the Department of Foreign Affairs, which involves representing the Government at a wide range of EU and international meetings. Deputy

Roche also has responsibility for the Government's Communicating Europe initiative, which aims to foster a broad public understanding of and identification with issues on the EU agenda.

Deputy Enda Kenny: Arising from the Taoiseach's response, are staff assigned to the aforementioned Ministers of State in the other Departments to which they are attached? In other words, do Ministers of State with responsibilities in two Departments have staff assigned to look after them in both Departments or are they attached to one set of civil servants in the Taoiseach's Department?

I have listened to the Minister of State, Deputy Conor Lenihan, a number of times and he has referred to integration issues, as well as to a committee on integration. I regard the question of immigration and integration as being a serious challenge for all, in addition to constituting a great opportunity if we get it right. Will the Taoiseach consider amending the responsibilities given to the Minister of State, Deputy Conor Lenihan, to include integration as well as immigration? While he is the Minister of State with responsibility for immigration, this issue is closely tied to questions regarding integration.

I cannot discern any difficulties in this regard from the Taoiseach's perspective because when the Minister of State speaks about the committee for integration, obviously the question is closely related to his official responsibilities. Will the Taoiseach consider expanding his brief to be the Minister of State with responsibility for both immigration and integration, which are closely intertwined across a number of Departments. Such a development would be to great effect because this issue is highly important in the context of the kind of society that will emerge in Ireland in the next 20 years. A Minister of State with responsibility for immigration is somewhat confined or restricted in his responsibilities when they do not encompass a broader dimension and deal with issues that are highly relevant to integration. This matter should be examined.

I understand the Minister for Justice, Equality and Law Reform will bring before the Cabinet next week the proposal regarding the opt-out from the EU reform treaty. Does the Taoiseach believe that Ireland's stance regarding the Schengen Agreement should be reconsidered? Obviously, the common travel area between Ireland and Britain, which has existed since the foundation of the State, will be changed when Britain decides to implement its electronic border around the mainland of England, Scotland and Wales. Does the Taoiseach believe this issue should be reconsidered in the context of an Irish or an Ireland dimension? I refer to the position in which we find ourselves regarding the Schengen Agreement whereby we were corralled to follow Britain. When Britain stayed out, as a consequence so did we. The Taoiseach should respond to these three questions.

An Ceann Comhairle: As only three minutes remain, I will call Deputy Ó Caoláin followed by Deputy Gilmore.

Deputy Caoimhghín Ó Caoláin: One of the responsibilities of the Minister of State and Chief Whip, Deputy Tom Kitt, concerns the chairing of the legislation committee, about which one hears little. Does it come under the direct auspices of the Department of the Taoiseach? Who sits on the committee and what role does it play in prioritising legislation? Does it have the responsibility of recommending to the Cabinet the ordering of the prioritisation of legislation?

Deputy Eamon Gilmore: I have two questions in respect of the Minister of State, Deputy Roche. As for his responsibilities as Minister of State with responsibility for European affairs, has he responsibilities other than those pertaining to European affairs? What functions have been delegated formally by the Taoiseach to the Minister of State, Deputy Roche?

The Taoiseach: On the area of immigration and integration, effectively this is what the Minister of State, Deputy Conor Lenihan is doing. He is playing a role with the churches and other organisations. I will consider the issue regarding his title.

Deputy Enda Kenny: He has stated a number of times that he is dealing with immigration and not with integration. This would make it much more comprehensive.

The Taoiseach: Some of the functions regarding integration reside in the Department of Justice, Equality and Law Reform. However, in his work with the organisations and the new communities, effectively the Minister of State is trying to integrate them on a cross-departmental basis. I will consider the issue.

Deputy Enda Kenny: He has stated that he only deals with immigration and not integration.

The Taoiseach: Very well.

As for the debate regarding the Schengen Agreement, the e-borders scheme obviously will bring changes. Many of the difficulties involved were legally based. While I am uncertain whether we can simply change it based on the law, we will have a discussion in this regard when it comes back.

The legislation committee is a highly important committee and the Government Whip is the key person in this regard. It involves the Parliamentary Counsel and is important in shaping forthcoming legislation, as well as legislation at its various stages. The Government decides what is possible based on the Whip's report. Moreover, if difficulties arise and it is deemed necessary, relevant Ministers can be asked to attend by the Minister of State. This is an important committee

and the greatly increased volume of legislation being processed in this House recently as against what used to happen years ago has much to do with its effective functioning.

I refer to the question regarding the responsibilities of the Minister of State, Deputy Roche. As for all the European agenda issues, while he has no separate delegation
5 o'clock in respect of my Department, all the co-ordination of the European brief with the Department of Foreign Affairs and other Departments is performed by the Minister of State, Deputy Roche. He also stands in for the Minister for Foreign Affairs on a number of committees.

Although officials from various Departments deal with the issues for the Ministers of State, their staffing is in the main Department only. Obviously, the Minister of State has access to officials in both Departments, but his office is staffed only by officials from my Department.

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 32. I will call Deputies in the order in which they submitted their notices to my office.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the appalling level of road deaths, with five people killed on the roads over the weekend and a total of 273 killed since the beginning of the year.

Deputy Arthur Morgan: I seek the adjournment of the Dáil under Standing Order 32 to address the following matter of urgent national importance — the closure of the Seagate plant in Limavady, whereby more than 900 workers from counties Antrim, Derry, Tyrone and Donegal are to lose their jobs, and the necessity for the Minister for Enterprise, Trade and Employment to outline his plans for increased co-operation between enterprise development agencies North and South, particularly IDA Ireland and Invest NI, as well as FÁS and the Northern Ireland Department for Employment and Learning in the area of skills, to ensure the creation of new jobs in the north-west region which continues to experience unacceptably high rates of unemployment.

Deputy Thomas P. Broughan: I seek the adjournment of the Dáil under Standing Order 32 to discuss the following specific and important matter — the serious mishandling by the Minister for Transport of the announcement last week of new regulations governing the holders of second provisional driving licences which undermined the new road safety strategy, brought the law into

disrepute and caused serious distress for thousands of young drivers and their families.

Deputy Dan Neville: I seek the adjournment of Dáil Éireann under Standing Order 32 to debate the following matter of urgent national importance: the discharge of a highly suicidal person from Tallaght Hospital due to the fact that the HSE recruitment ban prevented the recruitment of a suicide prevention nurse, despite the fact that the resources to recruit the said nurse had been made available by the National Office for Suicide Prevention.

An Ceann Comhairle: Having considered the matters raised, I do not consider them to be in order under Standing Order 32.

Order of Business.

The Taoiseach: It is proposed to take No. 6, motion re Statement of Estimates for the Houses of the Oireachtas Commission; No. 7, motion re orders of reference of committee; No. 8, motion re appointment of members to committee; No. 41, Markets in Financial Instruments and Miscellaneous Provisions Bill 2007 — Amendments from the Seanad; No. 9, motion re leave to introduce Supplementary Estimate [Vote 41] and, subject to the agreement of No. 9, the Supplementary Estimate [Vote 41]; No. 13, Criminal Law (Human Trafficking) Bill 2007 — Second Stage (resumed); No. 13a, statements on road safety, to be taken on the adjournment of Private Members' business.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted on the conclusion of No. 13a; Nos. 6, 7 and 8 shall be decided without debate; No. 9 shall be decided without debate and any division demanded thereon shall be taken forthwith, and subject to the agreement of No. 9, the Supplementary Estimate [Vote 41] shall be moved and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7 p.m., any division demanded thereon shall be taken forthwith and the following arrangements shall apply: the speeches shall, if not previously concluded, be brought to a conclusion at 6.45 p.m.; the speech of a Minister or Minister of State and the main spokespersons for the Fine Gael Party and the 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; immediately following the speeches, a Minister or Minister of State shall take questions for a period not exceeding 15 minutes; Private Members' business which shall be No. 24, motion re Civil Unions Bill 2006, shall be taken for 90 minutes at 7 p.m. or on the conclusion of No. 9a, whichever is the later, and shall also take place tomorrow immediately after the

Order of Business and be brought to a conclusion after 90 minutes on that day; the proceedings on No. 13a shall, if not previously concluded, be brought to a conclusion after 65 minutes and the following arrangements shall apply: the statements shall be confined to a Minister or Minister of State and the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin who shall be called upon in that order, may share time and not exceed 15 minutes in each case; a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes.

An Ceann Comhairle: Is the proposal that the Dáil sit later than 8.30 p.m. agreed to? Agreed. Is the proposal for dealing with Nos. 6, 7 and 8, motions re statement of Estimates for the Houses of the Oireachtas Commission, orders of reference of committee and appointment of members to committee, without debate agreed to?

Deputy Enda Kenny: No. 7 is a motion re orders of reference of committee. It concerns an expansion of the number of members of the Select Committee on Agriculture, Fisheries and Food. No. 8 deals with the appointment of two extra members to the committee. This could have been avoided if we had had clarity from the Government Chief Whip. Last week we expanded the membership of two or three committees and today are expanding the membership of the Select Committee on Agriculture, Fisheries and Food from 13 to 15. Because I respect the fact that any party in the Dáil is entitled to be represented, my party facilitated the appointment of Sinn Féin Members to three committees, although not, admittedly, to the ones they wanted to be appointed to. Now the Government wishes to expand the membership of the Select Committee on Agriculture, Fisheries and Food to accommodate Deputy Martin Ferris, to which I do not object. However, it would have made things clearer if the Government Whip had said at the beginning that there would be 15 members, rather than 11 or 13, on certain committees in order to accommodate the appointment of every Deputy in the House to a committee.

An Ceann Comhairle: Is the proposal agreed to? Agreed. Is the proposal for dealing with No. 9, motion re Supplementary Estimate, without debate agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed. Is the proposal for dealing with No. 13a, statements on road safety, agreed to? Agreed.

Deputy Enda Kenny: Nuair a bhí mé ag caint leis an Teachta Ring, d'iarr sé orm ceist a chuir ar an dTaoiseach maidir le cathain an mbeidh an tuarascáil maidir le stádas na nGaeltachtaí foilsithe ag an Rialtas. Tá mé taréis an cheist seo a chuir ar an dTaoiseach deich n-uaire le bliain go

[Deputy Enda Kenny.]

leith anuas, ach níl aon freagra le fáil. Chuala mé ráfla go bhfuil an tuarascáil le foilsíú anocht ag an Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta. Ba cheart go mbeadh an tuarascáil foilsithe istigh sa Dáil agus ba chóir go mbeadh díospóireacht againn anseo.

Will the Government consider at Whips' meetings the possibility of arranging a discussion on the report produced by Dr. Coulter on family courts and the recommendations for improvements contained therein?

On the matter of illegal Irish immigrants in the United States, I understand Senator Schumer in New York is willing to support a Bill instituting a bilateral arrangement between Ireland and the United States but cannot do so without the imprimatur of Senator Kennedy whom I understand has been waiting for a call from the Taoiseach for some weeks. Would the Taoiseach be so kind as to call him to indicate the interest of the Government in pursuing a bilateral arrangement with the United States to regularise the position of illegal Irish immigrants? I understand that as of today, the Senator has been waiting for a call from the Taoiseach for quite some time. Perhaps the Minister for Foreign Affairs did not fully acquaint the Taoiseach with the situation.

An Ceann Comhairle: None of these items is in order on the Order of Business.

Deputy Enda Kenny: Excuse me, a Cheann Comhairle—

An Ceann Comhairle: They are not in order. That is the problem.

Deputy Enda Kenny: Under what Standing Order is the report—

An Ceann Comhairle: Standing Orders are very clear. I observed last week what the position was.

Deputy Enda Kenny: Under what Standing Order is the report on the status of the Gaeltachtaí not in order?

An Ceann Comhairle: It is not business listed on the Order Paper; it is not business which has been promised. It does not relate to the making of secondary legislation—

Deputy Enda Kenny: It has been promised.

An Ceann Comhairle: It is not related to arrangements for sittings or when Bills or other documents listed on the Order Paper needed in the House will be circulated.

Deputy Enda Kenny: It has been promised on a dozen occasions.

An Ceann Comhairle: Strictly speaking, it is not in order on the Order of Business. The Deputy understands this, being a Deputy of long standing.

Deputy Enda Kenny: Absolutely. I am the longest serving Deputy, as I remind the Ceann Comhairle on occasion.

An Ceann Comhairle: The Deputy is entitled to do so but he is not entitled to be out of order.

Deputy Enda Kenny: The Minister for Foreign Affairs who is absent has said repeatedly that the Government is in a very strong position to deal with the issue of the illegal immigrant population in the United States. I am just making the point that there is a Senator in New York who is willing to support a Bill but needs the imprimatur of Senator Kennedy who obviously has been waiting for a call from the Taoiseach.

An Ceann Comhairle: There are other ways to raise that matter.

Deputy Enda Kenny: I am just making a comment. As for my point about Dr. Coulter's report on the family law courts, all I asked was that the Whips discuss the matter at one of their meetings with a view to having a discussion in the House. Can the Ceann Comhairle explain why that is not in order?

An Ceann Comhairle: That is a matter for the whips. It is not a matter for the Order of Business. That is clear.

Deputy Enda Kenny: It is my responsibility, Sir, to raise this matter. It is of national importance. All I am saying is that the Government Whip might discuss this with the other Whips with a view to having a discussion here—

An Ceann Comhairle: The Taoiseach will accept that.

Deputy Enda Kenny: —and you ruled me out of order.

The Taoiseach: We will do that.

Deputy Enda Kenny: But the Ceann Comhairle would not let him answer it.

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

An Ceann Comhairle: The reason is because it is not in order under the Order of Business.

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

An Ceann Comhairle: It is not in order on the Order of Business. Deputy Kenny, I am not here to frame the Standing Orders.

Deputy Enda Kenny: Indeed, you are not.

An Ceann Comhairle: I am here to implement them, as I have told you on numerous occasions.

Deputy Enda Kenny: I am here, Sir, to raise issues that are of importance. This is the House of accountability and I would like you to facilitate me within the rules, and these are the rules.

Deputy Dan Neville: And precedent.

An Ceann Comhairle: I have always done so within the rules.

Deputy Enda Kenny: Can I have a response from the Taoiseach as Gaeilge then?

An Ceann Comhairle: I call Deputy Gilmore. We will not have a discussion about it now.

Deputy Enda Kenny: Can I have a response from the Taoiseach as Gaeilge to my question?

An Ceann Comhairle: I call Deputy Gilmore.

Deputy Bernard J. Durkan: The Taoiseach should be allowed to answer.

Deputy Eamon Gilmore: There is just one issue I want to raise. Among the documents laid before the Dáil today is the report to the Minister for Transport on the circumstances surrounding the Aer Lingus decision on the Shannon-Heathrow link. Does the Taoiseach intend to provide time to have that report discussed in the House?

The Taoiseach: If the Whips want to discuss it, I do not mind.

Deputy Brendan Howlin: The Government has tabled an amendment to a motion on today's Order Paper reiterating a promise that it made earlier to legislate for civil partnerships at the earliest possible date so as to establish a supportive legal framework for same-sex couples in committed relationships. When will that legislation be published?

The Taoiseach: The heads of the Bill are in preparation. It will take several months. The equivalent Bill in the UK — the legal systems are not that——

Deputy Brendan Howlin: The equivalent Bills in five other jurisdictions contained seven sections.

The Taoiseach: The UK one——

Deputy Brendan Howlin: The UK Bill contained many addenda.

The Taoiseach: The Bill contains 280 sections and 40 Schedules. The trouble is that the legal systems are quite alike and that is the difficulty in case law, but it is being examined. We hope to have the heads of the Bill but it will take a number of months. There are quite a number of complexities. It has got priority in the Department but it will take a number of months.

Deputy Tom Kitt: Yes, 265 sections.

Deputy Caoimhghín Ó Caoláin: On promised legislation, I received a response last week from the Minister for Health and Children, Deputy Harney, confirming that many dentists have withdrawn from the dental treatment service scheme leaving thousands of medical card holders without the essential treatment to which they are entitled. The Minister cites the legal issues that have arisen under the Competition Act 2002 which is the same Act that is underlying the difficulties with the pharmacy sector. As the Minister indicates that her officials were working with the Attorney General on the issue, can the Taoiseach advise if amending legislation on the Competition Act 2002 will present to address both of these issues, that is, the issue of dentist provision and the issue with the pharmacy sector, and if the Government is looking at any other legislation that can address these serious difficulties that are already impinging on the lives and health of ordinary citizens?

The Taoiseach: It is a debate we had here a few weeks ago about the Competition Act 2002, but that section implements Article 81 of the Treaty of Rome and, therefore, it is not just Irish legislation. This is European legislation enacted into the Competition Act 2002 and there is no proposal to amend that.

Deputy Seymour Crawford: In light of all the problems regarding the difficulties of the elderly with subvention, when will the nursing home subvention scheme Bill come before this House? We were promised that the scheme would be in place for 1 January.

I understand the Minister for Transport, Deputy Dempsey, is coming to Monaghan on Monday next to open the bypass, unless he changes his mind.

Deputy Noel Dempsey: Why would I change my mind?

Deputy Seymour Crawford: He will be welcome.

Deputy Noel Dempsey: I thank the Deputy.

Deputy Seymour Crawford: There is a road beside that bypass which needs to be upgraded to a national secondary road. When will the Local Government (Amendment) Bill come before the House? It specifically deals with that sort of issue.

Deputy Paul Kehoe: Come on, Seymour.

An Ceann Comhairle: We are being sidetracked.

The Taoiseach: The Nursing Home Support Scheme Bill will be ready in approximately four weeks. It will be published this session. The other Bill will be published this session too.

Deputy Seymour Crawford: Will it be dealt with?

Deputy Mary Harney: Yes.

The Taoiseach: Hopefully, yes. It should be ready in four weeks. It will be November.

Deputy Bernard J. Durkan: In the Taoiseach's absence on Thursday last I raised with the Tánaiste the present whereabouts of the postal miscellaneous provisions Bill, which was promised last year and then was "unpromised". The Taoiseach famously stated that it fell off the wagon. We inquired of the Tánaiste as to the present whereabouts of the wagon and where the Bill was because at the same time that this was falling off the wagon, post offices were being closed all over the country indiscriminately with serious consequences for the entire postal network.

An Ceann Comhairle: What is the legislation?

Deputy Bernard J. Durkan: The Taoiseach might indicate whether it is intended to reintroduce that on the wagon again and pull the wagon out of the ditch as well. While we are on the subject, No. 11 on today's Order Paper refers to the approval by Dáil Éireann of "the terms of Certain Acts of the 2004 Congress of the Universal Postal Union, signed at Bucharest on 5th October, 2004" copies of which were laid before the Dáil on 31 July 2007. Would it have been on the same wagon? If it takes that long to get to its destination, I am afraid there are serious problems ahead of us. What are the present intentions on the postal services Bill?

An Ceann Comhairle: We cannot discuss wagons, as I told Deputy Durkan before, on the Order of Business.

Deputy Bernard J. Durkan: When all the potholes are filled in Kerry South, wagons will be able to flow freely over them.

Deputy P. J. Sheehan: The wagons are no longer in existence.

Deputy Leo Varadkar: I refer to the programme for Government commitment to reduce PRSI from 4% to 2% and I note, in particular, the recent ESRI study showing that the PRSI fund will go into deficit within six years. Can the

Taoiseach inform us when he intends to introduce legislation to give effect to this commitment, if he still intends to bankrupt and raid the Social Insurance Fund in the way he has proposed, and if this legislation will be part of the Finance Bill or if other legislation will be introduced to enable this commitment?

An Ceann Comhairle: Is legislation promised in that area?

The Taoiseach: There is a Social Welfare Bill every year, usually after the budget.

Deputy Michael D'Arcy: I ask the Taoiseach about drinking water regulations. When penalties were introduced under section 21 and 22 of up to €500,000 for farmers and for local authorities, how come the same penalties were not introduced for businesses? It has been widely reported that some businesses can be prosecuted only under summary conviction in the District Court with a maximum fine of €3,000. There is an incredible inequity evident between different sectors of society.

An Ceann Comhairle: What is the legislation? We must move along.

Deputy Michael D'Arcy: The drinking water regulations, sections 21 and 22 of which introduce a fine of €500,000 for farmers and local authorities and only €3,000 for businesses.

The Taoiseach: It is a matter for a question to the Minister.

An Ceann Comhairle: I am afraid so.

Deputy Bernard J. Durkan: There is a need for amending legislation.

Deputy Joe McHugh: On promised legislation, No. 84, there are major concerns about the viability and the future of Malin Head coast guard station and concerns need to be raised at this stage because there is talk it will be closed.

An Ceann Comhairle: There is no legislation, is there?

Deputy Joe McHugh: To be specific, I raised it because it has to do with the Safety Convention Bill. Just today, there were two successful rescue missions, 230 miles and 60 miles off the west coast. A Naval Service ship was 230 miles off the west coast.

An Ceann Comhairle: On the legislation—

Deputy Joe McHugh: The other was a four-crew boat 60 miles off Achill Island.

An Ceann Comhairle: Deputy McHugh is not in order.

Deputy Joe McHugh: This was all co-ordinated through Malin Head.

An Ceann Comhairle: On the Safety Convention Bill I call the Taoiseach.

The Taoiseach: Next year.

Deputy Joe McHugh: The worry among staff is what commitment the Government has to Malin Head.

An Ceann Comhairle: The Taoiseach has answered Deputy McHugh. I call Deputy Ring.

Deputy Joe McHugh: Can I ask the Taoiseach, under promised legislation, what is the commitment, and this Government's stance, on the future viability of Malin Head coast guard station?

Deputy P. J. Sheehan: And Valentia in the Ceann Comhairle's constituency.

An Ceann Comhairle: I call Deputy Ring on the Order of Business.

Deputy P. J. Sheehan: Can I ask about Valentia in the Ceann Comhairle's constituency where there are 16 salaries? It is a disgrace.

Deputy Michael Ring: I would like the Taoiseach to give us a one-minute answer to a simple question. Will he make time available to discuss the problem of Irish illegal emigrants and will he and the Minister for Foreign Affairs get involved in the matter? It is a sensitive time in the bilateral agreement between Ireland and America. I urge the Taoiseach to respond not on my behalf but on behalf of the thousands of illegal Irish people who are caught in the trap.

Deputies: Hear, hear.

Deputy Michael Ring: I would like the Taoiseach to respond.

Deputy Brian Hayes: In February 2007 the Minister for Education and Science gave a commitment to bring forward a new model of primary school patronage. She stated this would be introduced following consultation between all the education partners. Will the Taoiseach inform the House whether it is the intention of the Government to bring forward legislation on the conclusion of those discussions, given that this is a major new departure?

In addition, will he confirm what I understand to be the case, that there are no secret deals between the Government and any of the major faiths in terms of the outcome of the talks before the Government has had a chance to see the legislation? Will legislation be debated on the floor of the House if a new model of patronage is to be introduced?

An Ceann Comhairle: Is legislation promised in this area?

The Taoiseach: No legislation is listed.

Deputy Tom Sheahan: I plead with the Ceann Comhairle to allow discussion of the topic raised by Deputy McHugh because—

An Ceann Comhairle: The Deputy is out of order.

Deputy Tom Sheahan: —I doubt if the Ceann Comhairle wants to see Valentia Island coast guard close.

An Ceann Comhairle: Much as I would like to do so, I cannot allow the matter to be debated. We must move on to the next question.

Deputy Tom Sheahan: We do not want to see the Valentia Island coast guard close and put in jeopardy the jobs of the people working there.

An Ceann Comhairle: Deputy Broughan is next. No legislation is promised.

Deputy Tom Sheahan: Regarding Valentia, we cannot—

Deputy Noel Dempsey: It will not be closed. The Deputy can rest assured of that.

An Ceann Comhairle: There are other ways of raising this matter. I call Deputy Broughan.

Deputy Tom Sheahan: I plead with you, a Ceann Comhairle—

An Ceann Comhairle: Deputy Sheahan will have to stay within Standing Orders.

Deputy Thomas P. Broughan: I have a brief question for the Taoiseach and another one for you, a Ceann Comhairle. The Taoiseach is probably aware that No. 3 on the list of non-statutory documents laid before the Dáil, guidelines on the governance of integrated local development companies and urban based partnerships, produced by the Department of Community, Rural and Gaeltacht Affairs, will mean Members of this House or the Seanad will no longer be able to hold directorships of partnership companies. This has been decided by the Minister, Deputy Ó Cuív. Will it be possible for a full discussion of the matter to take place in the House, given that a number of Members have played a strong role in local development around the country?

My second question is for you, a Ceann Comhairle. You ruled out a significant number of questions today on the spurious ground that they were not germane to the Minister for Transport. When you took over the Chair, a Ceann Comhairle, you said you were interested in reforming this House and that you would not kick questions

[Deputy Thomas P. Broughan.]

over to quangos or various bodies outside the House but that you would hold Ministers responsible.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Thomas P. Broughan: Have you changed your views? One of the questions I asked of the Minister for Transport today was asked of the British Secretary of State for Transport, Ruth Kelly, in regard to her territory and she answered it. This Minister did not answer it but he used you as a shield to protect him by kicking it off to some unelected quango.

Deputy Noel Dempsey: Deputy Broughan should know how to ask questions.

An Ceann Comhairle: I can inform Deputy Broughan that I have had meetings with the Whips in order to facilitate a change whereby I hope it might be possible for questions such as those to which the Deputy referred to be answered. However, in the final analysis that is a matter for a reform of Standing Orders and, in some cases, statute law. I indicated to the Whips that I would facilitate making change if that were possible. That remains the position. I also told the Whips I would send them a positional paper to facilitate them in that respect.

However, I remind Deputy Broughan that at no point did I say I would not throw out the questions or anything to that effect. I could not possibly have said that. All I said at all times was that I would try to facilitate those questions being answered and I have sought to do precisely that.

Deputy Thomas P. Broughan: The Minister for Health and Children answers nothing.

Deputy Mary Harney: I answer 500 questions a week.

Deputy James Bannon: In light of the fact that we have the worst public transport system in Europe, when can we expect the Bill to regulate the provision of public transport? Will a number of projects that were left out of Transport 21 which were promised in the recent general election be included in the new Bill?

An Ceann Comhairle: The Taoiseach cannot answer that. The Bill is on the list of promised legislation.

Deputy James Bannon: Why not?

An Ceann Comhairle: The content of the legislation is not a matter for the Order of Business. What is the legislation?

Deputy James Bannon: When will the Bill regulating the provision of public transport be published?

The Taoiseach: Next year.

Deputy Fergus O'Dowd: Regarding questions being disallowed, on two occasions I asked the Taoiseach's Department whether his media unit contacted the Department of Transport in regard to the stories about Shannon Airport and Aer Lingus. That question was refused twice by the Taoiseach's office. When I rang the office I got no reply. I tabled the question again only to find it was reworded by his Department into a strange question that now inquires of the Minister for Transport, Deputy Dempsey, whether he knew about it. I am asking the Taoiseach whether he knew about it. Will the Taoiseach answer properly the written questions he was asked in the Dáil?

The Taoiseach: I do it every day.

Deputy Paul Kehoe: His civil servant did not tell him.

Deputy Fergus O'Dowd: That is a very serious issue.

An Ceann Comhairle: I point out to Deputy O'Dowd that the Chair has absolutely no function in the transfer of questions. That is entirely a matter between members of the Government.

Deputy Fergus O'Dowd: On a point of order, the question is properly tabled to the Taoiseach. The media unit is in his Department and is paid for by the taxpayer. The Taoiseach has refused to answer the question, not once but twice. Not alone that, he reworded the question and kicked it off to the Minister for Transport, Deputy Dempsey. That is not acceptable. I have been in contact with the Taoiseach's office and I accept the goodwill of that office and the questions office also. Will the Taoiseach assure me this matter will be investigated by his good self immediately so as to provide a proper response to the question in the Dáil where he has to be accountable?

Deputies: Hear, hear.

Deputy Fergus O'Dowd: My second question—

An Ceann Comhairle: I must move on. Does Deputy O'Dowd have a question on legislation?

Deputy Fergus O'Dowd: Regarding correcting the record of the House, I presume the Taoiseach spoke inadvertently when he stated the Garda would not enforce the legislation on provisional licence holders. More than 4,000 persons were prosecuted in the courts. The Minister for Transport, Deputy Dempsey—

An Ceann Comhairle: That has nothing to do with the Order of Business. To what legislation does the Deputy refer?

Deputy Fergus O'Dowd: On a point of order—

An Ceann Comhairle: That is not a point of order, and Deputy O'Dowd well knows it. I must move on with the business of the House. That is not in order.

Deputy Fergus O'Dowd: How do I get the record corrected?

An Ceann Comhairle: The Deputy can contact my office in regard to the matter.

Deputy Fergus O'Dowd: The third point I wish to raise relates to the last page of today's Order Paper. A report to the Minister for Transport on the circumstances surrounding the Aer Lingus decision has been laid before the House. As a point of principle I urge that no longer should a Secretary General of a Department be asked to inquire into himself or herself. Is it not time for the Taoiseach to have an independent inquiry into this affair? This whitewash is not acceptable—

An Ceann Comhairle: That is not a matter for the Order of Business.

Deputy Fergus O'Dowd: —to this side of the House.

Statement of Estimates for the Houses of the Oireachtas Commission: Motion.

Deputy Michael Mulcahy: I move:

That Dáil Éireann take note of the Statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1st January, 2008 and ending on 31st December, 2008, prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003 as amended by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006, which was laid before both Houses of the Oireachtas on 25th October, 2007.

Question put and agreed to.

Orders of Reference of Committee: Motion.

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): I move:

That the Orders of Reference of the Select Committee on Agriculture, Fisheries and Food be amended in paragraph (1)(a) by the deletion

of '11 members' and the substitution thereof of '13 members'.

Question put and agreed to.

Appointment of Members to Committee: Motion.

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): I move:

That Deputies Martin Ferris and Mattie McGrath be appointed to the Select Committee on Agriculture, Fisheries and Food.

Question put and agreed to.

Markets in Financial Instruments and Miscellaneous Provisions Bill 2007: From the Seanad.

The Dáil went into Committee to consider amendments from the Seanad.

An Ceann Comhairle: Seanad amendment No. 1. Amendments Nos. 2, 3 and 4 are related. Amendments Nos. 1 to 4, inclusive, will be discussed together.

Seanad amendment No. 1:

Section 19: In page 20, lines 29 to 35 deleted and the following substituted:

“‘credit’ means a cash loan (whether or not provided on the security of a mortgage or charge over an estate or interest in land), but does not include credit of a class specified in section 3(2) of the Consumer Credit Act 1995;”.

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Seanad has agreed a Government-sponsored amendment to the Bill relating to section 19. The purpose of this section still ensures that all non-deposit taking firms engaged in retail lending are subject to regulation by the Financial Regulator and brought within the scope of its consumer protection code. However, the technical drafting of this provision presented significant legal and technical challenges in particular in the areas of the definition of credit and retail credit firms. The original definitions created the prospect that businesses involved in commercial and corporate finance transaction could be subject to the legal definitions and require to be authorised as retail credit firms.

As Deputies will be aware, the policy objective motivating the legislation related particularly to bringing within the ambit of the consumer protection powers of the Financial Regulator sub-prime lending and other retail lending carried out by non-deposit taking firms that are not currently subject to regulatory oversight other than in a limited way under the terms of the Consumer Credit Act 1995. In order to achieve this objec-

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tive, credit is redefined as credit extended to individuals, including consumers. This captures the core business of the firms, which are subsequently defined as retail credit firms for the purpose of their regulation. This makes some definitions in the Bill redundant as they refer to forms of credit which are now excluded from the definition and they have therefore been deleted.

The approach taken ensures the Financial Regulator can focus on the activities that require attention without being required to spend time and resources on unnecessary oversight which had the potential to impact adversely on the availability of credit to businesses and the financing activities carried out in the international sector. I am satisfied these amendments provide an effective regulatory system for non-deposit lenders engaged in retail lending. They strike the right balance between the need for appropriate consumer safeguards in the area of retail lending and concerns regarding the inadvertent effect of the original approach on the business and financial sector.

My Department will continue to work with the Financial Regulator as this new regime is implemented to ensure an appropriate regulatory regime is in place.

Deputy Richard Bruton: I welcome this change. It seems the Minister in the original drafting had inadvertently thrown the net too wide. How did this happen? As I understood it, there was a lengthy consultation period and I presume the regulator was aware throughout that period of the breadth of the provision being proposed. Why, at the eleventh hour, did it suddenly dawn on people that what was being proposed was not the correct instrument for dealing with this matter?

I found dealing with the Bill a rather unfortunate process in that one must go back to a number of Central Bank Acts to try to discover precisely what regulations are being imposed and on what bodies. This was made somewhat difficult because we do not have a consolidated piece of legislation with which to deal.

I would like to have assurances from the Minister that the regulator has on this occasion absolutely clarified that what is now being proposed is robust and satisfactory and that, by moving rapidly to fill this hole, which is welcome, we are not inadvertently overlooking the need for full regulation of bodies where these practices which have disturbed financial markets in recent times have become prevalent. While I do not dispute the Minister's amendment, I would like to know how it happened that the net was thrown more widely than is now proposed and why it is only at this stage that the error of the approach has been identified.

Deputy Brian Cowen: As we know from our discussion on the Bill, it is a complex area. We

are talking about the attempt to incorporate a directive into our legislation, to deal with many complexities and financial products and to make sure our definitions are correct. These were subject to publication and, since then, various views have been outlined by practitioners in this area with the aim of ensuring we did not extend the definitions beyond what it was we were trying to achieve, namely, that all institutions which interface with consumers would be covered and would have the benefit of the protection code. In that process, it emerged that an amendment to this effect would nuance or redefine the definition more exactly to avoid any unintended effect that may exist in regard to wholesale institutions which conduct their own business but do not interface with the public.

My officials consulted the Financial Regulator on an ongoing basis. The consumer director in the Financial Regulator's office confirmed that the provision of sub-prime mortgages to consumers was a priority in the area of consumer protection. The provisions proposed for the Bill go beyond consumers and include individuals acting in the course of their business, trade and profession. The consumer protection needs of this group were highlighted by Deputies in the passage of the Bill through the Dáil. The Bill meets the consumer protection objective that motivated the introduction of these provisions. Deputies have highlighted to me for some time their concerns regarding the lack of regulation of sub-prime lenders and this regulatory gap is now being closed.

The amendment ensures that the effect of the measure does not extend beyond what is required to secure this objective. In particular, it safeguards the commercial sector against any legal uncertainty as to whether authorisation as a retail credit firm is required. This could have had a serious impact on the international financial services sector in Ireland to the detriment of its current business-to-business activities.

It was on listening to those who are on the front line in the aftermath of publication, and listening to what was stated in the House, that we decided this was important to achieve. Therefore, we went to the Seanad with this amendment. We would be obliged if the House agreed to it.

Deputy Kathleen Lynch: While we are not discussing the entire Bill and are here to discuss a limited amendment from the Seanad, what has drawn most attention to the Bill is section 16. The only reason for my contribution is to ask whether that provision could be extended to others, such as the garda referred to on the front of today's *Irish Independent*, or those drawing social welfare who have limited time in which to claim particular grants. No one is suggesting that someone entitled to a pension should be prevented from drawing it down when he or she has paid into a particular scheme. Will the Minister consider extending the section to deal with people in a similar position? Even if the amount of money

involved is not as significant as in the current case, it is significant to them.

Deputy Brian Cowen: To accommodate the Deputy, I will address this matter. An issue arose in this regard which I should explain. There seems to be a view circulating that the provisions of section 16 were not brought to the attention of the House. First, the published explanatory memorandum to the Bill clearly sets out the background to the proposals put forward in section 16. Second, when I made my Second Stage speech to the House on 2 October, I drew the attention of Members to the section's provisions when I stated:

Section 16 makes amendments to the provisions dealing with ministerial pensions, as follows. First, former office holders — Ministers and Ministers of State — on leaving service are entitled to receive severance for up to two years. Circumstances can arise where, through oversight or otherwise, a former officer holder does not apply for the pension within the specified time period, namely, within six months of severance payments ending. The amendment would give the Minister for Finance the discretion to backdate the payment of pension in the case of an application made outside the six-month limit to the date of entitlement and reflects a similar provision which applies to Civil Service pensions.

This is an important point. As Minister responsible for the public service, I had to consider how all public servants are dealt with in this situation. My view was that in a situation where there was a provision that one had to apply within six months, if there was an oversight, that person would be dealt with differently than everyone else in the public service. As Minister responsible for the public service, in considering this situation and taking all of the arguments on board, I felt, while it is never a popular thing to do, it was the right thing to do. It was not right that a person would, because he was a politician and not in another profession in the public service, be denied from the date of entitlement his pension as a result of a provision which was specific, as I understood it, to the particular regulation that deals with pensions for Ministers. I dealt with the matter on that basis and felt it was the right thing to do.

In my Second Stage speech, I also stated:

Second, whereas the current ministerial pensions scheme allows for a pension to be payable after two years service as a Minister, the “old” pre-1993 scheme requires three years service. This amendment would provide for payment of a ministerial pension to a member of the “old” pre-1993 scheme who has more than two years service as a Minister. This has been the position for members of the “new” scheme since 2001.

The amendment, which has been subject to media comment in recent days, compares in no way to the case of a garda who was dismissed from the Garda Síochána in 1973. It was not my intention to raise this matter but it has entered the public domain. The case in question involves a different issue, namely, preservation of pension entitlements. At the time the garda in question was dismissed from the Garda Síochána in 1973, forfeiture of superannuation benefits applied in the case of dismissals and preservation did not become a feature of the Garda Síochána superannuation scheme until September 1976. Therefore, under the terms of the Garda Síochána scheme, he did not, unfortunately, have any superannuation entitlements. The two cases are separate.

As I did on Second Stage, I draw attention to the part of section 16 which amends the provisions of a new ministerial pension scheme introduced in 1993 under which serving Members had the option to remain in the old pension scheme or accept the terms and conditions of the new scheme. Under the new scheme, the qualifying period for a ministerial pension has been two years since 2001. When this matter was raised with my predecessor in 2001, he indicated he would amend the legislation governing the old scheme to bring it into line with the new scheme. The official advice to me was that such a change was warranted and could be accommodated in the Bill transposing the Markets in Financial Instruments Directive into Irish law. The amendment ensures both ministerial pension schemes have the same qualifying period, as was originally intended. Beneficiaries will also apply.

Deputy Kathleen Lynch: I appreciate that the Minister took the time to explain the amendment given the limited time available to us. I also accept that he acted with the best intentions. Nevertheless, certain individuals, not only the person to whom I referred, would appreciate having the same courtesy shown to them through legislation. I ask that the Minister consider any such cases that Deputies may refer to him.

Deputy Brian Cowen: I understand that under social welfare regulations the Department of Social and Family Affairs will make a pension payable from the date on which it becomes aware of an entitlement, even if an application is submitted subsequently. In the normal run of the mill case, the Department only becomes aware of an entitlement when it receives an application. Under the rules of the scheme it is proposed to amend, there was an awareness that the individual concerned had an entitlement. The problem was that he did not understand that the scheme imposed on him a requirement to make an application in writing. I speak as the Minister with responsibility for the public service. If one wanted to make an analogy with the circumstances envisaged in the regulations in place in the Department of Social and Family Affairs, an entitlement

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would have existed from the point at which there was an awareness of such entitlement. On that basis, the argument for the change can be made.

As I stated, while this may not be a popular measure, Ministers, in dealing with the cases which come before them, must act justly, even if it is not perceived in the wider domain as being such or is unfairly portrayed otherwise. I felt that the conditionality applied in this case, which is not applicable in respect of pension entitlement for any other public servant, should not be applied in this category either and made my decision on that basis.

As I have indicated, I have ensured that the old and new pension schemes will have the same qualifying period, as was originally intended. This will be of benefit to those applying under the new scheme.

Deputy Kieran O'Donnell: The Minister referred to social welfare pensions. Given that PPS numbers are now on record, the Department could consider introducing a measure to ensure that letters issue to those about to qualify for a pension, perhaps a year before they reach the age of 65 or 66 years, informing such persons that they need to apply for a pension. This facility is not currently available. As the Minister is aware, it takes at least six months to process an application for a social welfare pension. It would be a relatively simple matter to inform those approaching pension age that they are entitled to a pension and would probably require integration of the computer systems in the Department of Social and Family Affairs and the Revenue Commissioners. A simple letter could issue automatically in which those approaching pension age are informed of the need to apply for a pension. I ask the Minister to consider this proposal.

Will the Minister explain the reasoning behind amendment No. 4, which will exempt certain persons from having to hold authorisation as a retail credit firm? It is a lengthy amendment which Deputies have not had much time to consider. Will the Minister elaborate on the reason it is being proposed?

Deputy Brian Cowen: I discussed the amendment which I dealt with in my capacity as Minister with responsibility for the public service. I will bring the issue raised by Deputy O'Donnell to the Minister for Social and Family Affairs.

The amendment to which the Deputy refers inserts a new section 29A in the Central Bank Act 1997, which allows the Financial Regulator to exempt both individuals and categories of persons from the requirement to be authorised where this does not pose any real risk to consumers or any real regulatory concerns. Circumstances in which such an exemption might be given are lending of very large sums of money to sophisticated borrowers; transactions related to wholesale financial services transactions which

are irrelevant to consumers; and lending which is only carried out for public or charitable purposes on favourable terms.

The Central Bank can impose conditions on an exemption and revoke an exemption if these conditions are not followed or where circumstances make the exemption no longer appropriate. While exemptions and revocations are to be published in *Iris Oifigiúil*, in the event that they are not published the exemptions or revocations will stand.

The legislation also provides that the requirement not to carry out a regulated business without an authorisation does not apply to persons granted exemptions from authorisation under this legislation provided the person does not carry on any kind of regulated business other than that to which the exemption relates and complies with all conditions under which the exemption was granted. This is the reason the amendment has been proposed.

Deputy Kieran O'Donnell: The Minister has provided a technical explanation for the amendment. The status of retail credit firm was introduced to provide security to those who borrow on the sub-prime market. The first circumstance in which an exemption may be given is where large loans are provided to borrowers who have sufficient legal and technical advice. This runs counter to the spirit of providing security across the board. What is the specific reason for introducing the amendment?

Deputy Brian Cowen: The purpose is to ensure we have a flexible business environment while at the same time protecting, where required — as was the objective of the part of the Bill — those who have taken out mortgages in the sub-prime market, as we all understand the term.

The definitional requirements are to ensure that the Financial Regulator has flexibility with regard to others who operate within the circumstances outlined in the three cases to which I referred. Rather than imposing an obligation which might be detrimental to conducting business, the amendment enables the Financial Regulator, where he is satisfied that there is no risk to consumers, to allow such business to proceed. It is a question of finding a mechanism which allows the Financial Regulator to decide whether the exemption should apply given the type of business in which some of the people in question are engaged and, at the same time, ensure there is no risk to consumers.

To incorporate this matter would have been beyond the remit of what we were trying to achieve in the definitional context of the discussion.

Deputy Kieran O'Donnell: Initially, will it be deemed necessary to apply for authorisation whereas institutions can apply for an exemption, that is, exemptions will not be automatic?

Deputy Brian Cowen: My reading of it is that they will be exempted from the requirement to be authorised. This may be a general exemption, given the line of business in question.

Deputy Kieran O'Donnell: Instead of the exemption being given, will it be the norm for authorisation to be necessary, but exemption can be applied for? It would provide greater regulation and security.

Deputy Brian Cowen: My understanding is that where the regulator is satisfied that there is no consumer issue involved, he or she could use the new section to exempt such businesses from authorisation in respect of the types of transactions I have outlined in the interests of the business being conducted without a time lag or the problems that would arise were the need for authorisation a general part of the Bill.

Exemption must be applied for or it will be open to the Financial Regulator to grant the exemption to classes of lenders. He or she will be prepared to give an exemption to certain people whereas others must apply. It will depend on the circumstances.

Deputy Richard Bruton: The Tánaiste has clarified the issue. If there is any dealing with the consumer, a business will be regulated. If it deals at wholesale level, it may not be regulated. If there is a chance that the business deals in junk bonds, the regulator will have the discretion to say yeah or nay about the products.

Deputy Brian Cowen: Deputy Bruton is correct. Given the nature of the business, discretion is being left with the Financial Regulator's office rather than the Oireachtas in imposing non-exemptions that may militate against the conduct of business wherein the regulator does not perceive a consumer problem. Without mentioning names, I have sought to address other matters that have given rise to comment. People have jobs to do, but this is a matter between the pensioner and the authorities concerned.

Deputy Richard Bruton: This issue arose previously. I acknowledge that the Tánaiste explained the basis of his decision without mentioning names or sums of money. I accepted the Tánaiste's principle, namely, that we may not have had all the details regarding costs, but we did not seek the details. We accepted the principle as fair and I will not change my opinion because of the furore, as the principle the Tánaiste enunciated is not unreasonable. If this is the only area of pensions within the public service to which such a restriction applies, it is not fair that someone should fall foul of it. It would be hypocritical to change our opinions now that there is a great deal of discussion about the individual and the amounts involved.

Deputy Brian Cowen: I appreciate the Deputy's comments. Questions asked on Committee Stage related to the arrears issue, with which I dealt in full conscience with a view to giving the full information. Given the sensitivity of these issues, it would have been better to have consulted Opposition spokespersons and explained the source of the proposed amendments, including the amendments regarding the change from three years to two years, in which both schemes would be put on an even keel, and the potential beneficiaries. I make this point not to be coy, but to respect the situation and to be answerable to the House. I do not want to preach anything further.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 19: In page 21, lines 6 to 44 deleted and in page 22, lines 1 to 11 deleted.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 19: In page 22, between lines 16 and 17, the following inserted:

“(c) in section 28, by inserting the following definitions after the definition of “regulated business” (as substituted by paragraph (b)):

“‘regulated financial service provider’ has the same meaning as in section 2 of the Central Bank Act 1942;

‘relevant person’ means a natural person within the State, other than—

(a) a natural person who is, or satisfies the criteria to elect to be treated as, a professional client for the purposes of the European Communities (Markets in Financial Instruments) Regulations 2007 (S.I. No. 60 of 2007), or

(b) a person who is a regulated financial service provider;

‘retail credit firm’ means a person prescribed for the purpose of paragraph (g) of the definition of ‘credit institution’ in section 3 of the Consumer Credit Act 1995, or any other person who holds itself out as carrying on a business of, and whose business consists wholly or partly of, providing credit directly to relevant persons, but does not include—

(a) a person who is a regulated financial service provider, or

(b) a person who is an authorised credit intermediary under Part XI of the Consumer Credit Act 1995, or

(c) in relation to credit that was originally provided by another person, a person to whom all or any part of that other person's interest in the credit is directly or indirectly assigned or otherwise disposed of, or

(d) a person who provides credit on a once only or occasional basis, but only if the provision of the credit does not involve a representation, or create an impression (whether in advertising, marketing or otherwise), that the credit would be offered to other persons on the same or substantially similar terms, or

(e) a person who is exempted, or who belongs to a class of persons that is exempted, under section 29A from being required to hold an authorisation as a retail credit firm;“;”.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 19: In page 22, between lines 21 and 22, the following inserted:

“(d) in Chapter 2, by inserting the following section after section 29:

29A.—(1) The Bank may exempt a person from being required to hold an authorisation as a retail credit firm in relation to the provision of credit if, in the opinion of the Bank—

(a) the total amount or value of the credit that is to be provided by the person is such that it is reasonable to assume that the borrower will be in a position to negotiate on equal terms or to obtain appropriate legal and financial advice, or

(b) the person is one who, under section 8(2) of the Central Bank Act 1971, is exempted, or is a member of a class of persons that is exempted, from being required to hold a banking licence, or

(c) the person is one who provides credit solely for charitable or public purposes and at a rate of interest or on other terms more favourable than those that are currently available commercially,

and the exemption would not be inconsistent with the proper and orderly regulation of the provision of credit and the protection of customers of retail credit firms.

(2) The Bank may also exempt the persons belonging to a specified class of per-

sons from being required to hold an authorisation as a retail credit firm in relation to the provision of credit if, in the opinion of the Bank—

(a) the total amount or value of the credit that is to be provided by those persons is such that it is reasonable to assume that borrowers from those persons will be in a position to negotiate on equal terms or to obtain appropriate legal and financial advice, or

(b) the persons are ones who, under section 8(2) of the Central Bank Act 1971, are exempted, or belong to a class of persons that is exempted, from being required to hold a banking licence, or

(c) the persons are ones who provide credit solely for charitable or public purposes and at a rate of interest or on other terms more favourable than those that are currently available commercially,

and the exemption would not be inconsistent with the proper and orderly regulation of the provision of credit and the protection of customers of retail credit firms.

(3) The power to exempt a person, or the persons belonging to a specified class, from being required to hold an authorisation as a retail credit firm may be exercised by the Bank either on its own initiative or on an application made by or on behalf of the person, or the persons or any of the persons belonging to that class.

(4) An exemption granted under this section is subject to such conditions as the Bank thinks fit to impose.

(5) The Bank may at any time by notice in writing—

(a) impose additional conditions on a person to whom, or on the persons belonging to a class in respect of which, an exemption has been granted under this section, or

(b) vary or revoke a condition imposed under subsection (4) or this subsection.

(6) The Bank shall revoke an exemption granted under this section if it is satisfied—

(a) that the circumstances relevant to the exemption have changed and are now such that the exemption would no longer be granted, or

(b) that a condition of the exemption is not being, or has not been, substantially complied with.

(7) The Bank shall publish in *Iris Oifigiúil* a notice of every exemption granted, and every revocation made, under this section.

(8) Failure to comply with subsection (7) does not affect the validity of an exemption granted, or a revocation made, under this section.

(9) Section 29(1) does not apply to a person who, or a person belonging to a class of persons that, is exempted under this section so long as the person—

(a) does not carry on any kind of regulated business other than that to which the exemption relates, and

(b) complies with all conditions subject to which the exemption is granted.“;”.

Seanad amendment agreed to.

Seanad amendments reported.

Acting Chairman (Deputy Charlie O'Connor):

A message will be sent to Seanad Éireann acquainting it accordingly.

Supplementary Estimates 2007: Leave to Introduce.

Minister for Health and Children (Deputy Mary Harney): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimate for the service of the year ending on the 31st day of December, 2007:—

Vote 41 — Office of the Minister for Children (*Supplementary Estimate*).”

Question put and agreed to.

Estimates for Public Services 2007.

Minister for Health and Children (Deputy Mary Harney): I move the following Supplementary Estimate:

Vote 41 — Office of the Minister for Children (*Supplementary Estimate*).

(I) Supplementary Estimate of the amount required in the year ending 31 December 2007 for the provision of certain services in respect of children, including miscellaneous grants — €42.2 million.

(II) Subheads under which this Vote will be accounted for by the Office of the Minister for Health and Children.

	Original Estimate			2007 Revised Estimate			Additional Sum Required
	Current	Capital	Total	Current	Capital	Total	
	€000	€000	€000	€000	€000	€000	€000
A. — EARLY CHILDCARE PAYMENT	406,000	—	406,000	423,000	—	423,000	17,000
B.1 — EQUAL OPPORTUNITIES CHILDCARE PROGRAMME	56,700	56,646	113,346	56,700	92,946	149,646	36,300
GROSS TOTAL							53,300
<i>Deduct:—</i>							
<i>Surplus in:—</i>							
F. — APPROPRIATIONS-IN-AID	20,155	—	20,155	24,955	—	24,955	4,800
Net Total:—							48,500
<i>Less:—</i>							
Savings on subheads B.2 (5,000,000) (a) and D. (1,300,000)							6,300
Net Total:—							42,200
Total Original Net Estimate, 2007, was							540,594
<i>Add:—</i>							
Sum now required							42,200
Total							582,794

(a) €5,000,000 capital savings.

As the Minister for Health and Children with overall responsibility for the health group of Votes, I am seeking the approval of Dáil Éireann for a Supplementary Estimate of €42.2 million in

respect of Vote 41 for the Office of the Minister for Children for the year ending 31 December 2007. I am pleased to inform the House that this additional requirement for Vote 41 will be fully

[Deputy Mary Harney.]

offset by savings in Vote 39, the Office of the Minister for Health and Children, thereby ensuring that there will be no additional cost in 2007 to the Exchequer.

My Department has provided for Deputies background briefing on the Supplementary Estimate before them this evening. I propose that the Supplementary Estimate be approved to increase the provision for subheads A and B1 of Vote 41 to meet necessary expenditure commitments between now and the end of 2007. The gross additional spending requirement for these subheads is €53.3 million. However, this is reduced by savings of €6.3 million within other subheads of the Vote and further reduced by a buoyancy of €4.8 million in appropriations-in-aid. This results in a net requirement of €42.2 million.

Subhead A of Vote 41 provides for the early child care supplement. As Deputies will be aware, this is a payment made to parents of children aged under six years. It was introduced with effect from 1 April 2006 and is the responsibility of the Office of the Minister for Children. Eligibility for the payment is determined by the Department of Social and Family Affairs on the basis as entitlement to child benefit and that Department also administers the payments on behalf of the Office of the Minister for Children. The payments are made on a quarterly basis in arrears and amount to €1,000 per annum for each child aged under six years. A payment is also made for the quarter in which a child turns six years of age.

The supplement, together with increases in child benefit payments introduced by the Government in successive budgets, has improved the lot of families across society. The average family with two children under six years receives €5,840 in State supports per year. These supports are not means tested or taxable and are not dependent on whether a person is in employment. The Government wants to support parents in the choices they want to make about how they wish to raise their children, a hallmark of this Government's child care strategy.

As the early child care supplement is an entitlement for parents with children who qualify, it is a scheme based on the number of qualifying children aged under six years in any quarter and in a particular year. With the ongoing upward trend in population growth in recent years and continuing inward migration, the total amount of payments to be made in 2007 is expected to exceed the provision made in the Estimates by some €17 million. Therefore, while €406 million was provided in 2007 for the supplement, the actual expenditure is expected to arise is €423 million.

It is important to emphasize that the Government does not see child care in narrow terms. Parents make a variety of choices when it comes to their children's care. Some take time out of the workforce, some use childminders or friends and

relatives and some use centre-based child care. It is not the role of the Government to tell parents which of these options is best for their children.

Rather it is our role to provide support towards the costs of appropriate choices made by parents. That is what this supplement does as a universal family benefit for parents of children under the age of six. Together with increased child benefit, the early child care supplement will greatly ease the financial burden on parents of younger children. For example, a family with three children under the age of six will receive direct financial support of over €8,800 in a full year. That is an increase of €7,300 since 1997. Even after inflation the supports to such families are nearly five times higher, in real terms, than they were in 1997.

Subhead B1 of Vote 41 provides for both capital and current funding under the Equal Opportunities Childcare Programme 2000-06, EOCP.

The EOCP is an EU co-funded investment programme to develop a quality child care infrastructure. The programme commenced in January 2000 and will end in December this year. During the eight years of the programme it has had a total allocation of €499 million, of which €204.5 million was in respect of capital. By the end of 2006, €137 million had been spent on capital commitments under the programme. The 2007 Estimates allocation under this subhead was €113.346 million, which included a capital provision of €56.646 million. However, the level of capital commitments expected to be drawn down in 2007 is €93 million, giving rise to a capital overspend in this year of €36.3 million.

This shortfall arises from the sudden upward trend in 2006 and 2007 in the ratio of actual expenditure *vis-à-vis* commitments which could give rise to expenditure which had been entered into in the course of the eight-year programme. This trend was particularly evident in 2007, the final year of the programme. Capital expenditure under the programme was made in the form of grant aid to child care providers in both the community and private sectors to build and refurbish child care facilities to meet the needs of parents and their children for quality services. To date over 36,000 new child care places have been created under the programme and a further 26,000 additional places have been supported by it.

While private sector child care providers could apply for EOCP capital grant funding, the most significant expenditure was incurred in the large scale grant aid provided to community-based child care providers. Community groups could apply for funding of up to €1.4 million per project. Applications were approved in principle for funding and were then expected to finalise all the necessary steps to enter contract and proceed with building and draw-down of their grant. In addition to the significant scale of investment in this sector, the process of developing a project

and bringing it through to the final stages of grant draw-down was generally lengthy for community based groups and, in some cases, was too problematic and some projects did not proceed.

Because of these factors and to maximise programme expenditure within the EU regulatory timeframes, a high rate of project approvals was made. In the closing stages of the programme, during 2006 and particularly in 2007, a significant number of projects are meeting the end of programme timeframes and, as a result, there is a very high level of grant draw-down in 2007, the final year of the programme. While this will result in an additional capital requirement in subhead B1 in 2007 of €36.3 million, the successful conclusion of these projects will ensure the achievement of the programme's targets and its success in developing a child care infrastructure.

The adoption of the EU co-funded equal opportunities child care programme and its inclusion in the National Development Plan 2000-2006 coincided with the identification of child care as an investment priority following the publication in 1999 of the Report of the Expert Working Group on Childcare.

I will spell out some of the achievements of the EOCP since 2000. Approximately €467 million has been spent on developing facilities, €198 million in capital and €269 million in current expenditure. Community and voluntary projects accounted for most of this spending. The total number of child care places receiving support under the programme, including more than 36,000 new places, is over 62,000 and nearly 3,000 child care employees are receiving support under the staffing grant scheme. A network of 33 city and county child care committees has been established and provides a local child care infrastructure which supports local providers and service users as well as supporting the child care programmes and providing accredited training. The types of services offered by grant beneficiaries include full day care crèches, pre-schools and playgroups, and after-school services.

Savings of €5 million arise under subhead B2, which provides funding for the national child care investment programme. The Minister with responsibility for children will respond to the debate. He was not in a position to move the Estimate because it must be moved by a Cabinet member.

Deputy James Reilly: We must consider two aspects to this motion on the Supplementary Estimate 2007, Vote 41, the early child care payment and the equal opportunities programme. The early child care supplement was announced by the Government in 2005 and was intended to help parents to meet the costs of child care in Ireland because everybody acknowledged that in this country child care was becoming a significant expense for parents, particularly those of young families who also had to deal with ever-rising

house prices. It came into effect on 1 April 2006 and is a direct, non-taxable payment, to be paid at the end of each quarter for each child under the age of six who receives child benefit. The payment amounts to €250 per quarter, which is €1,000 per year for each eligible child.

Although the Department of Health and Children is responsible for the scheme, for convenience it is paid through the Department of Social and Family Affairs. For 2007 the total cost of the payment was expected to be €406 million. The Office of the Minister for Children calls for an additional €19 million because it did not anticipate the strong upward trend in population growth for children under the age of six and it will give a total of €425 million, although the Minister referred to €423 million.

We do not have the CSO figures for the number of births to date in 2007, but I read in the newspapers that we expect an 11% increase and that there will be 68,000 births this year. Given that the average birth rate has been 60,000 per annum in recent years, that means there are 368,000 children under the age of six, and at €1,000 each, that totals €368 million. Bearing in mind that this provision was brought in for children who live in the State regardless of their nationality, is the additional €57 million for children who reside outside the State? From the time of this announcement the Government was unaware of the implications of payment being linked to child benefit and therefore being available to children not living in Ireland. Given that the supplement was designed to meet the cost of child care in Ireland, a provision should have been introduced to ring-fence the money for child care in Ireland. This has not happened and apparently it will not be done.

There has been significant confusion about the cost of this scheme for children not resident in Ireland. During Leaders' Questions on 31 January 2006 the Taoiseach said the cost would be €1 million. A month later, in February, when responding to a parliamentary question, the Minister, Deputy Brennan, said the cost might be €2.7 million. On 26 April the Minister, Deputy Brian Lenihan, said a cost of €10.8 million would have accrued by the end of 2006 while on 22 May the Minister, Deputy Brennan, said the cost could be up to €4 million. During Leaders' Questions on 23 May the Taoiseach said it could cost €9.5 million. There is total confusion and this does little to imbue us with confidence that if we vote for this supplement the money will go to where it should go. We do not know how much will go out of Ireland. At a time of cutbacks, this presents a significant difficulty for us.

We have no difficulty with the payment being made for all children under the age of six, regardless of nationality, who are resident in Ireland and whose families face increased costs, as opposed to children resident elsewhere, where the costs are much lower. How much of this €406

[Deputy James Reilly.]

million and €19 million is for children not resident in Ireland? What checks are in place to ensure that fraud and illegitimate claims are not being made? It is hard enough to prevent it happening in this country so trying to prevent it happening across Europe will be extremely difficult.

The other part of this Estimate relates to the equal opportunities child care programme and provides for an increase of €36.3 million in capital funding. Fine Gael supports the provision of additional funding for the building, expansion or improvement of community-based private child care facilities but it is concerned about other provisions in the Estimate. The current child care subvention scheme under the equal opportunities child care programme targets support at community-based, not-for-profit child care providers, which were awarded grant aid towards staffing costs to allow them to charge parents limited fees for child care. This scheme was essentially designed as a back-to-work scheme and funding for it was continued to the end of 2007, no doubt because this was an election year.

Subsequent to the election, the Government announced a new scheme, the community child care subvention scheme, to support community child care services under the national child care investment programme. Whereas funding under the earlier scheme provided universal supports for all parents whose children attended not-for-profit crèches and child care services, the new scheme applies only to a limited category of parents. This means in practice that parents in receipt of social welfare payments or participating in community employment will benefit from a €80 weekly subvention in respect of full day care and parents in receipt of family income supplement will benefit from a €30 weekly subvention in respect of such care, both with *pro rata* reductions in respect of shorter service hours. A further subvention of €30 weekly will be paid for the subvented child where the child is under one year old.

Many parents in employment and not in receipt of social welfare will find themselves excluded under the new scheme from benefiting from subventions currently paid under the existing scheme, as will many parents in employment who are in receipt of modest earnings but do not qualify for family income supplement. As a result, many people will not be able to afford child care and might decide to leave the workforce to mind their children at home, causing many not-for-profit crèches to close and resulting in job losses and the loss of this vital community service. In Balbriggan, a town that is regularly in the news with regard to its lack of school places, a community voluntary group is in the process of applying for €1.3 million to provide a 37 place voluntary community crèche. The group is wondering if it will have enough customers for the crèche when the cutback in funding comes into force.

Those employed in community child care groups fear for the future of their jobs. Moreover, due to the uncertainty of their future income, groups at present providing services cannot recruit new employees with any contractual security as they do not know whether they will be able to pay future salaries from 1 July next. Although in theory the new scheme starts in 2008, the Department has provided for a transitional period up to 1 July 2008 which will be used to monitor and review its impact, on the basis of background information which has been sought from people who provide child care services under the existing scheme. Until 1 July 2008, the existing scheme will continue to apply for the purpose of providing subventions and, as a consequence, until that date no parent will be disadvantaged.

The widespread concern about the Government's proposed new scheme has been made clear to the Minister. Major changes must be made to it. The scheme is intended to become operational after 1 July 2008. I and my colleagues will vigorously pursue this issue.

Inaccurate forecasting and information have been a feature of this Government over the past ten years. We still do not have a final figure for what PARS cost. Was it €180 million, €200 million or €220 million? The over 70s medical card scheme cost far more than was projected. The cost of the GMS medicine scheme over-runs every year. We do not know the cost of the nursing homes refund scheme. Only 3,600 claims have been completed, offers have been made in another 6,000 cases and another 20,000 claims have been made, with the potential of another 30,000. The work of this repayment scheme is due to be completed by next October. This is mind boggling. We were given two different answers in two days to questions about the cost of administering the scheme. We were told it would be €15 million by the HSE but another group informed us that it would be €23 million. It is unbelievable. The HSE over-runs by €220 million. It cannot count or supply enough school places.

The Government cannot count and when it gets things wrong, the public suffers. Nobody in the Government or the public service pays. The orthopaedic unit in Navan is closing for the month of December, with a resultant loss of 150 operations. In the past year Beaumont Hospital has lost 22,000 bed places because patients could not be placed in the community, where facilities were available. That is the equivalent of two 30 bed units being closed for the year. In Kenmare, a 14 bed unit was promised ten years ago but it has still not been provided. The accident and emergency departments at Tralee General Hospital and St. Vincent's Hospital are operating with half the required number of staff. Cancer services have been closed at 13 hospitals, while there are cutbacks at Sligo General Hospital and in Galway. The list is lengthy. Contrast this with

pay hikes of 17% to 27% for the Ministers and HSE officials who were responsible for the PPARS debacle, as well as €4.8 million in unsanctioned expenditure last year. Along with the overruns of €220 million, it beggars belief.

We oppose this Estimate. We support the expansion of not-for-profit crèches in the community and the payment of the early child care supplement for children resident in Ireland, regardless of their nationality.

Acting Chairman: Deputy Jan O'Sullivan is sharing time with Deputy Penrose.

Deputy Jan O'Sullivan: This Estimate deals with two issues. The first is the €19 million under-estimation of the cost of the payment for children under six years old. How did the Government get the figure so wrong? It is a considerable sum. The information on the number of children under six was available to the Government. I accept there was an increase in the number of births this year, but the Government should have had figures for the number of children already born when the Estimates were agreed. Perhaps the Minister will explain if the figure is wrong because the Government did not consider that this payment would be payable to people whose children are not living in this country.

However, I wish to focus on the second issue. The Minister has taken the wrong approach. Nobody disputes that this issue must be re-evaluated, that there must be value for money, as advised in the recommendations, and that there should be tiered payments in community child care provision. The Minister says there will be more money in the system, but how he will spend it is wrong. Parents who work part-time, are on family income supplement or are in any type of employment will be priced out of the community child care facilities. This is a disincentive to these parents to get employment.

One of the objectives of the original scheme, the equal opportunities child care programme, was to allow parents to access employment, education and training. People throughout the country have told us that they will not be able to afford to send their children to their community child care facility when they get employment. This is a particular difficulty for lone parents, whom we are trying to encourage into employment. This scheme is a clear disincentive. The charges will be such that people will simply be unable to afford them. The Minister must return to the drawing board on this issue.

The intentions of the scheme were that there would be an appropriately tiered system, whereby parents on high incomes would pay the appropriate rate. We have no problem with this. However, the low income, working families will be priced out of these facilities. That is the reason the Labour Party is so concerned about this Estimate. The Minister must return to the drawing

board and produce a properly tiered system whereby low income, working parents can afford to send their children to not-for-profit community child care facilities. These facilities were intended to give opportunities to the very parents who will now be priced out of them.

This issue is also important for Government backbenchers, including the Acting Chairman, Deputy O'Connor. I am sure it affects Tallaght as well as other places. We have received representations from both urban and rural communities who believe this measure will close down their child care facilities. The purpose of the Supplementary Estimate for the capital grants, which we support, is to allow these child care facilities to build extra accommodation by availing of capital grants.

If they do this and parents can no longer afford to send their children there, then the capital grants will have been wasted. The point is to encourage lone parent families and other low income families to access work rather than stay on welfare but such families will be priced out of the crèche system so we believe the Minister of State is wrong on this matter. The funding could be used to create a genuinely tiered system that would encourage people to access employment while also being able to afford the good community child care facilities that exist all over the country. I hope the Minister of State at the Department of Health and Children, Deputy Smith, goes back to the drawing board on this matter to develop an equitable system of access to community child care programmes. Otherwise facilities around the country will be forced to close because there will not be enough parents who can afford the full costs facing working parents. This matter of concern has been raised around the country.

Deputy Willie Penrose: It is a pity the Minister for Health and Children, Deputy Harney, did not get an opportunity to extol the virtues and highlight the achievements of the Equal Opportunities Childcare Programme 2000-2006. I am one of the few people here who knows these achievements first hand because I am director of a non-profit community child care organisation, a representative of the Westmeath child care committee and I was also on the National Economic and Social Forum on child care provision.

I also know that the course of action in question here was not recommended in the review that took place. This is a daft idea that will sound the death knell of community child care provision throughout the country and I do not know from where it emanated. The Minister of State at the Department of Health and Children, Deputy Smith, listens to people so I know this idea could not have originated from him. He is too worldly wise and has a political antenna for such things. There are over 70 Fianna Fáil parliamentarians, not confined to rural areas, including Deputies

[Deputy Willie Penrose.]

Chris Andrews and Charlie O'Connor, who know this will sound the death knell of community child care provision.

I do not see where this idea emanated from as the existing equal opportunities childcare programme is excellent and benefitted 62,000 children through 33 city and county child care providers. This change could destroy villages and there has been an eruption against it that crosses the urban-rural divide. Only four weeks ago the Minister of State at the Department of Health and Children, Deputy Smith, opened the Little Blessings child care facility in my village of Ballynacargy that will provide for up to 50 people. I thank the Minister of State for visiting and for his words but I indicated to him that something was coming that could derail the process of child care provision.

The existing child care provisions give affordable, quality child care because the Health Service Executive is involved, public health nurses visit and environmental health officers visit. I have been a director of the child care facility in Ballynacargy for some years and no child was ever denied access. There is already a tiered structure in place in Ballynacargy and this is the case with child care providers throughout the country in places such as Kinnefad, Kenagh, Abbeylara and Kilbeggan. Providers of not-for-profit child care in this country had their antennae up because they had already implemented a tiered structure.

The structure the Minister for State has proposed will perpetuate a dependency culture wherein people will avoid employment for fear of losing their subventions. This is nonsense because the best route out of poverty is employment and I argued this as social welfare spokesman for the Labour Party. In Ballynacargy lone parents can leave their children in the child care facility and go to pursue computer courses and so on to gain experience for work. However, the proposed changes mean that as soon as a person enters employment he or she will lose his or her subvention. This is the antithesis of progressive thinking and I cannot believe it emanates from a Government in which even a single Fianna Fáil brain cell operates.

My colleague, Deputy Jan O'Sullivan, is on top of this matter and I am sure that Deputy Mary O'Rourke will also refer to it. Little Blessings has been serving the rural village of Ballynacargy and surrounding communities since 1989 and it has a staffing grant of €82,000. Thankfully, the Department of Health and Children gave €420,000 in capital grants and it receives some other grants. Average income is €1,500 per week while child care for the unemployed is €25 to €30 and between €60 and €70 for the employed. The facility will face a shortfall of €75,000 next July because the alternative is to ask those paying between €60 and €70 to pay €160 and this will be the end of the centre. In other words a child care

centre opened by the Minister of State a month ago will be closed by him next July when he will attend the funeral wearing a black armband.

For the facility in Ballynacargy to stay open fees will have to be doubled or it will revert back to being a playschool providing 20 places on a morning session with two members of staff. At the moment there are ten excellent members of staff there who trained themselves and got the necessary certifications. The wage bill is between €2,500 and €3,000 and it looks as though the members of staff may have to go. With a staffing grant, however, we can employ them and guarantee continuity of employment. The members of staff receive only the minimum wage, yet they do their jobs to the highest level with the assurance of certification. Are we to tell them that eight or nine must go because we cannot guarantee their wages? The Government is going to emasculate an area of policy that was excellent.

The current staffing grant is €82,000, the current income is €72,000 and the current food grant €11,000 so the total is €165,000. Under the proposed subvention allowance the facility will receive only €9,984. Added to income of €72,000 and a food grant of €19,000, it is clear the effect that will ensue; there will be a deficit of €72,000. The Minister of State is going to close the facility in Ballynacargy and every community child care facility in the country. I ask that he rethinks these changes because the facilities we now have were too hard won over the past six years. I am disappointed that anyone in Fianna Fáil would deprive people of something they have grown used to providing access to employment over the past six years. Are we to destroy all this in one fell swoop? I ask the Minister of State to go back to his officials and tell them to rethink because they are wrong on this issue and it is important it be evaluated now.

Deputy Mary O'Rourke: I cannot promise to be as invigorated as Deputy Penrose but I echo everything he has said. I was at the opening of Little Blessings at which the Minister of State officiated and I thank him because he has agreed to meet a deputation, including Deputy Penrose and I, in Athlone next Monday.

The point missed in all of this is that many community, not-for-profit child care facilities already operated an informal tiered system before this grant idea was cooked up, or cocked up, in the Department. I speak as a person with five grandchildren, all of whom are under five and in very expensive private child care facilities. The money involved, after tax, is enormous. However, my bewailing this fact does not detract from the case I am putting forward and I suggest to the Minister of State, Deputy Smith, that the reason this issue has not burst into the public domain is that people are lulled by the idea of July 2008 being a long time away. It is not,

however, because the process of limbering up for these changes is continuing.

I am sure the Minister of State is motivated by the purest of principles, attention to disadvantage, and nobody could decry this as a general principle. However, the income of some people gained through employment is so low that they may only just be able to afford the fee charged by the community not-for-profit child care facility. The Minister of State should ignore the boyos who say he is dead right and disparage women who want to work. I know there are boyos who will tell the Minister that — I have heard some of them from two of the parties in this House. I have heard them speak about women going out to earn money and suggesting they should be staying at home minding their children. It is an economic tenet of the Government to encourage women to go out and be part of the economic activity of their village, town or neighbourhood.

Whether a facility is in Ballymahon, Athlone, Ballynacargy, Abbeylara or Granard, each of them is as much a part of the economic revival that has taken place in this country as other enterprises. The reason is they ensure that women or men, whoever is the guardian of the children, can go to work in peace and comfort, knowing their children are being looked after properly and professionally. That is what is happening. When I saw the Estimate was on the agenda, I took the opportunity to come and say this to the Minister with responsibility for children.

I agree the special payment for people with children is wonderful and that anybody with three children under the age of six will get almost €9,000 per year in payments. That is a good sum of money and it is available, regardless of status. I praise the Government for introducing that provision. I approve of the way the system has developed. Private child care is available for those who want it, but the cost is significant. Community child care is available for those who want it, but it is a tiered system. However, it allows men or women who had no chance of taking up employment to do so. My plea to the Minister is to rethink the proposal to end the programme. I know what he faces because I was done and roasted once early in my time in the Department of Health and Children, until I got sense. No matter what officials say, I urge the Minister of State not to get roasted on this issue, and roasted he will be if this goes ahead.

Deputy Frank Feighan: I concur with Deputy O'Rourke. This is a monumental cock-up. The sooner the Government reverses this outrageous decision, the better. Many of those who have spoken have serious concerns. In the few years before the general election, Deputies attended many openings of child care facilities. As a politician, I welcomed the funding and advances we

had made in the area. Now, however, many parents are concerned they will not be able to afford the higher child care charges and that, eventually, they will not be able to continue in employment.

What has occurred is like a three card trick. Before the election the Government was throwing money at it and it was a great party, but now the election is over it says the coffers are empty and it must pull back. However, it is a serious situation, not a joke. Parents, young children and workers in these child care facilities are in fear of their future and the future of child care. There is widespread concern that the Government does not fully understand the consequences of its action. This was outlined by Deputy O'Rourke.

Community child care is provided in every town and village in the country and this provides opportunities to people. However, local authorities throughout the country have now started to impose rates on these facilities. In a small village in my county of Roscommon, a not-for-profit child care facility has been billed for rates of €11,000. What does this mean for people? This is not affordable child care. People are being hit by the levies and they are being hit by local authority rates imposed because the authorities claim they are not getting funding from central government. I cannot understand the talk that goes on about never having it so good. We never had it so bad. I wonder what is in the budget. I urge the Government to reverse the cock-up and get it right because too many parents, children and people working in child care facilities are in fear for their jobs or child care places.

When the Supplementary Estimate was introduced, we thought it was designed to meet the cost of child care. A special provision could have been introduced to ring fence money for child care, but this did not happen. Four months ago, I met parents from Drumshanbo whose children were in not-for-profit child care. They highlighted their concerns to me then. I did not know at the time this provision was to be introduced and I told them I did not believe any Government would introduce it. Clearly, it is the civil servants in the Department that run matters when it suits the Government. Somebody must take responsibility for what is happening. Let them stand up and be counted. We need strong leadership and government in this regard. When the Government was doing it right, I warmly welcomed the provisions. Now that it is doing it wrong, it is my duty to stand up and take it to task. I take no pleasure in doing so.

In the context of cutbacks and the fact that this is a departmental motion, I wish to raise other health area cutbacks, such as the reduction of the breast cancer services at Sligo General Hospital and the loss of the four consultants and 13 nurses there. Why were interviews for 200 middle management posts in the health service conducted in a Sligo hotel? I was at a meeting and march last

[Deputy Frank Feighan.]

Thursday in Sligo which was attended by 2,000 angry people who cannot believe the Minister of State has let them down again. The Department also intends to axe 24-hour emergency cover in Roscommon County Hospital as part of a review of the service there. The consultant surgeons there agree this will degrade the services in the hospital.

Three years ago the Fianna Fáil Party went to Inchydoney. There they walked up and down the beach and were converted. They must do the same again this Christmas. They should not go away on five weeks' holidays, but go to Inchydoney and do what is right for the people. Do what is right for child care, for the health services and what is right for Roscommon and Sligo hospitals and all hospitals in the country.

Deputy Caoimhghín Ó Caoláin: As we speak, hundreds of community facilities, providing child care services to thousands of families, are extremely concerned at the Government's plans to end the equal opportunities childcare programme and replace it with the new community child care subvention scheme. Yesterday, I had the opportunity to meet the Minister of State, Deputy Brendan Smith, on this matter and I thank him for that opportunity. That meeting was attended by representatives of community child care providers in County Monaghan and all expressed their serious concerns at what lies ahead for child care in the State if the community child care subvention scheme is implemented in its current form and timetable for implementation. That concern is echoed throughout the 26 counties, as evidenced by contributions of other speakers.

Nobody disagrees with the stated intent of the scheme, which is to make child care more accessible for low income parents. Far too many families still cannot gain access to child care due to lack of affordability. This has serious consequences for children and for parents who wish to improve the lives of their families through part-time or full-time employment. The equal opportunities child care programme addressed the need to some extent, but it did not provide, nor was it intended to provide, a comprehensive, universal system of child care. Such a system is the one favoured by Sinn Féin and we detailed our proposals in a Private Members' motion in the last Dáil and in pre-budget submissions to the Minister for Finance.

This Supplementary Estimate will probably be the last bloc of funding for the equal opportunities child care programme. Funding for grant recipients will continue into the first six months of next year during the proposed change-over from the EOCP to the new subvention scheme. Therefore we are at a crucial point and we must use this opportunity as a matter of urgency to press the Minister and his colleagues in the

Department to reconsider the new scheme in its present form. I urge him to suspend its introduction pending an essential review, comprehensive consultation and necessary changes.

The new scheme requires community child care operators to work a complex, tiered fee system according to the income of service users. Community-based child care workers will be asked to process social welfare information about friends and neighbours. The new scheme will require a lot more administration and bureaucracy, which small community-run facilities will find difficult.

Under the new scheme, community child care providers will receive subventions to enable reduced fees to be charged to disadvantaged parents, but these parents must be in receipt of social welfare payments. Clearly, therefore, we are not really addressing the matter on the basis of need. Many families using community child care facilities are on low incomes but do not receive social welfare payments. Yet receipt of such payments is now to be a requirement to qualify for the new subvention scheme. Without a sufficient number of welfare recipients on their books community crèches will be forced to close altogether or raise fees for those not qualifying for the subvention. Thus low-income families and many more in already stretched circumstances — that rises way up the income ladder in today's Ireland — could actually be forced to pay more. This makes a nonsense of the claim that the new scheme will be better for the disadvantaged. I warrant that it will not be so.

There are genuine fears that the new scheme will also lead to division between welfare recipients and other service users. We could end up with a two-tier child care system mirroring our two-tier health system. The facilities under threat are community-based and community-run. Many people give time voluntarily to sustain them. In many cases EOCP staffing grants are insufficient to cover all staffing needs, which are supplemented by voluntary effort. It would be shameful if an ill-thought-out scheme undermined the voluntary child care infrastructure which has been built from the ground up in recent years.

Will the Minister agree to suspend the introduction of the new scheme while extending the EOCP method of payment in the meantime, pending full consultation with the community child care sector? No other answer will meet the current needs.

Deputy Catherine Byrne: I support any additional funding for the improvement of community-based and private child care facilities. As regards the new child care subvention scheme, however, there are a number of problems which the Minister needs to address urgently regarding community child care. I am deeply concerned by the number of people who have contacted me in recent weeks, including parents, grandparents

and workers in the schemes in my constituency. I have grave reservations about the impact this new scheme will have on communities and parents, and particularly on young children attending community crèches. For many young mothers the community crèche is a lifeline providing a safe environment for their children where they can mix with other children from all social backgrounds. It is also an opportunity for parents to return to education or work while their children are being cared for in a safe and familiar environment.

Under the new scheme, parents will have to deal with red tape and apply for funding directly. This is putting obstacles in the way of many parents, some of whom will not be able to deal with the forms and other bureaucracy within the new system, thus losing out on their entitlements.

The new scheme will only apply to a limited number of parents. Many parents who are not on social welfare and do not qualify for the family income supplement but who have a limited income will find that they will not qualify for any funding. The reality is that some parents will have to give up their part-time jobs. We will end up with crèches that are only attended by children of parents on social welfare, which will stigmatise young children through no fault of their own. I cannot see how this is in the best interests of our children or of society generally.

If the Government really believes in equal opportunity, the Minister for Health and Children should realise that the new subvention scheme will only serve to isolate children because of their family circumstances. The aim should be to ensure that Government funding reaches those people who need it most. We need to balance the scales and ensure that every child will benefit from Government funding. No child should lose out because of his or her social background. I urge the Minister to reconsider this scheme.

An Ceann Comhairle: In accordance with an order of this day, the Minister of State will take questions for a period not exceeding 15 minutes, when Private Members' business must commence. Does Deputy Reilly have some questions?

Deputy James Reilly: I asked the Minister of State questions earlier so perhaps he will be good enough to answer them now.

Deputy Brendan Smith: I have notes of Deputy Reilly's questions so may I respond to them?

An Ceann Comhairle: I will call Deputy Ó Caoláin first.

Deputy Caoimhghín Ó Caoláin: I wish to ask two specific questions in addition to those I have already put to the Minister of State. Will he advise us whether the 2 November deadline for the receipt of applications under the new scheme

will be strictly enforced? As he is aware, this can place an excessive burden on small community child care services that operate with few staff. There is some indication of a little freeing up in that regard, but it merits a proper response here.

An Ceann Comhairle: I remind the Deputy that only 15 minutes are allowed for this part of the debate.

Deputy Caoimhghín Ó Caoláin: Does the Minister of State acknowledge the danger that the implementation of this new scheme could lead to fees being increased significantly for those not on social welfare? The consequences could include forcing people on tight incomes out of the workplace, thus having to reorganise totally their family circumstances. This could result in a loss of access to child care and the loss of facilities as a result of the withdrawal of numbers. That is the scenario we want to avoid.

Deputy Brendan Smith: I will deal with Deputy Ó Caoláin's last question first. I have indicated in Adjournment debates and in discussions with my Oireachtas colleagues that 2 November is not an absolute deadline, but we do not want this matter going on. We want to have the information in as soon as possible because the Department is anxious to analyse the material from different community groups around the country as early as possible in November. We want to get approval out in respect of the first half year's payments next year to the various groups as quickly as possible. We will still be accepting data after 2 November. We do not want the message to go out from this House that it will do sometime, because it will not. It is in the interests of the groups themselves to get the data in.

Deputy Byrne mentioned the detailed forms involved, but individuals have only to tick off whether they are in receipt of certain payments, or are in education or training.

Deputy Ó Caoláin indicated earlier that there would be a huge workload on each group, given the bureaucracy involved. The groups will be in receipt of the form to return to the Department but will not be obliged to process it as this will be done by departmental officials.

Deputy Reilly had a number of actuarial questions concerning the early child care supplement. The original Estimate for the full-year cost of the early child care supplement, which would arise in 2007, based on the position as of December 2005 when it was announced, was €353 million. This was based on the number of children under six years in respect of which child benefit was being paid. In conjunction with the Department of Social and Family Affairs, which administers the payment on behalf of my office, an administrative decision was taken to pay the supplement in respect of all children who qualify during a quarter, as opposed to paying it only where children qualify for all of the period. As a result, the pay-

[Deputy Brendan Smith.]

ment is made in respect of all children qualified on the last day of the quarter plus all those who turned six or otherwise ceased to be eligible at some point. The effect is that 25 payments, as opposed to 24, are made for each child — we are being a little extra generous — which increased the total cost per annum by just over 4%. The decision was taken to pay from birth rather than from the first full period following birth, as in the case of multi-child benefit payment, as otherwise some parents would not get a payment until the child was nearly six months old.

Deputy Reilly asked why foreign nationals are paid the early child care supplement. The supplement is a family benefit as defined in EU law and therefore is co-ordinated by EU regulations, most notably Regulation EEC/1408 of 1971. This regulation was passed to give effect to the right of workers to move freely around what was then the European Economic Community, without fear of losing their rights to benefits. At that time we were a beneficiary and would not have been paying out.

Deputy Reilly also questioned the rate of increase, as did Deputy Jan O'Sullivan. The rate of increase in the early child care supplement has been driven by two factors, the increasing birth rate and the arrival of migrants with children. It has been consistent since the introduction of the payment in April 2006. While it is difficult to establish a definitive pattern it appears that the significant growth in 2006 and 2007 may be reaching a plateau, possibly linked to a slowdown in inward migration.

I do not have the note that I had earlier but my recollection is that the number of non-resident children on payment for the early child care supplement amounts to approximately 1,150, half of whom are resident in Britain or the Six Counties, the part of my province which is outside our jurisdiction. That payment amounts to approximately €1.1 million for 2007 and the projected cost of that element of the scheme is €2 million for 2008 for non-resident EU citizens. It is a relatively small sum.

Deputy James Reilly: I did not ask the reason, I said that the scheme was to address the rising cost of child care which was prohibitively high at the time. Why was it not ring-fenced within the country? The mistake was to link it to child benefit. That money is going out of the country. I find it difficult to believe that only 1,100 people are involved. There are 60,000 births per annum which amounts to 300,000 over five years. If one adds 68,000 for this year because of the 11% increase, it comes to 368,000 and the sum is €420 million. Where has the extra €57 million gone? I do not understand that.

Deputy Jan O'Sullivan: How does the Minister of State expect parents on family income sup-

plement to be able to pay the balance they will be expected to pay in community child care crèches? Crèches will receive only €30 per week for a parent on the family income supplement. Presumably a parent on that low income must find the rest of the money. How are parents on the family income supplement, and those just above that level who must pay the whole sum, supposed to be able to pay this money?

Deputy Frank Feighan: Is the Minister of State aware that local authorities are levying many of these affordable child care facilities and other child care facilities with rates amounting in one case to €11,000? If this continues it will deal a death blow to child care. What does the Minister of State intend to do about it? Will he talk to his counterpart in the Department of the Environment, Heritage and Local Government to ensure that these levies will be stopped because they are a cause of concern around the country?

Deputy Willie Penrose: It could be argued that the subvention is being introduced backwards. The highest rate is for those on social welfare. This will act as a disincentive to taking up a job because when one does that one loses the subvention. Why did the Minister of State not consult the community and not-for-profit sector? Where is the commitment to the volunteers who gave their time, and still do so, to find sites, apply for funding, fundraise on the streets, fill in the forms and become employers? What help will they get? How will working families on the margins, who are not entitled to any form of State support access, afford child care?

The Minister of State set up meetings around the country in September and October to brief community child care providers on the subvention scheme. Many of them indicated that it is not operable and that child care centres will close. Will the Minister of State say honestly what feedback he received from the staff who attended those meetings? People were outraged. Is that not enough to tell the Minister of State who has political antennae better than any in Cavan-Monaghan to put this on the backburner, re-evaluate it and let us go forward together?

Deputy Catherine Byrne: What consultation was held with community groups and other child care providers? The people who contacted me said there was no consultation.

I have seen the form and have been present when people have tried to complete it. Anyone who has difficulty reading or writing finds the form complicated. I urge the Minister of State to reconsider this scheme before it goes further.

Deputy James Reilly: Does the Minister of State not accept that this scheme, like the medical card scheme, with its ludicrously low income threshold of just over half the minimum wage, will cause people to stay away from work? Will

he not abandon the income limit changes for at least one year to allow for a full debate and to put in place a fairer system?

Deputy Brendan Smith: The Ceann Comhairle must be pleased to see that the equal opportunities childcare programme, which he introduced some years ago as Minister for Justice, Equality and Law Reform, has been acclaimed on all sides of the House. I have been in the House many times when people on the Opposition were less fulsome in their praise of that programme. I am glad that they now realise its value and the great contribution it has made. The programme was an outstanding success and exceeded its target for the provision of child care places by 18%.

There has been misrepresentation and many genuine concerns were expressed, which I appreciate. I am out and about like everybody else and not just in my counties of Cavan and Monaghan. I will not hide behind officials as some people in the House indicate we should when we make decisions. I do not do that, I stand up for myself and do my best.

People legitimately ask about consultation. There was consultation. Questionnaires were circulated to all the county child care committees as part of the value for money review. There was also verbal contact with some groups. Others participated in a working group which represented national bodies. When we announced this scheme last July I indicated that we would have a transition period of 12 months because we could foresee that there might be some difficulties. In my initial responses to the media I said that we wanted to get as much data as possible on the existing staffing scheme. Some Deputies said tonight that groups did not know they had to introduce a tiered payment system. They did know that. It was one of the conditions for a staffing grant.

Deputy Jan O'Sullivan: It was not a rigid one like this.

Deputy Brendan Smith: Deputy Penrose rightly pointed out the success of the Ballynacargy one. I was there.

Deputy Willie Penrose: We did it.

Deputy Brendan Smith: Yes, the centre did, but unfortunately that is not uniform practice throughout the country. I want to have the data in the office for analysis. We organised regional seminars to ensure that the officials could outline

the proposed scheme, saying that we sought the feedback of the practitioners, whether participants, managers or people in representative bodies. We said we wanted the data and some groups were hostile to this request. I and my officials insisted that we had to have all the data because we wanted, if necessary, to amend the scheme based on up-to-date data. The best decisions are made when the most up-to-date data are available.

Some groups complained to me that the cost of some community child care facilities is prohibitive for people from disadvantaged homes. I want to ensure that nobody will be denied places in a child care facility.

Deputy Frank Feighan: Why does the Minister of State not raise the rate?

Deputy Brendan Smith: People who can afford to pay for places must pay. We must have a tiered payment system. It is our business to ensure that child care is available throughout rural parishes, towns and villages. The equal opportunities childcare programme has been phenomenally successful.

The funding available to the Department next year for the child care subvention scheme, as part of the overall national child care investment programme, represents a 16% increase on what is available this year. Some people have said mischievously and some due to misinformation that we were abolishing the staffing grant scheme, but nothing could be further from the truth. We introduced a transition period to ensure that if there were emerging difficulties we would deal with them. We want to deal with them. We want to ensure that the €500 million that has been invested in child care since the Ceann Comhairle introduced the equal opportunities childcare programme is protected. We want to ensure that the €575 million that has been ring-fenced for the next few years contributes to enhanced child care in our country.

Deputy Feighan spoke about projects that were opened and approved in advance of the election. Will he tell me what projects in his constituency he would not have approved?

Deputy Frank Feighan: I welcomed those projects.

Deputy Brendan Smith: I welcome that.

Question put.

The Dáil divided: Tá, 70; Níl, 57.

Tá

Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelly, Peter.

Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lowry, Michael.
 Mansergh, Martin.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Feargháil, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Gregory, Tony.
 Hayes, Brian.
 Hogan, Phil.
 Howlin, Brendan.

Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McHugh, Joe.
 Naughten, Denis.
 Neville, Dan.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

Private Members' Business.

Civil Unions Bill 2006: Restoration to Order Paper.

Deputy Brendan Howlin: I move:

That, notwithstanding anything in Standing Orders, the Civil Unions Bill 2006, the Second Reading of which had, prior to the dissolution of Dáil Éireann on 29 April 2007, been postponed until 21 August 2007, is hereby:

- restored to the Order Paper on Committee Stage; and
- referred to the Select Committee on Justice, Equality, Defence and Women's Rights in accordance with Standing Order 114 and paragraph 1(a)(i) of that committee's Orders of Reference.

The Select Committee shall, in accordance with Standing Order 87, send a message to the Dáil in relation to the completion of its consideration of the Civil Unions Bill 2006, not later than the end of 2007.

I wish to share time with Deputies McManus and Ó Snodaigh.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Brendan Howlin: I have a feeling of *déjà vu*, as I propose, in the name of the Labour Party Members, a motion to restore to the Dáil Order Paper the Civil Unions Bill 2006. Members will recall that this Bill was debated last February and at that time, in what I regarded as a cynical exercise, the then Minister for Justice, Equality and Law Reform proposed a reasoned amendment. It purported to support the Bill and to pass it on Second Stage. However, it included a time element, the impact of which was to delay the passage of the Bill beyond the lifetime of the last Dail. In effect, the outgoing Government contrived to ensure that this Bill was killed. All Members from all sides who contributed and spoke in favour of its provisions paid lip service to the notion of equality and stated the time for action was now. I believe now as I did then that the majority of Members support this equality measure. Therefore, it is time for them to stop mouthing about equality and to legislate for it.

Within the last hour, I have read with dismay the Government's amendment to this motion. I had believed, given the change of Minister and the Green Party's presence in Government, that the principle would be accepted and that any infirmities or required improvements could be dealt with on Committee Stage in the coming weeks and months.

I note Deputy Cuffe's presence in the Chamber. He will recall what he said that night in the House:

On a cold December day 50 years ago, Rosa Louise Parks refused to give up her seat on a bus to a white man. She was arrested and put on trial for that act of civil disobedience. She stood... for equality and human [rights] and civil rights. I wish the Government had the same courage to support the Labour... Bill.

Those were Deputy Cuffe's words on February 21 2007. He went on to state:

The Green Party commends the Labour Party for introducing the Civil Unions Bill to the Dáil. As Deputy Howlin stated... this is a seminal equality issue.

If this was a seminal equality issue in February, it remains one today. The purpose of this Bill is to provide for the recognition and legal registration of civil unions. A civil union is defined as a conjugal status relationship by virtue of which two persons of the same sex receive the benefits and protections, and are subject to the same responsibilities, of parties to a marriage. Many hard working taxpaying citizens who are members of our communities and are in long-term stable relationships are denied legal recognition and the protection and rights of loving couples simply because of their gender. Irish society has made great progress and I firmly believe that people today will have no difficulty in supporting the provisions of this Bill and taking this major step towards ensuring equality for all citizens.

Under the constitutional understanding of marriage and in accordance with the current law as interpreted by the Supreme Court, persons of the same sex cannot marry each other. This Bill does not alter or seek to alter the current constitutional understanding of marriage. Instead, it seeks to create an equivalent status relationship for the benefit of persons excluded from this who are of the same sex. In simple terms, it provides that in most respects the rule of law that applies to marriage will also apply to civil unions as defined in this Bill. Article 41.3.1° of the Constitution states: "The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack." We believe, and our advice is, that this Bill does not offend against these provisions, since it caters for people who cannot marry and so is in no way in competition with the constitutional definition.

When this Bill was previously debated, some sought to confuse the issue. We see that attempt at confusion surfacing again in the Minister's amendment, in which it is stated that the Government notes "that legislative reform must be fully consistent with the relevant provisions of the Constitution". Of course all legislation must be

[Deputy Brendan Howlin.]

constitutional, and we believe ours to be so. The former Minister for Justice, Equality and Law Reform, in his amendment, noted the Bill appeared to be unconstitutional but did not provide any convincing argument for that view. Will the Minister assert again that it is the constitutional case that makes this Bill infirm? Presumably those who believe that this measure would undermine the institution of marriage or do some disservice to the constitutional notion of marriage are not saying that citizens of a homosexual orientation should reconcile themselves to marriage as we now understand it under the Constitution. Are they arguing that offering civil unions to same-sex couples would somehow lure heterosexuals away from marriage? On what possible basis can it be argued that making specific provision for same-sex couples, who are debarred from legal recognition under our untouched article in the Constitution, could have any effect on that institution?

This Bill or a similar one will soon become law, and in future years we will look back and wonder what all the fuss was about, as we have done on other issues. I brought in the last contraception Bill as Minister for Health, but that did not cause the sky to fall. Despite what the doomsayers said about the proposal of my former colleague, former Deputy Mervyn Taylor, on the legal recognition of divorce, it did not undermine the institution of marriage.

I will briefly set out the details of this Bill. We propose that the general law with regard to capacity to enter into a civil union would be the same as that of capacity to marry, with similar restrictions with regard to age, the existence of a previous valid marriage or union, mental incapacity or closeness of blood relationship. We propose similar legal provisions for notification, solemnisation and registration of a civil union to those of marriage under the Civil Registration Act 2004. We provide that where a religious person who is registered to solemnise such services has a conscientious objection to presiding, he or she will not be required to so preside.

The Bill deals with the benefits and responsibilities of parties to a civil union. The essential purpose is to provide that parties to a civil union are entitled to the same rights, privileges and benefits and are subject to the same obligations as those to which spouses in a marriage are entitled or subject. In particular, the Bill provides that parties to a civil union are responsible for the support of one another to the same degree and in the same manner as is provided for in law for married persons. We propose that the rights and obligations of parties to a civil union with respect to a dependant child be the same as those of a married couple with respect to such a child. The Bill also deals with such issues as pre-nuptial agreements, recognition of foreign civil unions and civil union break-up. In general, the Bill applies the

various aspects of existing family law to civil union relationships.

During the Order of Business today, when the Greens bought the pup, I asked the Taoiseach when legislation on this issue would be published. He explained that it could not be done now because it was a complicated issue. Apparently, the equivalent Bill in the UK required 264 sections, and so this Bill would take an age to draft. That was the same view as was given eight months ago when it was stated that six months would be required, but eight months have now passed and drafting is now beginning. Why did the UK Bill require so many sections? It was simply the manner in which the law was transposed. Every aspect of marriage law and all the relevant legislation was dealt with in one document. The Canadian equivalent, which achieved exactly the same purpose, has 15 sections. The Vermont state statute to achieve the same purpose has seven sections. Equality is not a complicated issue. It is a difficult issue, but it is simple to address if there is a will.

One area of particular focus is the issue of adoption. We felt that this Bill should be as comprehensive as possible and we carefully examined this matter. Our examination led us to propose a general amendment to the law of adoption, in other words, to the law of adoption as it applies to all citizens. We set out for the first time in law basic principles for adoption. These principles would have general application in all adoption cases. The relevant subsection provides that in any decision relating to an application to adopt a child due regard shall be had to the principle that the first and paramount consideration is the best interests and welfare of the child throughout his or her life. We set out in some detail the child-focused criteria that must be considered, including the child's ascertainable wishes and feelings, the child's needs, the likely effect on the child throughout his or her life of having ceased to be a member of the original family, the likely effect on the child throughout his or her life of having become an adopted child of the person or persons who applied to adopt that child, the child's age, sex, religion, religious background, national origin, cultural and linguistic background and any other relevant characteristics, any harm which the child has suffered or is at risk of suffering, the relationship which the child has with relatives and with any other relevant person, including the likelihood of any such relationship continuing and the value to the child of its doing so, the ability and willingness of any of the child's relatives to provide the child with a secure environment in which the child can develop and otherwise to meet the child's needs, and the wishes and feelings of any of the child's relatives, or of any other person, regarding the child.

The irony is that this new concept of putting a child-centred provision at the base of all matters to do with adoption underscores the fact that

nobody has a right to adopt a child. A child has a right to live in a nurturing environment. This mirrors the constitutional proposal made by the then Minister of State with responsibility for children, now the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, which is shortly to be referred to the incoming All-Party Committee on the Constitution. As the Minister may recall, the relevant subsection states: "Provision may be made by law that in proceedings before any court concerning the adoption, guardianship or custody of, or access to, any child, the court shall endeavour to secure the best interests of the child". In essence, our proposal is that in any adoption case the paramount consideration is the welfare of the child.

Finally, the Bill makes provision for similar recognition in terms of existing practices and regulations for same-sex cohabiting couples as for cohabiting couples of different genders. I have stated this Bill is narrow in its focus. It seeks to deal with one issue, that of legal recognition for couples of the same sex who are in loving relationships and want to solemnise that relationship and have it recognised by the State, with the rights and duties and obligations of any such relationship.

I listened to the Minister on "Six-one" today. As happened with another interviewee with whom I shared a platform earlier this morning, a million red herrings were introduced. A loving relationship between people of the same gender — life partners, to borrow a phrase from the Taoiseach — was equated with the situation of maiden aunts who want to live together. That was what happened on the last occasion. That is to do an enormous disservice to the very fundamental of equality.

Equality either exists or it does not. We recognise a union of people of the same sex as having validity under the law or we do not. The notion that we pretend a version of equality but, when it comes to the reality of recognition, shy away from it, is a fundamental cop-out, an extraordinary disservice and an extraordinary hurt to the tens of thousands of Irish citizens who are in such relationships who are not recognised by the State in which they work, pay taxes and live.

Other issues need to be addressed separately. They should not be brought into this debate to cloud the issue as they were on the last occasion when this measure was debated in this House. The Bill does not address or purport to address the issue of cohabiting couples of the opposite sex. That is for another day, but there are issues in that regard.

The Bill under discussion tonight has been informed by the debate and the expert considerations that have occurred in recent times, most notably the Colley working group. Ms Anne Colley and her group recommended that full civil partnership for same-sex couples be a distinct institution, separate from and not competing with

marriage, and that is exactly what is achieved by the Civil Unions Bill 2006 before this House tonight.

In truth, it is make your mind up time. We had the debacle of February, when the House pretended to support a measure for equality but voted when the division bells rang to defer it beyond the known final date of the existence of the 29th Dáil, knowing that it would fall by the wayside. What we have tonight is a motion on which a decision is to be made tomorrow by the 166 Deputies of this House to allow the Bill which is clear and which is constitutional and which deals with the narrow issue of recognition on the basis of equality of same-sex unions, and to send that to a committee where any difficulties the Minister wishes to identify can be addressed. In the committee any amendments the Minister or the parties in Government wish to draft can be inserted and we can take as many weeks or as many months as the Minister likes to do that.

I heard tonight this notion of an amendment, which is even worse than the disingenuous awful amendment of February, which sets no timeframe for a Bill to be introduced. We have words from Ministers going out on the plinth that we will have heads of a Bill before February or March of next year, and then we will have a debate on the heads. When will we have legislation, when will we have equality and when will we have justice?

Let us tonight and tomorrow morning in this House respond to a social and human need of thousands of our citizens, hardworking tax-paying members of all our communities. They simply want to get on with their lives and to have the State, in which they work and live and which they respect, recognise and respect them. They wish to have their sexual orientation respected and their partnerships legally recognised.

It was Martin Luther King, on the famous day when he proclaimed the dream of equality, who reminded us of "the fierce urgency of now". He stated that "This is no time to engage in the luxury of cooling off or to take the tranquillising drug of gradualism." This is a matter of justice and equality that affects the daily lives of thousands of our people, who live in committed relationships and who are denied the simple rights that married couples in our society take for granted. Let us make the bold and brave decision. Let us not long finger it, let us not obfuscate about it and let us not pretend. I commend the motion and the Bill to the House.

Deputy Liz McManus: I thank Deputy Howlin for introducing this Bill in Private Members' time.

I am a public representative like everybody else in this Parliament and I have a simple conviction and belief that what we do here, generally speaking, changes things for the better. If I did not have that belief I am not sure I could do the job.

[Deputy Liz McManus.]

I believe in a political dynamic and there is a dynamic when Governments change, even when one is not necessarily a part of it. That is what is so hard to accept about what is happening here tonight. It is groundhog day. A motion has been put forward in which a Bill is being presented and it has hit the same Government wall that was there the last time. That is simply not good enough.

Last February we in the Labour Party proposed to enable single sex couples to have their right to civil union recognised in law. Our Bill was debated and received widespread support. Because our case was so strong the then Minister for Justice, Equality and Law Reform, Michael McDowell SC, was forced to manipulate the procedures of this House to avoid the embarrassment of voting down the Bill while ensuring that it would be jettisoned in the demise of the last Dáil.

I never thought I would hear myself saying this. Come back Michael McDowell, all is forgiven.

Deputy Brendan Howlin: Steady on now.

Deputy Liz McManus: For all his faults he could be embarrassed on occasion whereas this new Government, led by Fianna Fáil and the Greens, appears utterly without shame and beyond embarrassment. To present an amendment of such cynicism is the act of a Government that is bankrupt of any principles.

The argument for reform of the law is as cogent as ever. This is an issue of fundamental importance to many Irish citizens. It is about acknowledging in law that close intimate relationships between people of the same sex matter in life and should matter in law; that love, cherishing, care and compassion between long-term same sex couples have an importance from which rights and responsibilities flow.

These relationships deserve and need statutory recognition. The Labour Party's Bill deals with all aspects on the issue. It provides a definition of a civil union. It provides for a registration process that is compatible with the Constitution. Let us not hear talk about any question that the Constitution will be breached and let the Minister give us that much when he responds. It deals with the rights of adopted children and provides for pre-nuptial agreements as apply in marriage law. It deals with breakdown, separation, divorce, child custody and property division. Essentially, it provides for same sex couples the same rights and benefits that married couples enjoy and it bestows on them the same responsibilities and obligations. It is a comprehensive Bill and it is long overdue.

It is the kind of progressive change that defines the new Ireland from the old and there is no argument for dragging out the process as the Government intends to do. Months, even years, may well

pass without the issue being addressed. I remember when the Fianna Fáil and Labour Government introduced a Bill to decriminalise homosexuality. It was a controversial measure but it was supported enthusiastically. It was a milestone in the development towards equality in Ireland but once done, it just became part of Irish law. There was not any fuss. That was the way things would be from then on. However, it left unfinished business which we are addressing in this Bill. The rights we provide for in this Bill for single sex couples are a seminal equality issue. That is how Deputy Howlin of the Labour Party described it in February last and Deputy Cuffe stated at the time that the Greens believed it was a seminal equality issue.

As every day passes since that debate the injustice to single sex couples is prolonged. We as a Parliament had a chance in February to begin the process to put matters right. The Government then ducked the opportunity by using subterfuge. Now the Government is doing something worse. It is kicking the Bill out completely and that is truly shameful. Now that the Green Party Members have secured their ministerial posts and cars they are happily stamping all over this seminal equality issue which they espoused so avidly eight months ago. It appears the Green Party is in government to save the planet alone. The rest of us can wait in line for justice. That includes same sex couples, ordinary people who work, pay taxes, live, love and die like the rest of us. They contribute to society and deserve respect.

I have received a significant number of e-mails on this matter. No doubt every other Member has received similar e-mails from people who hope this Bill will be passed because it would mean so much to them to have their union recognised at long last. I have no doubt some of them voted for the Green Party at the last general election because they believed that, if in government, it would hold on to some basic beliefs. The people about whom we are talking do not want to hear the spurious dishonest arguments presented in the Government amendment. They want to see progress, namely, for the Bill to proceed to Committee Stage and become law. We in the Labour Party have done our work and enabled the process to proceed. The Bill deserves all-party support. Anything less is just making a political football out of a human rights issue.

The test of a party, big or small, is how it responds when presented with choices in the House. The choice being made by the Green Party Deputies is to run away, yet again. Their defence is that no one will listen to them in government; therefore, they stay silent on the Taoiseach's dig-out or ministerial salary increases. Let us remember that in opposition they said they wanted fewer Ministers and Ministers of State but in government they provided for more. They have done U-turns in many areas.

For example, on Tara, Shannon Airport and incineration. The list will no doubt get longer.

In this U-turn the Green Party has refused to ensure the passage of the Bill to the next Stage. The matter is simple and clear. Good work has been done on the Bill and it has withstood scrutiny. No major flaws in it have been identified. The Labour Party is providing an opportunity for the House to introduce legislation to address a wrong perpetrated against people in our communities who are experiencing injustice unnecessarily because the Government will not act. The Bill is robust, both constitutionally and legally.

Every Bill passed by the House has had some flaws which were addressed on Committee Stage. The legislative process allows for this to happen. If Bills were perfect, we would not need a Committee Stage. The Minister is aware that there are no major flaws in the Bill. I have no doubt that in his heart and soul he does not have a good argument against the Bill. It is possible that he just wants to be able to claim in the future that he was the Minister responsible for doing something about this issue. An opportunity is being presented to Dáil Éireann to deal with the matter. Due to inaction, people have been left waiting for too long. Why should we trust the Government when it states it will introduce a Bill at some future date and why should people be made to wait even longer than is necessary?

Deputy Aengus Ó Snodaigh: Ba mhaith liom buíochas a ghabháil leis an Lucht Oibre as ucht an deis seo a thabhairt dom labhairt ar an ábhar rí-thábhachtach seo. Is trua é gur gá dúinn teacht ar ais chuige sa lír seo. Ba chóir dúinn déileáil leis mar reachtaíocht os comhair an choiste dlí agus cirt. Aontaíonn Sinn Féin gur chóir dúinn ceart pósadh agus uchtáil clainne a thabhairt do cúplaí den gnéas céanna. Tacaímid chomh maith go bhfuil an ceart ag daoine nach bhfuil pósta, mar aon le daoine den gnéas céanna, bheith páirteach i bpáirtneireachtaí sibhialta.

Tuigim gurb é Sinn Féin an chéad páirtí a dhein iarracht an cheart seo a achtú nuair a mhol mo chomhghleaithe, an iar-Theachta Seán Crowe, leasú ar an mBille um Chlárú Sibhialta 2003 ar Chéim an Choiste. Dhein sé iarracht aitheantas cothrom a thabhairt do pósadh cúpla den gnéas céanna. I 2004, rinne mé iarracht leasú a chuir faoi bhráid an iar-Aire, Michael McDowell, nuair a bhíomar ag plé an Acht um Chomhionannas 2003. Bhí mé ag lorg míniú níos fairsinge a chuir ar an téarma “stádas pósta” chun aitheantas a thabhairt do páirtneireachtaí den gnéas céanna. Sna aighneachtaí a sheol Sinn Féin chuig an Comhchoiste ar an mBunreacht, rinne mo pháirtí iarracht míniú níos leithne a chuir ar “clann” chun cúplaí den gnéas céanna a chlúdach. Níor ghlac an Rialtas leis na moltaíúid, áfach, cé gur bhfuair eadar tacaíocht ó daoine eile ag an am. In ár bhforógra i mbliana, gheall Sinn Féin go ndéanfaimid cinnte de, agus muid i Rialtas, reachtaí-

ocht a thabhairt isteach chun aitheantas dleathach a thabhairt do cúplaí den gnéas céanna agus chun pósadh d’aon-ghnéas a cheadúint dá réir. Tá sé fós i gceist againn aitheantas iomlán agus cothromas dleathach a thabhairt do páirtneireachtaí sibhialta. Ba mhaith linn cead a thabhairt do cúplaí d’aon ghnéas páistí a uchtú ar an bhonn céanna le gnáth-cúplaí.

Our record on this issue is clear and unambiguous. Until a few months ago the same could have been said about the Green Party. In fact, it supported Sinn Féin’s same sex marriage amendment in 2003. At the time it was the only party to support us on the matter. As others have alluded to, in the previous debate on this Bill just eight months ago Deputy Cuffe stated the Green Party, like Sinn Féin, “would go further and give the right to marry to all same-sex couples”. He criticised the Government for dithering on the matter. I expect a few of his party colleagues will deny the Government is dithering.

Speeches by Green Party Members will probably be indistinguishable in any meaningful way from any of those made from the Government benches in February. We will hear the same promise to bring forward legislation as soon as possible, the same assurance of the Government’s alleged commitment to equality for gay men and lesbians, and the same spurious suggestion that the Bill before us would not stand up to judicial scrutiny. These were “hollow words,” to use Deputy Cuffe’s phrase when the Government used them in February and they are hollow now, as the Green Party knows. All of the Government parties know it, as do the Opposition parties. Those watching the debate from the Visitors Gallery also understand that what the Government is offering is hollow words, as will those who will watch the debate on television or read an account of it later.

I urge the Green Party, for which I had respect, even at this late stage to take the principled stand it was willing to take in February to progress this motion. At that time Deputy Cuffe stated, “this Legislature needs to take a brave step forward,” but that is not what it is doing. Luckily, there are Members on the Opposition benches who are trying to ensure the Houses of the Oireachtas will be willing to take a brave step forward to introduce equality in society. I regret there has not been a change in attitude by the Government, despite a promise in February that we would see progress on this legislation.

Last February when I spoke on this matter I reminded the Government that it was under a further obligation to introduce equality protections for the communities in question under the terms of the Good Friday Agreement’s equivalence provisions. Under British legislation, lesbian and gay couples in the Six Counties now have broadly equivalent rights to those enjoyed by married couples. Both the Equality Authority and the National Economic and Social Forum

[Deputy Aengus Ó Snodaigh.]

have called for the State to level its equality legislation by introducing similar provisions. The report endorsed by the Equality Authority and the Six Counties Equality Commission, “Equivalence in Promoting Equality”, issued in December 2005, stated:

“...[the reforms] need not precisely replicate UK legislation. However, legislation is required to protect and give effect to equal treatment of transsexual people and lesbian and gay couples under the equivalence requirement [of the Good Friday Agreement]”.

New international instruments and court challenges can prompt the Government to act but it should not drag its heels and wait for either. It should legislate proactively for the progression of human rights in a modern and changing society.

Another step that needs to be taken urgently is one highlighted earlier this month by the Equality Authority, namely, the need to amend the equality laws to provide protection for gays, lesbians, bisexuals and transgendered people employed in religious-run schools. The current law contains an exemption which allows such institutions to discriminate on the basis of a person’s sexual orientation or family status. This is unacceptable in this day and age, particularly in publicly-funded schools. It also means that even if the Government finally gets off its arse and passes a Civil Unions Bill in the near future, it will be useless for many gay and lesbian teachers who are afraid to enter a civil partnership because it might mean losing their job. If the Government wants to demonstrate a genuine commitment to equality, it cannot continue to tolerate a situation where gay and lesbian teachers can be effectively barred from employment in over 90% of State schools and are forced to lead a double life under the so-called equality legislation.

Another issue necessitating Government action but suffering typical Government inaction is the need for provisions to protect the privacy rights of transgendered people. In 2002 the European Court of Human Rights ruled against the refusal of the British courts to allow a transgendered person to amend her birth certificate on the grounds that this violated her rights as guaranteed by the European Convention on Human Rights. Following this judgment, Britain introduced a Gender Recognition Act in 2004 providing transgendered people with legal recognition of their proper gender and a mechanism by which they could obtain amended birth certificates.

In Ireland, in the same year, the High Court found against Dr. Foy and her efforts to have her gender changed on her birth certificate. The court did, however, urge the Government to address the registration of people who have undergone gender reassignment due to a gender identity disorder. Despite this, the Government failed to act, leaving Dr. Foy with no option but to continue

her struggle via the courts again. On this occasion, she succeeded in getting a ruling that her rights had been violated by the State’s failure to provide her with a new birth certificate.

The judge presiding over her case also ruled that an order stating that Dr. Foy’s privacy had been breached must be placed before the Houses of the Oireachtas within 21 days of the wording of that statement being completed. Will the Minister confirm whether he has received that order or whether he expects to do so in the coming days? Dr Foy has waited long enough. The least she is entitled to is for the Government to act quickly to rectify the miscarriage of justice it perpetrated against her for so long.

I conclude by stating that while Sinn Féin supports the right to civil partnership, we believe it should not be seen as a substitute for the right to marry. Full equality for gays and lesbians will be achieved only when same sex couples can enter into either civil partnerships or marriages, according to their choices. As I stated in February when the issue was debated, the Civil Unions Bill is a step in the right direction. I urge the Government parties, in particular the Green Party, to stop dithering and making excuses, and to support the motion to progress this legislation immediately in the interests of basic equality and human rights for the gay and lesbian community in Ireland.

Molaim don Rialtas gur féidir linn, más gá, leasúithe a dhéanamh ar an mBille seo ar Chéim an Choiste, mar a rinneamar go minic cheana. Bhí mé i gcoinne an iar-Aire Dlí agus Cirt, Comhionannais agus Athchuirthe Dlí, Michael McDowell, sa Dáil deireanach nuair a thóg sé leasúithe móra millteanach isteach, ach níl sé sin i gceist agam sa chás seo. Is féidir linn Billí a leasú — bíonn Céim an Choiste agus an Tuarascáil againn chun a bheith cinnte go bhfuil Bille foirfe againn sa deireadh thiar. Ní féidir linn déileáil leis i gceart ar an Dara Céim, áfach. Má ghlacfaimid leis an rún seo, is féidir linn déileáil leis an ábhar seo i gceart sa choiste nua atá bunaithe le seachtain anuas.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to share the final ten minutes of my time with Deputy Cuffe.

Acting Chairman (Deputy Brian O’Shea): Is that agreed? Agreed.

Deputy Brian Lenihan: I move amendment No. 1:

To delete all words after “That” and substitute the following:

“Dail Éireann notes:

— that legislative reform must be fully consistent with the relevant provisions of the Constitution;

- the options identified by the Colley Group, including in particular for same sex couples;
- the Tenth Report of the All-Party Oireachtas Committee on the Constitution, on the family, which recommended that civil partnership legislation should be provided for same-sex couples;
- the report of the Law Reform Commission on the rights and duties of cohabitants, which recommended provision of a redress mechanism for vulnerable dependent cohabitants at the termination of a relationship;
- the Government's decision reflected in the Government legislative programme published on 27 September 2007 to prepare a scheme of a Bill;

and supports the commitment in An Agreed Programme for Government to legislate for Civil Partnership at the earliest possible date in the lifetime of the Government, so as to establish a supportive legal framework for same sex couples in committed relationships.”

As the law stands, same sex couples have no way to formalise their relationships in the eyes of the State and society at large. Their relationships go legally unrecognised and unprotected, they obtain no benefits under the tax, welfare or inheritance regimes and they cannot assume legally binding obligations to each other. These are enormously significant issues to those involved and they must be carefully and scrupulously addressed.

It is remarkable to think how very far we have come since the early 1990s. We have moved from a legal framework which criminalised and stigmatised homosexuality in particular to one in which the argument is a technical one as to how we can establish a legal framework to provide equality to couples in committed relationships. Decriminalisation was achieved in 1993 by my distinguished predecessor in this office, Mrs. Máire Geoghegan-Quinn. A broad range of equality legislation, and the associated equality infrastructure, has been put in place in the last decade. These changes have taken place over the lifetime of four Governments of varying political persuasions, but particularly ones led by Fianna Fáil. Notwithstanding differences of approach, it is worth noting that there is today a broad degree of cross-party support, if not quite consensus, on broad objectives.

An Agreed Programme for Government contains a strong commitment to legislating, as early as possible in the lifetime of the Government, to provide for civil partnership. At its meeting today, the Government asked me to bring forward a scheme of a Bill no later than 31 March next. Although the legislation is very complex, I

assure Deputies it is receiving high priority in my Department.

I draw attention to the fact the British Civil Partnerships Bill contains 264 sections and 30 schedules. The Bill moved by the Labour Party today moves ten sections, including one extraordinary section, section 7, which purports to empower the Minister for Justice, Equality and Law Reform to make regulations for the purpose of giving effect to the Labour Party Bill, including regulations which can adapt, generally or specifically, or modify any enactment in conformity with the purposes, principles and spirit of this Bill. I assure Deputies that the detailed matters which are left open in that section will be brought before the House. Were the Government to introduce a Bill containing such a section, it would be vigorously opposed before it was even entertained for discussion in the House.

It is important and in the interests of justice and equality to allow those in long-term relationships to assume rights and responsibilities towards each other but these rights and responsibilities must be binding and enforceable. The assumption of such mutual and binding rights and obligations confirms to society as a whole the commitment of a couple to each other. It gives a couple more than just legal certainty in respect of a range of issues, such as pensions, tax, inheritance and shared property; it allows them to confer a status on their relationship and to affirm the lasting, caring and mature character of that relationship. Many same sex couples want to be recognised in society and to create mutually enforceable rights and obligations towards each other. Unlike heterosexual couples, same sex couples are excluded from marriage and cannot make a full legal and social commitment to each other. The Government is determined to put in place a legal framework which recognises and supports same sex couples in committed relationships.

The mechanism proposed by the Labour Party is not the way to achieve this objective. Although it would doubtless be attractive simply to state that all the rights and duties of marriage shall similarly apply to parties to civil unions, such an approach is fraught with difficulty. It is no light thing to say that this risks impugning the provisions of Article 41.3.1° of the Constitution, which provides: “The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.” The interpretation placed on this clause in a recent High Court decision is clear and unambiguous. The advice available to me from the Attorney General on this matter is crystal clear and indicates that a legislative approach which seeks to define any other type of relationship expressly in terms of marriage, as the Civil Unions Bill 2006 attempts to do, is constitutionally unsound.

8 o'clock

[Deputy Brian Lenihan.]

The subject matter of this debate concerns issues of real importance for many people, for example, next-of-kin status, pensions and inheritance. These issues require a well considered and constitutionally sound legislative response. What is at issue here is the intersection of the law, in both the public and private spheres, with personal relationships. I will bring detailed proposals to Government involving comprehensive law reform in this area. As outlined in the agreed programme for Government, our commitment is to legislate for civil partnership. This recognises that, although all of our citizens are equal before the law as individuals irrespective of sexual orientation, they are not treated equally in their relationships.

With regard to the constitutional status of the legislation before us and notwithstanding the question of Article 41.3.1^o, it is clear that section 7 purporting to empower me to make regulations to repeal generally or specifically any Act of the Oireachtas is contrary to the Constitution.

What we must examine is how best to provide a supportive legal framework. Internationally, this is an emerging area of law and it is worth reflecting on developments in other progressive democracies. In recent years, there has been considerable legislative activity in this area. A small number of countries have extended marriage to same sex couples, usually following constitutional court cases. Others have elected to put in place statutory civil registration schemes, sometimes in conjunction with cohabitation schemes which require only some simple conditions and factual circumstances, such as a minimum period of cohabitation, minimum age and exclusivity, while others follow a cohabitation approach only. In some countries, registration schemes are available for both opposite sex and same sex couples.

In legislating for civil partnerships, each country faces its own set of unique legal, social and political circumstances. For this reason there is no standard model applied internationally. Many European Union member states have introduced specific schemes for same sex partners in committed relationships who register their partnership. These schemes are generally accompanied by a set of rights and duties consequent on registration. In some member states there is little or no differentiation between the set of legal consequences arising from registration as against those pertaining to marriage, while in others there are significant differences. In the United Kingdom, the Civil Partnerships Act 2004 established a registration scheme exclusively for same sex couples. The Act extends most of the appropriate legislative provisions on spouses to registered partners.

In Ireland, too, there has been significant public debate in recent years on how to provide enhanced rights and recognition for same sex couples. The Colley options paper was published

in November 2006. The terms of reference for the Colley group included an express requirement that the options identified be “consistent with constitutional provisions”. The Colley group options paper did not make recommendations for legal reform but instead set out possible options for consideration when proposals for legislative reform are being developed. The paper recognised that, with the exception of some recent statutes, the law gives limited recognition to unmarried opposite sex cohabiting couples. Same sex couples have even less protection before the law. Cohabitants do not have the degree of legally enforceable rights and duties to each other or the level of benefits from the State that are available to married couples. As marriage is available to heterosexual couples, the assumption can often be made that they do not want the full trappings of marriage.

On the break-up of a cohabiting relationship, whether married or unmarried, one of the partners is frequently vulnerable to serious consequences, including homelessness and loss of income. Marriage brings with it recourse to the protection of the law whereas unmarried couples do not have this protection. The Colley group put forward five options to address the vulnerability of such couples on the ending of the relationship and also in certain circumstances during the continuing relationship.

The first of these, known as “contractual arrangements”, does not require legal reform. As the law now stands, cohabiting couples are free to regulate some aspects of their relationship by way of contract governed by contract law, enforceable through the courts, such as jointly owned property or financial assets. If the contract is not contingent on a requirement to perform marital duties, the Colley group was of the view that it is difficult to see how this would be enforceable in the courts.

The Colley group recognised that many couples will never make contracts for all kinds of reasons, such as a lack of awareness of the legal consequences of an unregulated relationship, unwillingness of one or both to make any formal commitment, one or other party being already married to someone else or an intention that the relationship be transient. As a result, vulnerable partners in unregulated relationships enjoy little, if any, legislative protection at present and the consequences, financial and otherwise, at the end of a long relationship owing to death or break-up may be catastrophic. Hence, the Colley group put forward a presumptive scheme for both opposite sex and same sex couples.

The presumptive scheme is designed to protect the vulnerable dependent partner in a relationship in the absence of any other formal recognition of that relationship. It would apply, generally speaking, at the end of a relationship, either through the death of one of the partners or the breakdown of the relationship, at which point it

would be open to either partner to make an application to court for relief.

The third option described by the Colley group is a limited civil registration scheme, described as limited civil partnership. This entails introducing a statutory registration scheme, which extends status and a limited selection of rights and duties to cohabiting couples who choose to register their partnership. A limited civil partnership scheme would provide legal recognition and status for same sex couples. It would provide some protection for vulnerable persons in cohabiting relationships at the end of the relationship, on break-up or death.

Another option outlined in the options paper is full civil partnership. This is a civil registration scheme extending a full range of rights and duties to cohabiting couples who choose to register their partnership. Full civil partnership would accord status, recognition and protection to same sex partners and the Colley group's view was that full civil partnership is a viable option for same sex couples in the event that same sex marriage is not possible.

The Colley group examined the option of introducing civil marriage for same sex couples. The group was mindful of the constitutional position, especially in view of the fact that the first judicial decision on extending the definition of marriage to include same sex couples was before the High Court.

These options presented by the Colley group are not mutually exclusive. The group was of the view that a combination of a number of options is required to adequately address the range of issues of concern to cohabiting couples, taking into account their different circumstances and preferences.

In January 2006 the All-Party Oireachtas Committee on the Constitution, in its tenth report entitled "The Family", stated specifically that:

...the committee takes the view that an amendment to extend the definition of the family would cause deep and long-lasting division in our society and would not necessarily be passed by a majority. Instead of inviting such anguish and uncertainty, the committee proposes to seek through a number of other constitutional changes and legislative proposals to deal in an optimal way with the problems presented to it in the submissions.

The committee went on to make further express recommendations for legislative change, including a recommendation "that civil partnership legislation should be provided for same-sex couples".

In parallel with the publication of the Colley group options paper, the Law Reform Commission published its report on "The Rights and Duties of Cohabitants" in December 2006. The commission recommended the establishment of a redress scheme, which would allow vulnerable

economically dependent qualified cohabitants, on termination of the relationship either by break-up or bereavement, to seek certain reliefs from the court. These reliefs could include provision of maintenance, the making of property or pension adjustment orders and provision from the estate of a deceased partner.

While respecting the privileged and protected position of marriage within the Constitution and as a matter of public policy, the redress scheme would provide a safety net for those couples who do not marry or register a civil partnership. It would provide a substantial improvement in the circumstances of those who, on the break-up of a long-term relationship or on bereavement, not only have found themselves mourning the loss of a loving relationship, but may also traumatically discover that they are left unprovided for.

While it is important that couples make themselves aware of the extent of their legal rights and that they are empowered to make their arrangements under the law, it is imperative that vulnerable people are afforded a measure of protection while taking into account the choice they have made not to regulate their relationship formally for whatever reason. The redress scheme would be available to vulnerable economically dependent partners irrespective of their gender or sexual orientation. Where the relationship ends through break-up, a dependent partner could seek a variety of reliefs through the courts, including maintenance orders and property and pension adjustment orders. A bereaved partner could seek to have provision made for him or her from the net estate of a deceased partner. It would provide a safety net for people who may be left facing hardship if they have not had the opportunity or the ability to make suitable arrangements.

I assure the House that work is progressing in my Department on formulating the detailed proposals essential to meet our commitment in An Agreed Programme for Government. That commitment is contained in the Government's legislative programme published by the Chief Whip in September 2007, namely, to publish a Bill in 2008.

The key areas I propose to address in this scheme include the establishment of a system to allow same sex couples to register their relationships and thereby to subscribe to a variety of mutual rights and obligations. I will take into account the work of the Law Reform Commission, which recommended establishing a safety net through a redress scheme that will be open to couples in long-term relationships. That will be significant and progressive legislation. It is of particular concern and importance to the gay community, the members of which have not had formal legal status for their relationships or the protections and obligations flowing from such status.

In formulating detailed proposals, I am fortunate to have the outcome of the broad-ranging public dialogue of recent years, which culminated

[Deputy Brian Lenihan.]

in the publication of two reports last year, to draw upon. This dialogue has encompassed a wide discussion on the need to recognise particular relationships for which no provision is currently made.

We aspire through our legislation to achieve two core aims in parallel. First, we want to provide substantial and significant equality for same sex couples who do not have the option of formalising their relationships through marriage. The soundest way to achieve this is by means of a statutory scheme that will extend a range of rights and responsibilities to couples who choose to register. Second, we want to extend legal protection to a vulnerable cohort, namely, economically dependent cohabitants on termination of their relationships.

The Labour Party motion must fall because it seeks to restore a flawed Bill to the Order Paper. The Bill would not survive a constitutional challenge and no Government can support the restoration of such a Bill to the Order Paper. It appears to present an elegant and simple way to provide civil partnership for same sex couples. As legislators, we should be aware that elegance and simplicity are not the only criteria to be applied. We work within a constitutional framework that demands clarity and a proper balance in terms of personal rights and family relations.

I cannot disagree with many of the sentiments I have heard from the proposers of the Bill, but sentiment alone does not translate into legislation. The Bill falls far short of the necessary requirements under the Constitution and would be open to challenge on that basis. The Opposition will attempt to portray these real concerns as representing a reluctance on the part of the Government to make legislation in this important area when nothing could be further from the truth. There is no lack of support from the Government for the provision of a system of rights for same sex couples. The core question today is not whether greater rights, duties and entitlements should be available to same sex couples who choose to formalise their relationships, but how best to enable this to occur.

Deputy Brendan Howlin: And when.

Deputy Brian Lenihan: When this Bill was brought before the House in February of this year, my predecessor outlined the advice of the Attorney General.

Deputy Brendan Howlin: He did not.

Deputy Brian Lenihan: I outlined it this evening. That advice indicated in strong terms that the drafting mechanism of the Bill in equating a civil union to the institution of marriage for all purposes was constitutionally flawed. The elapse of time does not change this key factor and I am firmly of the opinion that it would be a

delaying step to endeavour to enact a Bill that would be vulnerable to constitutional challenge.

I emphasise that the question before the House is not whether these rights should be accorded to same sex couples, but how to do so. It is an important debate. In discussing these issues, Deputies have at their disposal the work of the Law Reform Commission and the Colley group, which throws into focus the range of issues that must be attended to and cast into definitive legal form.

Acting Chairman: Before calling the next speaker, I draw the attention of the House to a minor typographical error in the text of the Government amendment as circulated on the Supplementary Order Paper, namely, the amendment should read "To delete all words after "That"" rather than "To delete all words after "Dáil Éireann"". The amendment as moved and as read into the record by the Minister is correct.

Deputy Ciarán Cuffe: It can be difficult to enter into an unconventional relationship. When the Green Party was approached by Fianna Fáil six months ago, many believed the relationship would not last. People told us to be cautious of Fianna Fáil because it was only after our votes and that it would drop us when necessary. They told us that they had been around for a long time and knew more about these matters than we did. I am glad to state that it is not a marriage of convenience, on which our programme for Government is clear.

There can be moments of tension in a relationship. When Deputy Howlin asked us to adopt his Bill last week, it caused a certain amount of tension. We discussed the Bill in detail and I am pleased to say that we will proceed with the heads of a Bill on this issue by the end of March 2008.

Deputy Brendan Howlin: Head, not heads.

Deputy Ciarán Cuffe: We support the principle of equality through giving legal recognition to same sex unions. We supported it while in opposition and it was included at our insistence in the programme for Government agreed on 13 June. Since the resumption of Government business in the past two months, the Green Party has been in consultation with our Government partners, in particular the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, to progress the issue. We have been working hard behind the scenes for the past two months.

This is an important occasion because for the first time in the State's history the first legal steps are being taken to accord legal recognition to thousands, if not tens of thousands, of people previously ignored by official Ireland.

Deputy Brendan Howlin: What steps?

Deputy Ciarán Cuffe: I thank the Minister and his colleagues for their support, but this is just the first step and we wish to see related equality issues addressed. This step is a clear pledge to prepare the heads of a Bill by next March. We intend to ensure that legislation makes its way on to the Statute Book as quickly as possible thereafter.

I salute the Labour Party's efforts to keep this issue on the public agenda, but this measure is flawed. The Attorney General's clear advice is that the measure would not withstand a legal challenge because it clashes fundamentally with Article 41.3.1°.

Deputy Brendan Howlin: Will the Deputy share that advice with the House?

Deputy Ciarán Cuffe: The reality is that the Green Party has secured delivery on this issue.

Deputy Brendan Howlin: May we see the advice?

Deputy Charles Flanagan: Has Deputy Cuffe seen it?

Deputy Brendan Howlin: I am sure he has not.

Deputy Ciarán Cuffe: There is a difference between proposing while in opposition and enacting while in government. We must enact legislation that stands up to scrutiny, respects international best practice and can stand up in the courts. We must ensure that the vulnerable people in relationships are protected and that the i's are dotted and the t's are crossed. We must ensure that taxation, social welfare schemes and pensions are covered. We must deal with succession, shared homes and power of attorney when partners are ill. All this must come into the Bill. It is crucial that the first steps in that Bill be correct. I am not convinced the Labour Party Bill goes down the right road on a comprehensive corpus of legislation.

Deputy Brendan Howlin: Deputy Cuffe was convinced last February.

Deputy Kathleen Lynch: That was then, this is now.

Deputy Ciarán Cuffe: It is crucial that the legislation be progressed quickly and that we ensure equality is delivered to everyone on this island.

Deputy Brendan Howlin: Just not tomorrow.

Deputy Ciarán Cuffe: It is crucial we recognise the changing Ireland, that the nuclear family is less common than heretofore and that many do not have their lives recognised in the law, whether cohabiting or same-sex couples or any of the myriad family and relationship types that

exist. It is crucial that all these issues be covered. I am not convinced the Labour Party's Bill deals with all these areas in enough detail.

Deputy Brendan Howlin: It does not purport to deal with any of them. It is about same-sex unions.

Deputy Ciarán Cuffe: We want equality now, but I remind Deputy Howlin that within a year of Dr. Martin Luther King giving his speech on the Mall in Washington in August 1963, the 1964 Civil Rights Act passed into law. Work is being done on this proposal. We will deliver. It is written into the programme for Government for delivery in the first phase of this Government. I am confident the Green Party and Fianna Fáil will deliver on this issue. I must take it on trust that we will proceed with this without delay. I trust the Minister for Justice, Equality and Law Reform when he states that work is being done and we can deliver this legislation next year. I trust the Taoiseach when he puts it on the record in the Dáil that we will have the heads of Bill within a matter of months and will proceed on this issue. I trust the programme for Government to deliver what is required in the Ireland of 2007.

There are real-life stories. People spoke with me today who want to see their relationships recognised and who cannot wait. We will proceed, but we want to ensure the legislation produced will be upheld in court and will not be vulnerable to legal challenge. Above all we want to extend equality to everyone on this island.

Deputy Charles Flanagan: Would the Acting Chairman indicate the amount of time at my disposal?

Acting Chairman: The Deputy has ten minutes. I understand he wants to share time.

Deputy Charles Flanagan: I wish to share time with Deputies D'Arcy and Terence Flanagan on the basis that we have 20 minutes between us. Is that correct?

Acting Chairman: Yes, the Deputies have 20 minutes between them, divided into ten, five and five minutes.

Deputy Charles Flanagan: Is all the time to be taken tonight?

Acting Chairman: Yes.

Deputy Charles Flanagan: I do not have time to comment on Deputy Cuffe's contribution, however when he speaks about protection for the vulnerable party in a relationship he is undoubtedly talking about the Green Party. In such circumstances the vulnerable party does not deserve protection because week after week Deputy Cuffe comes here and overturns everything he

[Deputy Charles Flanagan.]

and his colleagues said in the last Dáil. It is becoming like a long-playing record and I give him credit for none of his performances in recent weeks, least of all the one we heard in the last few minutes.

I welcome this Bill. Although I did not have the opportunity to speak on the Bill when it was first introduced by Deputy Howlin in February, my party and Deputy Jim O'Keeffe supported the legislation. I am pleased to support it and to offer the support of Fine Gael. I welcome its restoration to the Order Paper and am disappointed in the Government's response. I telephoned the Government Whip's office early this morning and several times during the day after the Cabinet meeting, eagerly awaiting the response. I could not believe the response it received. I thought that of all the issues raised in Private Members' time, the Government could not have the neck to reject this legislation. I recall what Government parties said on the previous occasion, particularly the then Minister for Justice, Equality and Law Reform, former Deputy Michael McDowell. I recall what the Taoiseach said on numerous occasions in the intervening period and what was in the programme for Government on the part of Fianna Fáil, the vulnerable party and the one or two Progressive Democrats left, who previously professed to stand by the Republic.

It is timely that we commit the Bill to the Order Paper and to the Select Committee on Justice, Equality, Defence and Women's Rights, because having recently been established after the election, the committees do not have a detailed or important workload. If there are difficulties of the type experienced by the Minister, the select committee is the place to deal with it. This is an equality and human rights issue. It is appropriate that legislators encourage and facilitate enduring and stable relationships, and that we recognise same-sex civil unions and register them in law. This registration would provide legal security, certainty and a degree of fairness before the law where injustice and discrimination dominate. Same-sex couples in long-term relationships face major inequities on a daily basis in property and inheritance, taxation, social welfare entitlements, succession, next of kin appointments and entitlements, pensions, children parented by either partner, illness and death.

Deputy Brian Lenihan: None of these is mentioned in the Bill

Deputy Kathleen Lynch: They flow automatically from it.

Deputy Brendan Howlin: The Minister knows that.

Deputy Charles Flanagan: These day-to-day, practical matters must be dealt with in a way that

promotes justice and does not further discriminate or disadvantage.

It has been said that this is a side issue, and a minority issue. However legislators have a solemn duty to legalise and protect minorities because it is the right thing to do. It has been said that public opinion is not in favour of dealing with this on an urgent basis. According to a 2006 opinion poll, TNS Opinion and Social Eurobarometer, for which nearly 30,000 people were interviewed in September and October 2006 throughout the European Union, 44% of those surveyed supported full same-sex marriage. This ranged from a high of 82% in the Netherlands to a low of 11% in Romania while in Ireland 41% supported same-sex marriage. A poll by Landsdowne Market Research for the Gay and Lesbian Equality Network later in 2006 found that 84% of those surveyed backed a form of legal recognition for those in gay relationships. Some 51% backed gay marriage, 33% supported a form of civil partnership other than marriage and 6% expressed no opinion. It is inappropriate to suggest this is a minority issue of no consequence that does not have the backing of the majority of the country.

Fine Gael's record on the issue is unambiguous. In 2004 we produced a comprehensive civil partnership plan, following a commitment in our 2002 document entitled *Visible Justice*, and our proposals deal with many of the issues raised in the Bill. In the area of succession, for example, should a partner die intestate, the surviving partner would be entitled to his or her entire estate and would not be liable to the crippling level of inheritance tax that currently applies to strangers in blood, should it be applicable. If the deceased partner has children, perhaps from a previous relationship, this automatic entitlement is reduced to one third. A civil partnership will bestow a next-of-kin status upon the registered partner. The equivalent of a married tax free allowance and married mortgage allowance and treatment will be conferred on the registered couples. Similarly, this would apply in the area of workplace entitlements and with regard to property ownership.

Clearly, the Government continues to stall on this issue. When Senator Norris proposed a Bill in the Seanad over two years ago, the Government refused to support it and promised its own Bill. When the Labour Party put forward this Bill earlier this year, the Government kicked it into touch, cynically voting to delay the Bill long enough to ensure it would fall with the dissolution of the 29th Dáil. The commitments of the Government parties in their manifestos are clear. I do not have time to quote them but the Minister should remind himself of the commitment he and the Taoiseach made. It flies in the face of the Minister's performance this evening and the cynical Government amendment he put to the House to be voted on tomorrow morning.

We have already heard the contribution from Deputy Cuffe. It sums up the *volte-face* of preposterous proportions by the Green Party. Regardless of what dressing up Deputy Cuffe or his party leader might do in the meantime, where stands their commitment tonight?

Deputy Martin Mansergh: That is totally unfair.

Deputy Charles Flanagan: The numerous favourable soundbites from the Taoiseach over recent times are not in accordance with what we have heard tonight from the Government or with its amendment.

Gays must be treated as full and equal citizens of this Republic. Why should legislators wait again for the courts to force us to legislate on this issue? Gay weddings have attracted much attention and coverage in other jurisdictions, perhaps because of their novelty. Significantly, the dominant theme is of happiness and joy on the occasion not only for those participating but also for their friends and relatives. In contrast, I recently attended the funeral of a single man in my constituency. His relatives, brothers and sisters organised the event from start to finish. They engaged in all the work involved, from the removal to the church to the post-funeral refreshments. The removal was not from the house of the deceased, where he died, but from the family home where he had not resided for many years.

It was a sad spectacle to see the long-term friend and partner of the deceased in a seat in the side aisle of the church, relegated to the status of a bystander at the funeral ceremony and last rites for his long-term partner. He cut a lonely figure away from the main event, consigned to the shadows. That is indicative of the shadows to which many persons in the gay community have been consigned by the Government over the years. Had this legislation been law, the man would at least have been accorded the decency and dignity of the status that is currently denied to him.

This is a matter of justice, equality and human rights. I and the Fine Gael Party support this Bill. I urge the Minister to let it proceed to Committee Stage and if there are imperfections, we can deal with them then on an all-party basis.

Deputy Michael D'Arcy: I agree with Deputy Flanagan. I am a member of the Joint Committee on the Constitution and when we met today we wondered where we should start our work. This is a good issue with which to start. The Minister should refer the Bill to that committee immediately.

As Fine Gael spokesperson on equality, I consider this Bill a welcome opportunity to afford rights to the gay community. These are rights that all married couples enjoy without question: rights to fairer rates of tax, pensions, inheritance and to the basic status of next-of-kin. Homosexuality

was rightly decriminalised by the State in 1993, but in the case of the rights of a couple in same sex partnerships, some are still being punished. It is time to end this punishment and this is the opportunity to do so. It is an opportunity for Ireland to join the 15 other states worldwide that recognise the rights of same sex couples to enjoy the tax benefits of married couples, and to remove ourselves from the unfortunate position of being among the last two major Western states that do not have some legal provision for recognising same sex relationships. I welcome this Bill because it will ease the lives of the many same sex couples in this country. It will bring these couples in from the cold, give them security and ease their worries in times of grief, illness and financial insecurity as a result of unforeseen circumstances.

Like Deputy McManus, I received a large number of e-mails from people supporting this Bill. These are Irish citizens who must be afforded the protection of legislation. They outlined their wish for this Bill to be passed. Many unfortunate circumstances were outlined to me in those e-mails, too many to relate here. I thank the Labour Party, particularly my colleague, Deputy Howlin, for introducing the Bill. It closely reflects Fine Gael's policy and gives us the opportunity to debate the issue once again. The debate was cynically postponed by the Government in the run up to the dissolution of the Dáil in May this year. Fine Gael has been seeking this opportunity since it was the first party in Dáil Éireann to publish a comprehensive civil partnership plan in 2004, following a commitment in the Visible Justice document of 2002.

We can only assume from their party manifestos that this Government will take the brave step to vote for this Bill. It would be brave in the sense that it would be fulfilling a promise, a brave move indeed for any Fianna Fáil Government. Fianna Fáil stated in its manifesto that it "will address the need to provide a legal framework that supports the right of same sex couples, including by extending State recognition to civil partnerships between such persons so that they can live in a supportive and secure legal environment". The Green Party similarly promised:

...to remove all gender specific terms from the current legislation and regulations governing the granting of marriages to allow same-sex couples enjoy the rights and responsibilities of civil marriage and recommend the creation of a new category of 'civil partnership', an institution that could be created and dissolved with more ease than marriage. This would be available to both heterosexual and same-sex couples.

If these are indeed their policies, this is an opportunity for the Government parties to fulfil them.

I will quote a very learned man's comment on principles, which is relevant to the Green Party.

[Deputy Michael D'Arcy.]

The man was Groucho Marx who said, "Those are my principles, and if you don't like them ... well, I have others". When Senator Norris introduced a Bill on this subject in November 2005, the Government dismissed it and promised to introduce its own. That Bill did not materialise. When the Labour Party introduced this Bill earlier this year, the Government again postponed it. In the programme for Government, Fianna Fáil, the Green Party and the Progressive Democrats pledged that they would "legislate for civil partnerships at the earliest possible date in the lifetime of the Government". That time is now. Is the Government suggesting that we must wait years rather than months or until the last days of the Government so it can postpone the Bill again?

The Bill is not perfectly aligned to Fine Gael's policy on civil unions but it is close. We have some caveats which we would be happy to discuss on Committee Stage. We are coming to the end of the first decade of the 21st century. This not the 1970s, the 1980s or the early 1990s when homosexuality was illegal. This Bill would end discrimination against the gay community and afford its members the rights they need and deserve.

Deputy Terence Flanagan: I welcome the Bill. Fine Gael's record on this issue has been clear and unambiguous. Fine Gael, in 2004, was the first party in the State to publish a comprehensive policy in this area and since then both the Taoiseach and Tánaiste have backed our proposals and said they would implement them. Despite this, however, same sex couples have been denied their basic rights and no legislation has been forthcoming. Fine Gael's proposals, reiterated in our election manifesto, would give registered couples rights in a range of areas as follows. A surviving partner would be entitled to the estate when his or her partner dies intestate and if the deceased partner had children this entitlement would be reduced to two thirds. Should a partner die leaving a will the surviving partner would be entitled to at least half of the estate, regardless of what the will states and no inheritance tax would be payable. Civil partnership would bestow next of kin status upon a registered partner. A surviving partner would be entitled to benefit from pension provisions that were made. Both partners would have the right to share a last name, should they wish, and the right to residency in Ireland would automatically be conferred on the foreign registered partner of an Irish citizen. The equivalent of the married tax free allowance and married mortgage allowance would be conferred on registered couples. They would be considered adult dependents and would be assessed according to joint income. Registered partners would be entitled to compassionate leave from employers in the event of serious ill-

ness or the death of a partner, along the lines of that granted to married couples. The Family Home Protection Act would be widened to include registered couples to avoid the possibility of the secret sale of the home of a registered couple that may be in the name of only one member of the couple.

In Government Fine Gael would grant equal status to cohabiting couples of the same and the opposite sex through the implementation of its civil partnership policy. To prove our commitment we included recognition of civil unions for tax purposes in our joint economic plan with the Labour Party in the last general election. Same sex couples and all unmarried couples have been discriminated against for too long and Fine Gael has been crystal clear in its commitment to the family in all its modern forms. Our civil partnership policy is a sign of how we will turn that commitment into positive action.

Our party was disappointed, as undoubtedly was the Labour Party, at the decision of Fianna Fáil and the Progressive Democrats in February to defer the creation of civil unions. This issue arose after the Government tabled an amendment to an Opposition Bill aiming to bring about civil unions. Civil unions and domestic partnerships are recognised in many countries including, as of 1 November 2006, the Czech Republic, Denmark, Andorra, Finland, France, Germany, Iceland, Luxemburg, New Zealand, Norway, Portugal, Slovenia, Sweden, Switzerland, the United Kingdom and Uruguay. Surely we can learn from our UK counterparts if the Government has the political will to enact serious legislation in this area.

Recognition for civil unions is also being debated in many countries including Australia, Austria, Chile, China, Colombia, Costa Rica, Estonia, Ecuador, Greece, Hungary, Italy, Latvia, Lithuania, Liechtenstein, Poland, Romania and Taiwan. In 2007 Oregon and Washington introduced domestic partnerships and New Hampshire has legalised civil unions. Oregon and New Hampshire's laws will come into effect on 1 January 2008.

I am disappointed at the Government's continued inaction on this issue and it seems that its rhetoric on equality and support for civil unions is not short of lip service. The Government was handed an opportunity to make good on its promise to introduce civil unions. It failed in the past so let us hope it takes note of this debate and shows leadership on this issue, rather than provide continuous spin and rhetoric with no accompanying action.

Debate adjourned.

Road Safety: Statements.

Minister for Transport (Deputy Noel Dempsey): The events of the last few days have once again succeeded in putting the question of

road safety to the forefront of people's minds and that is welcome.

I intend to take the opportunity afforded to me by these statements to clarify some of the questions that have arisen and to reiterate my commitment and that of the Government to saving lives and reducing injuries on our roads. Firstly, I want to refer to the new learner permit system.

The new system was introduced on 30 October for all new first time licence applicants as well as those renewing their provisional licences after that date. This is a key building stone in the introduction of a graduated licensing system for Ireland. I know that many people depend on their cars and I acknowledge that the backlog of driving tests has meant many of those who would like the opportunity to become fully licensed have not been able to take a driving test. For that reason, I have deferred the introduction of the requirement for second provisional licence holders to be accompanied by a qualified driver until 30 June 2008 to enable those drivers to apply for a driving test or make alternative arrangements.

This move was made in response to two clear messages from the public. First, there is strong support for the proposed reforms to improve road safety. Second, there is a strong desire for a reasonable lead-in time to enable people to prepare for and take their tests or make alternative arrangements.

The amended arrangements that I announced on 28 October are as follows. From 30 October 2007 the provisional licence is being replaced by a learner permit to emphasise the fact that the holder is learning to drive. From 30 October 2007 new applicant learner permit holders must be accompanied by a driver who must hold a full licence for at least two years. With effect from 30 October 2007 new applicant learner permit holders cannot apply for a driving test for six months. Existing provisional licences will continue in force until their expiry dates after which the holders will be issued with learner permits.

From 30 June 2008 the holder of a second provisional licence or learner permit for a car must be accompanied at all times. He or she may, however, drive unaccompanied in the period up to 30 June 2008. The existing rule that first, third and subsequent holders of provisional licences must be accompanied by a person holding a full driving licence, with no minimum period necessary, continues in force until 30 June 2008. From 30 June 2008 all provisional licence or learner permit holders must be accompanied by a driver who has held a full licence for at least two years.

A person whose provisional licence has now lapsed but who held a provisional licence at any time in the five year period prior to 30 October 2007 can renew his or her licence by getting a learner permit before the five year limit expires. The learner permit in that case will not be considered a first-time learner permit. While driving this person must be accompanied by a person

who holds a full driving licence and no minimum period is necessary. From 1 December 2007 a learner motorcyclist must wear the letter L on a yellow fluorescent tabard.

All these measures form the initial phase of the introduction of a graduated licence. Graduated licences have saved lives in those countries where they have been introduced and it is right and proper that we also introduce a system of graduated licences to afford maximum protection to all our road users.

I urge all provisional licence holders who have not already done so to prepare and apply for a driving test. Over the past number of days I have had extensive consultations with the RSA with regard to its capacity to deliver these tests. The Government has already committed to providing the necessary finance to the Road Safety Authority to ensure that all 122,000 applicants currently on the waiting list will be tested by early March 2008. This will eliminate the current backlog as promised. By the end of June 2008, all applicants for a driving test will be able to get a test on demand, generally regarded as within ten weeks.

The RSA is working to have all driving instructors registered by 31 December 2008. This means that instructors giving instruction after that date must have passed a three-stage examination covering knowledge, driving skills and ability to give tuition. Applications are currently being processed from driving instructors who wish to be approved. The authority has a dedicated team of specially trained staff to undertake this work and has the capacity to deal with the volume of applications from driving instructors over the coming 14 months.

Undoubtedly, the past few days have shone a spotlight on our attitudes to driving and safety. While it was proper, in response to public concerns, to defer the implementation of the accompaniment rule for second provisional licence holders, I reiterate my strong conviction that a change in the law is needed. I am heartened by the strong support for the measures announced and believe this is indicative of a change in public attitudes to road safety matters. However, I am disappointed that the political criticism of the past few days has focused on my decision at the weekend to respond to the public concerns and has not sufficiently acknowledged the great merits and the comprehensive and far-seeing nature of the strategy approved by the Government.

A concerted and determined effort to resolve the problem of having over 400,000 provisional licence or learner permit holders on our roads is long overdue. When the political controversy has passed, the introduction of the graduated driver licensing regime will have a positive impact on road deaths as learner drivers become more competent. Evidence of this change in attitude to provisional licences and testing can be seen by the

[Deputy Noel Dempsey.]

fact that thousands of people have applied for the test since last Thursday. Many of us who have had family members, friends or colleagues killed or injured on the roads look forward to a day when we have the safest possible roads. I am confident that over the coming months and years, as the measures in the road safety strategy are rolled out, we will all benefit from the tangible improvement in safety on our roads.

Tonight's debate gives me the opportunity to update the House on recent developments in road safety policy. Over the past year we have seen a distinct improvement in road safety performance, with the year 2006 resulting in the second lowest number of road deaths in 40 years. However, the need for constant vigilance and attention has been clearly shown with more lives lost on our roads last weekend.

The collective goal of all of those involved in the promotion and delivery of road safety policies is to ensure that the improvements achieved in recent years are sustained and built on. Significant initiatives realised over the lifetime of the two previous road safety strategies, in particular over the past two years, included the extension of penalty points and fixed charges, stronger legislation, mandatory roadside alcohol testing, greater levels of enforcement and the establishment of the Road Safety Authority.

The Road Safety Strategy 2007 to 2012 is the outcome of detailed research and consultation with stakeholders. The purpose of the strategy, which was developed by the Road Safety Authority and published last week, is to reduce death and injuries on Irish roads to bring us into line with best practice countries. It will consolidate the reductions in deaths in 2006. During the life of this strategy, more than 400 lives will be saved and Ireland will move closer to becoming one of the best practice countries in the European Union.

The strategy outlines 126 actions and focuses on delivery and outcomes, with built-in targets and accountability. The measures contained in the strategy are based on international best practice and have the endorsement and commitment of all of the stakeholders involved. The RSA carried out a comprehensive public consultation process and the new strategy has the support of the public. It addresses and puts in place actions to deliver many of the provisions for which people have called in recent years and which have a proven road safety dividend in other best practice countries.

I will work with the RSA to ensure that each of the actions outlined in the strategy is delivered in full. An annual progress review will be undertaken by the RSA, which will oversee the implementation of the strategy and report to me on progress. It is an ambitious strategy and it behoves each and every one of us to support its full implementation.

There has been a 20% drop in deaths on Irish roads since the launch of the Government's first road safety strategy in 1998. This has been achieved despite a 52% increase in the number of vehicles on our roads. The reductions experienced in recent years have been continued in 2007. So far this year, 276 road deaths have occurred, which is a reduction of 32 compared to the same date last year. The core objective of the third road safety strategy, 2007 to 2012, is to build on this reduction through a range of measures in the education, engineering and enforcement areas.

The strategy also recognises the need to evaluate policies in order to establish whether they are working. The primary actions set out in the strategy include proposals to reduce road deaths to no greater than 60 fatalities per million population by the end of 2012, with demonstrable downward reductions in each year of the strategy. This equates to an average of 21 road deaths per month or 252 deaths per annum. The average number of road deaths per month so far this year is 28. The strategy also includes the proposal to reduce injuries by 25% and develop a reliable database for serious injuries based on data from the healthcare system and insurance industry by the fourth quarter 2008. It proposes to implement a safety camera network, in the region of 6,000 hours enforcement per month, to increase conformity with speed limits, to increase adult front seat belt wearing rates from 86% to 95% or better and increase the adult rate in the rear seat from 63% to 85% or better by 2012.

The strategy also identifies the need to legislate for and introduce a reduction in the legal blood alcohol level for drivers. The Government has accepted that recommendation. The precise level to which the blood alcohol content will be lowered will follow consideration of the outcome of research being carried out by the RSA into the incidence of drink driving. The target date for completion of this measure in the strategy is the second quarter 2009. This allows for the enactment of the necessary legislation and the adaptation of the enforcement technologies. I will do my best to ensure that as soon as the advice of the RSA on the proposed level is received in the coming months, the target date for the reduction of the blood alcohol content will be improved upon if possible.

It is also proposed to review legislation on the issues of roadside breath testing at the scene of a collision and drug driving, and consider appropriate enforcement options. On the issue of testing at the scene of collisions, the Government has committed, with the assistance of the Office of the Attorney General, that it will determine how existing legislation can be changed to bring about the compulsory testing of drivers at collision scenes, while having necessary regard to overriding medical circumstances.

On the engineering side, the NRA will invest €1.25 billion each year of the strategy on major interurban projects and will develop a new interurban network of motorways and dual carriageways from Dublin to Galway, Limerick, Cork and Waterford by 2010. There has always been a two-fold objective behind the roads programme, namely, the improvement of our economic infrastructure and the building of safer roads. An abundance of statistical evidence demonstrates that collision rates on our greatly improved stretches of road network are significantly lower than on those parts of the network where improvements are planned.

On education, the Road Safety Authority will implement road safety education programmes in preschool, primary, post-primary and third level facilities and in the community by the end of 2008. It is also proposed to research, develop and publish a national pedestrian safety strategy, a national motorcycling safety strategy and a national cycling safety strategy by the first quarter of 2009. The implementation of these further measures should assist in maintaining the downward trend in road deaths, which we have seen over the past 12 months.

I hope the support articulated by Opposition parties for the road safety strategy covering 2007 to 2012 is real and sustained. I hope it will not evaporate in the face of public opposition to some of the more difficult decisions that will have to be made to ensure the strategy succeeds.

Deputy Shane McEntee: I wish to share time with Deputy O'Dowd.

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

Deputy Shane McEntee: I wish to comment on the Minister's last point concerning our support and political opinion. When he was appointed, I suggested following our counterparts in Northern Ireland by putting political differences aside. If we had done so, we would have had a joint approach last weekend by forming a committee as they have done in the North after so many years of trouble. People from every party who are committed to road safety have joined forces there. We should have emerged last Friday with a plan in place. Fine Gael has some good ideas, which the Minister has had to introduce. We have others ideas also.

I ask the Minister to form such a committee by inviting not only the political parties, but also representatives of various organisations concerned with road safety to sit down together as a team. They forced the issue here two weeks ago. If that was done, we could have avoided what happened last week. I did not enjoy it but I anticipated on behalf of my party that we would be 100% behind what was going to happen last week. I got a bad omen in the morning, however,

when I received a telephone call from a parent to say that twice a week, seven children were standing on a bus from Drogheda to Bellewstown. We were given a commitment that every school child in the country would have a seat belt, but that was not done. In order to avoid road deaths we must work together as they have done in Northern Ireland with Sinn Féin, the DUP and the SDLP. They did not make a political football of road safety, so we can learn from them in that respect.

The Road Safety Authority presented a draft plan on 17 May, which sought the introduction of legislation to reduce the blood alcohol limit for drivers from 80mg to 50mg per 100ml in conjunction with best European practice. That plan has been put back by two years, however, despite the fact that the introduction of such a measure has reduced road deaths elsewhere by 20%. Only three or four European countries have not yet reduced the blood alcohol limit for drivers. Twenty per cent of 300 is 60, but because we refused to implement best practice as proposed on 17 May, some 120 people have been sentenced to death over the next two years. Had we introduced that measure, 520 fewer people would die on our roads over the next two years, instead of Gay Byrne's figure of 400 lives saved.

While that measure could have been introduced, something that could not happen concerning provisional licence holders was to be done in four days. That is why our young people rebelled. We legislate for them, not for Members of this House. I have a son and daughters, and my friends have sons and daughters, who want best practice to be introduced. They are giving out to the older generation for drinking and driving. They are the ones who must get taxis at great expense. Over the next two years, 120 people will die because we played politics by not introducing a law reducing the blood alcohol limit until after the second quarter of 2009.

The draft plan of 17 May proposed that every school in Ireland — there are almost 4,000 of them — would provide a road safety plan to be drawn up by parents, children, the school boards of management, the Garda Síochána, county road safety officers and transport experts. That proposal has been watered down to a miserable wording "to include a road protocol". Why was that done? Tragedies have occurred involving school children, so every school needs a road safety plan. I cannot understand why this proposal was watered down instead of being implemented immediately. If it cost €10,000 per school, as we proposed, that would only amount to €40 million. We must educate our young people about road safety.

School transport is currently in a mess whether it concerns schools in Lismullen, Bellewstown, Bettystown, Trim or anywhere else. Everybody wants to avoid transport mayhem when their children travel to school, so why have such proposals been put on the long finger? It is unacceptable.

[Deputy Shane McEntee.]

We might not like changing our ways but it is wrong to play politics with people's lives. Some 120 people have been sentenced to death because we did not introduce best practice, as recommended to the Department of Transport by the Road Safety Authority on 17 May.

I ask the Minister to bring us all together to form a committee in this respect. Tracy Hogan was 100% right in commenting that this issue became a political football, which was wrong. If the Minister wants co-operation he should not treat us, or anyone involved in road safety, as if we are on the outside. In the end, the people in Donegal forced the issue concerning legislation last Wednesday week. Last week, the young people of Ireland forced the issue, not myself or any other Deputy. Backbenchers from all parties got it in the teeth. We legislate for them and they want best practice to be introduced. They do not want to be considered any differently from people in France, Germany, Italy or any other country. It was wrong for a recommendation made over five months ago to have been put on the back burner. We then tried to ram something down people's throats in four days that would have brought the country to a standstill.

We will work with the Minister in order to save time and save our children's and grandchildren's lives. He should not treat us as if we are on the outside, however. A committee should have been established the minute the Minister took office. I have made this point in this House and on the radio. If Sinn Féin, the DUP and the SDLP can do it after shooting each other for 30 years in the North, we can sit on a committee and follow their example. I am asking the Minister to introduce such a committee and we will work with him. If he gives commitments we will ensure the work is done. We will take the blame with him but we will lend a hand if we are asked to do so. He should not treat us or the public like he did with his announcement last Thursday.

Deputy Fergus O'Dowd: I welcome this important, albeit brief, debate. The issue is the Government's record on road safety. This is the third such policy document that has been issued. The most important target in the last policy document was that there should be less than 300 road deaths in 2006, although everybody understands that any death is unacceptable. Unfortunately, that target was not met and 368 people died on our roads last year. When we talk about people signing up to targets, we must remember that the fundamental target in the last road safety strategy was not met. I acknowledge that there were significant reductions in that road deaths between 2001 and 2006 were cut by 11%. However, countries such as France, Luxembourg and Portugal have reduced road deaths by much more — over 40% in France, 45% in Portugal and approximately 48% in Luxembourg. Notwithstanding any argument the Minister may make against what I am saying, if one looks at Portugal, car

ownership in the same period increased by more than 138% whereas in Ireland the increase was 99%. Comparing like with like, we are not as effective as we ought to be. I agree with Deputy McEntee that by working together as a Parliament and community we can tackle this issue.

We were happy with a reduction of the blood alcohol limit to 50mg/100ml but disappointed that a Member on the Government side chickened out on that change. We need to reduce blood alcohol levels and the country is ready for that reduction. I cannot understand why this is not included in the Minister's document and will not happen until after the next local and European elections.

The Minister needs to tackle the problem of uninsured drivers and penalty points incurred by unlicensed drivers. It is estimated that there are 100,000 uninsured drivers who are three times more likely than other road users to be involved in a road traffic accident, six times more likely to drive while under the influence of alcohol and ten times more likely to be involved in other criminal activities. Tackling them will be a major task. We would have no problem teasing out these issues or reviewing the strategy at quarterly meetings of the Joint Committee on Transport. The Department of Justice, Equality and Law Reform would have to be involved in tackling uninsured drivers, which would have a significant impact.

The Government has failed utterly to deal with the 108,000 drivers whose driving was erratic enough to warrant the application of penalty points but who do not hold Irish driving licences. We do not know whether they were Irish people driving without a licence. My research shows, however, that in many cases they are drivers from Northern Ireland and Great Britain, not from the accession countries. If 108,000 people can drive at will without incurring penalty points, the Minister has a massive problem on his hands. It is totally unacceptable that we must wait until other European countries merge their legislation.

The Automobile Association has submitted a proposal to the Department of Transport for a parallel driving licence system, whereby the Department would hold a copy of the licence of a driver who does not hold an Irish driving licence but comes to the notice of the police and incurs penalty points. The points could accrue on this copy until the driver is put off the road.

These two critical issues must be addressed. The Minister's difficulty last week arose not from what he proposed to do but from the fact that his Department had failed repeatedly to organise driving tests. Unless the waiting period is significantly reduced, he cannot apply any new regulation. He says it will be ten weeks but one of his predecessors, Deputy Cullen, said it would be four weeks. His biggest failure is that he did not listen to others and think about those issues but I am not here to lecture him because the public has made up its mind on the issue.

We are prepared to work with the Government and other parties and community groups on the

road safety strategy. I fully support Deputy McEntee's proposal. The Joint Committee on Transport could review targets quarterly with the various players involved.

The French have reduced their number of road deaths by almost 50% by revising conditions for learner drivers. After a preliminary test, a learner driver must complete 400 kilometres with a qualified driving instructor, attend classroom sessions accompanied by the designated supervising driver who must be aged 28 years or over and whose licence has been clean for the previous three years. The learner driver must complete a log and a total of 3,000 kilometres with a supervisor before going out on the public road. Newly qualified drivers must display a special plate for their first year and their maximum speed is limited to 90 km/h. There is a great deal of work to be done in this respect which we will support in order that we can move forward together. Above all, the Minister must listen to what others say and consult. If he does, we can win this battle.

Deputy Seán Sherlock: I wish to share time with Deputy Broughan. I will speak for approximately two minutes.

An Leas-Cheann Comhairle: That is great sharing.

Deputy Seán Sherlock: I thank Deputy Broughan for sharing his time.

Deputy Noel Dempsey: He was not very generous.

Deputy Seán Sherlock: He would have given me more time but I am sure he will address the salient points in the argument.

There is a gross disparity resulting from the outsourcing of driver testing to private companies. The list of centres on the on-line driving application form on the Road Safety Authority, RSA, website does not include every centre to which drivers may apply. I know of people who waited months for their test only to be informed by telephone that it had been outsourced to a private company at a test centre other than the one to which they had applied. They received no notification of this change in writing.

Applicants who move to live in another part of the country encounter serious difficulties in transferring their application to test centres at their new location. I know a man who applied for a driving test in Tallaght where he was living but who later moved permanently to Mallow. He sought in writing to do his test at the Mallow test centre. Since then he has received two test dates from SGS in Tallaght. He has received no correspondence acknowledging his request to change test centres. SGS management told him it had nothing to do with the contract for testing in Cork. He will soon have to move to his third provisional licence before receiving a driving test date.

The testing system is farcical and until this is sorted out, the rate of fully qualified drivers will increase only marginally, not at the rate the Government and the RSA anticipate, certainly not in the ten week timescale determined by the Minister or, as he put it, "on demand".

Deputy Thomas P. Broughan: The Labour Party has long supported the reform of the provisional driving licence system. It has also been an unwavering supporter of a robust and effective road safety strategy. It has consistently urged the Government to do much more to address the ongoing carnage on the roads. The appallingly shambolic way in which the Minister attempted to change the provisional licence system in the past week has unforgivably damaged the new and necessary road safety strategy, put the Garda in an impossible position and caused untold distress to young drivers and their families. It has also harmed the RSA which has undertaken outstanding work under its chairperson, Gay Byrne, and chief executive, Noel Brett, since its establishment last year.

I welcome the fact the Minister has recognised that four days over a bank holiday weekend is an unrealistic and ridiculously short lead-in time for increasing the restrictions on provisional licence holders. However, there remain serious questions about the viability of the new deadline of 30 June 2008, and whether the driving testing regime will be able to cope with the huge volume of drivers who will now have to get their full license by that date. I hope the Minister will address these concerns in his reply.

In July 2006 our spokesperson on transport in the last Dáil, Deputy Shortall, published a detailed policy document on driver education and licensing entitled *Driving for Life*. Deputy Shortall correctly identified the reform of driver testing and the ending of years of waiting lists as critical prerequisites for a massive culture change in driver education. At that time there was an average waiting time of 34 weeks and a waiting list of 140,000 provisional drivers, with a further 280,000 who had not applied for a test.

Deputy Shortall set out a comprehensive strategy to reduce to six weeks the waiting time for tests, as well as a reduction of the huge backlog to 24,500 provisional licence holders. She argued strongly in favour of the introduction of a graduated licensing system along the lines of the system in New Zealand and Finland. Under these proposals, the Labour Party strongly supported the introduction of the graduated learner driver system, but felt that a radical reform and reduction of the driver test waiting lists was essential before the learner driver system could be launched successfully.

I attended a lunchtime briefing session in the Department of Transport last Thursday, for which I would like to thank the Minister, and then the launch of the new Road Safety Strategy 2007-2012. Thursday's publication presented Opposition spokespersons with 126 proposals on

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improving road safety. We had no advance notice of what would be in the strategy, although there had been much speculation that it would address issues such as a decrease in the legal blood alcohol limit. I expressed disappointment that the Minister again refused to make a decision on whether to reduce the blood alcohol limit to 50 mg. Instead of clearly stating whether they wished to maintain the present 80 mg limit, the Minister and the Taoiseach procrastinated and again kicked this issue into touch. They proposed to undertake another consultative process, with legislation to be brought forward in the second quarter of 2009. However, international research has long confirmed that there are significant cuts in road fatalities and injuries from a reduction to the 50 mg blood alcohol limit.

There were several proposals in the strategy, including the license permit system, that were described in an alarmingly brief and vague way and raised immediate questions about their effective implementation. The statement issued by the Labour Party concentrated on implementation and Dáil invigilation. Although we knew the new learner permit law was to come into effect yesterday, significant parts of the graduated driving license permit scheme would not be implemented until the end of 2008 and into 2009. The other deadlines and targets in the strategy, which I warmly welcome, left many questions regarding the legislative backing for the changes being introduced. To add to the confusion, the Minister stated that the law on driving unaccompanied would now be enforced, but then that there would not be a heavy-handed approach by the Garda Síochána in the area. At the press conference we detected a confused response from the platform, as the Garda Commissioner and the chief executive of the RSA, Mr. Brett, gave a totally different slant to the enforcement system.

Most people concerned with road safety saw the need for reform of the provisional driving license system, but I was struck by the comments of the chairman Mr. Gay Byrne, that the RSA was dealing with decades of neglect in driving training and road safety. That neglect has been particularly acute in the past ten years, in spite of the two road safety documents. The Labour Party document stressed that waiting times must be down to a maximum of six weeks if a new graduated licence regime had any chance of being successfully implemented. Why did the Minister not embark on a more realistic programme of introducing the new system?

The RSA stated that the average waiting time for a driving test is around 18 weeks or five months. This may be the experience in some areas, but in other areas it is significantly longer than this, as Deputy Sherlock illustrated. Several constituents of mine have been waiting since last January for driving tests at the Raheny driving test centre. They did their best to do the test, yet it just was not forthcoming. The Tallaght driving

test centre has amazingly been closed down, with a 60 week waiting list. Today's edition of *The Irish Times* quoted a 23 year old man from Wicklow who waited 40 weeks to sit his second driving test, having waited 51 weeks to sit his first test.

Last Friday and Saturday we experienced an extraordinary uprising by the young people of Ireland and their families. They pointed out to us very forcefully how unrealistic it would be to introduce the new learner driver system without adequate preparation to prevent the law being brought into disrepute. There are a few questions I would like the Minister to address, given his extraordinary U-turn. The chief executive of the Driving Instructor Register, Mr. Des Cummins, has expressed grave doubts that the backlog will be cleared by 30 June 2008. Mr. Cummins stated that clearing the backlog of 122,000 drivers on second provisional licenses is "not do-able whatsoever" and that a huge number of people will now also apply for their driving tests "in a panicked way, pushing up the numbers". Mr. Cummins also cited the 50% driving test failure rate. Mr. Tom Hoare of IMPACT stated that the total number of driving test applications is unquantifiable at the moment, as so many paper applications have arrived at the Ballina headquarters. Can the Minister give us any indication how he will achieve the target by the June 30 deadline?

The RSA indicated today that it may mandate the private company SGS to increase the number of driving tests that it processes from 2,000 to 8,000 per week. However, will the Minister and the Minister for Finance provide the requisite funding in this area? I notice that there is a threat to the funding of the road safety agencies in the pre-budget statement. The Minister must also assure us that there are strong quality control mechanisms in place to assess the operation of driving tests by SGS, after the RSA had to carry out an internal audit and increase the training of SDS instructors, due to inconsistencies in its driving test procedures.

There is a whole range of questions that remain, including the situation regarding insurance for provisional drivers. This caused a great deal of confusion and fear for many provisional licence holders who believed that from last Monday at midnight, their insurance policies would be invalidated if they were unaccompanied drivers involved in any sort of road collision. This was particularly distressing for people holding second provisional licenses. We have read the assurances given by individual insurers, but there remains a serious question mark over the insurance status of people holding second provisional licenses. Can the Minister enlighten us on this matter tonight?

This has been an extraordinary weekend. Senior Members of this House, like the Leas-Ceann Comhairle, have said they have seen nothing like it in their political life, such was the public reaction. The stress and anxiety caused, as

well as the possible damage to the road safety strategy, is the fault of the Minister. He willfully decided to do this in a country where public transport is woefully deficient, where people wait up to 60 weeks for a driving test, where our infrastructure is 40 years behind the rest of Europe. I note from the global competitive index, compiled by the World Economic Forum, that our infrastructure has been slated. Our ports were ranked in 64th place, our roads in 60th place and our railway infrastructure in 55th place, out of about 130 countries.

Last Thursday, I attempted to highlight the appalling fact that there has been no road safety strategy in place for the past year, as the last strategy only lasted until 2006. That is why we asked both the current Minister for Transport and his predecessor to consider their positions. The current Minister for Social and Family Affairs was responsible for the failure to have the next road strategy ready.

The key aspect of road safety is enforcement. The document presented to us shows a target of 1,200 from the Garda traffic corps by the end of 2008. It is surely pointless to roll out a series of improvements if we are not prepared to put the invigilation in place. I welcome the introduction of cameras, which appear to play a fundamental role in the United Kingdom and other countries. However, what will happen in this regard?

I support the remarks of my colleagues regarding the new Joint Committee on Transport, which I understand will be chaired by Deputy Fahey. I agree with the suggestion of Deputies O'Dowd and McEntee for a quarterly or six-monthly report on this subject and that the Minister should appear before the committee. Last weekend, I made the point to some of the media that I did not understand the reason the Minister did not come before the House to present Members with the road safety strategy. He is not alone in this regard as he is one of a group of Ministers who always appears to take the smart public relations option of presenting a new document in the Department of the Taoiseach or in the Royal Hibernian Academy. For example, he presented a Deloitte & Touche document on the future of the ESB at a special press conference. He presented the White Paper on Energy on a Sunday afternoon when the Opposition had no chance to respond. This House is the place in which to present all documents that are as important as the road safety strategy.

Deputy Fergus O'Dowd: Hear, hear.

Deputy Thomas P. Broughan: This constitutes a significant reform. Hence, a unique situation has arisen early in the life of this Dáil. A senior Minister and his Department have overseen two disasters in public policy in rapid succession. Many Members suspect that the road safety strategy was rushed out to draw attention away from the Shannon debacle. If this was the intention, it has rebounded badly on both the Depart-

ment and its Minister, Deputy Dempsey. The end result of both policy disasters has been to let down tens of thousands of our people, first in the mid-west, and second throughout Ireland. In baseball and Californian law there is a precept, namely, "three strikes and you're out". This Minister has missed twice and for the sake of the people, he should not miss a third time.

Deputy Arthur Morgan: I am glad that logic has eventually prevailed and these new contentious proposals affecting provisional licence holders will not come into force until much later. However it is unclear whether the Government will live up to its promise and reduce dramatically driving test waiting times. The ill-thought out and rash plan of the Minister for Transport, Deputy Dempsey, showed how out of touch he is with the daily lives of thousands of drivers who hold provisional licences. His introduction almost overnight of a crackdown on holders of provisional licences driving unaccompanied by a driver with two years experience on a full licence sent thousands of drivers into a panic. While previous speakers have dealt with this point adequately, my constituency office and mobile telephone were hopping for large portions of Friday and the weekend. I imagine the Leas-Cheann Comhairle had the same experience.

It is due in large part to the failed transport policies of successive Governments that a large proportion of the population relies on the private car to take children to school, travel to work or go shopping. The lack of public transport, both buses and rail, as well as a system that is not integrated does not provide a significant number of people with any viable alternative. Many provisional licence holders have no option but to drive alone and unsupervised due to inadequate public transport or a backlog lasting months or longer before sitting their driving tests, or both.

The Minister's new proposals would have created havoc in people's lives by criminalising them for their necessary daily commutes without providing sufficient time to apply for and sit their driving tests. More than 120,000 drivers hold second provisional licences, and the Minister for Transport, Deputy Dempsey, has shown contempt for them all. The Minister's humiliating U-turn seems to be just another in a string of farcical events at the Department of Transport. I refer to the exposure last week of officials and their so-called breakdown in communication regarding the Shannon debacle.

When the Minister announced these new proposals, Sinn Féin's spokesperson on transport and road safety, Senator Pearse Doherty, stated immediately that the new measures were harsh, particularly when waiting times for driving tests were taken into account. The onus is now on the Government to resolve the issue of long driving test waiting times. This situation has not occurred overnight but has been simmering for years. For example, retired driving instructors were not replaced. Fianna Fáil has presided for years over

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a system whereby a person could drive to a test centre, perform his or her driving test, fail miserably and drive back home. This is ludicrous.

On a positive note I commend some of the actions contained in the new road safety strategy that mirror Sinn Féin's proposals in its all-Ireland road safety policy document, from the introduction of a graduated licensing system to the introduction of a comprehensive road safety education programme in schools. However, some progressive proposals still are not being implemented. According to the Road Safety Authority, the new stipulation that a first-time permit holder must have held the permit for six months before he or she can take a test will allow drivers to gain some experience. However, it is feasible that drivers could get their permit and leave their cars parked outside their houses for a six-month period without driving them. My party has proposed the introduction of an island-wide requirement for learner drivers to carry out 120 supervised hours in various conditions, such as on motorways, in busy traffic, on rural roads, on varying surfaces and in different light and weather conditions. This would ensure that drivers gain vital experience.

Sorting out the driving licence mess is just one step towards improving road safety. The Government must also invest significantly to update and improve the condition of the roads and eradicate accident black spots. It must try to end the culture of speeding through increased traffic patrols at such spots and the strategic use of speed cameras. It must also try to end the culture of impaired driving with the introduction of a zero alcohol and drug limit and the provision of more public transport, especially in rural areas. In addition, the Government must provide for pedestrians and cyclists by improving footpaths and increasing the quality and quantity of cycle lanes. It should increase the uptake of optional safety features by exempting safety elements in cars from VRT, reducing motorcycle safety equipment to the lowest possible level of VAT and reducing other related car safety equipment, such as car seats, or bicycle safety equipment to the lowest possible level of VAT.

Road safety policy is crucial as it saves lives. However, I question the Minister's commitment to oversee such policy. Many options are available for safety control measures such as, for example, speed control devices that could be attached to cars. Such a system has been described to me. It operates with a credit card-type device that could be set at a local centre to limit the speed of the vehicle in question to the designated speed of 50 km/h, 80 km/h or whatever. An opportunity exists at present to begin to think outside the box and be creative and innovative. This would probably require a complete review of the entire system. However, there is no reason not to have such a complete overhaul of the system at this juncture. We are not obliged

always to follow the British model. I do not make this point with a chip on my shoulder or in an anti-British way. I do not suggest all their systems are filled with gobshites but we must create our own space in this regard.

I do not know the percentage of those who are queuing for driving tests who have been put in that position because their licence has lapsed. Many Members will be aware that one's driving licence invariably sits in one's wallet and if one has a ten-year licence, it is easy to forget to renew it. I only take my licence out when I have been stopped at a checkpoint, which is rare. I no longer need it for access to public places of entertainment to demonstrate that I am over 18 years of age. In such circumstances, it is easy to forget that one's licence has expired. I understand that one is obliged to re-sit one's test after a six-month period. An automatic reminder should be put in place. This is an information technology issue involving the issuing of an automatic reminder, perhaps three months before the date of expiry, to the licence holder to advise him or her of the situation. This would reduce the numbers of those who await driving tests to some degree.

The Minister made what was probably his only valid point in his comments last week when he noted that the issues in question literally are matters of life and death. I accept this crucial point made by the Minister. The Minister's preferred destination must be reached as rapidly as possible and other colleagues have already noted that all Opposition Members will support him in this regard. However, the effort to do so almost overnight was an enormous mistake. Hopefully lessons can be learned and I hope, for everyone's sake, the proposed driving test waiting period target figures can be achieved.

Recently, I have detected something of a refusal culture among some driving testers. I do not wish to be unfair because everyone who takes a driving test is naturally highly nervous, anxious and in a fraught state on his or her arrival at the centre in the first place. Just last week there was a case in the Dundalk centre in which a person arrived to be tested for a PSV licence in a minibus. The tester would not accept the person for testing because there was no tachograph installed in the vehicle. The minibus could have been an exempted vehicle under the requirements for tachograph provision, but no account was taken of this. There was no questioning to establish whether it was in fact an exempted vehicle. The tester merely said "No tachograph — no test. Go home." The person had to leave. There was a job at stake in that case and other issues were involved. Driving test centres need to be examined to ensure that a culture such as this does not prevail and that some allowance is made for the anxious state in which people arrive.

Minister for Transport (Deputy Noel Dempsey): I thank Deputies for their contributions. With all the activity and the political statements that were made over the weekend one

would have expected people to be a bit rougher. I acknowledge and thank the Deputies for their constructive approach. My mother used to say that the person who never made a mistake never made anything. Early on Friday morning, in view of the response to the five days' notice for people to get their house in order, it was quickly evident to me that I had a choice to make. One possibility was to brazen it out, as I could have, which would probably have resulted in my losing the almost universal support I had in the area of road safety across and outside the political divide. The alternative was to do as I did. When I first came to the House, the definition of a U-turn was for somebody to say he would do something and then turn around and say he was not going to do it. That definition does not apply here. The U has gone a certain distance, but not all the way. We are going to do what we set out to do, but instead of doing it on 30 October we will do it on 28 June. That is a reasonable outcome from everybody's point of view.

I do not accept there was not enough notice of this measure. I give the Deputies opposite credit for this, but their predecessors as far back as 2002 and 2003 were saying this should be introduced overnight.

Deputy Thomas P. Broughan: We did not say that.

Deputy Fergus O'Dowd: We have tried to keep this constructive. We would appreciate if the Minister would do the same.

Deputy Noel Dempsey: That is exactly what I am saying.

Deputy Fergus O'Dowd: The Minister should not be scoring points.

Deputy Noel Dempsey: I am just saying that this should not have come as a surprise. Nobody should have been surprised that we needed to get this in order.

A number of Deputies asked about the possibility of the Joint Committee on Transport reviewing the progress of the road safety strategy. That is a good idea. I am sorry if I missed—

Deputy Shane McEntee: Could the Minister bring in some people who have lost people, who are committed and who have spent years on this? The Minister could broaden it—

An Leas-Cheann Comhairle: The Minister should be allowed to continue.

Deputy Shane McEntee: I am only asking him to consider it.

Deputy Noel Dempsey: My understanding was that members of the transport committee would review the road safety strategy in conjunction with those involved in delivering it, including

myself, on a regular basis. I have no difficulty with that. One of the things about the road safety strategy is that it includes actions, implementation dates and so on. We should work on this together. There are difficult choices that must be made.

The road safety strategy went through various drafts. The current strategy is the one that was finalised and accepted by me. A 50 mg limit on blood alcohol may have been mentioned in earlier drafts, but the finalised draft was this one, which was agreed by everybody. I did not interfere in the matter of whether it would be 50 mg or 20 mg. I believe the limit should be reduced, as does the Government. The RSA wants a little more time to make a specific recommendation. I have no difficulty in going along with that. I have accepted the advice of the RSA on this issue as on many other issues. I cannot be accused of cherry-picking in this regard.

I will pursue the issue of uninsured drivers and penalty points, raised by Deputy O'Dowd. We are trying to obtain mutual recognition of disqualifications, points and so on, but I am concerned that this is not moving as fast as it should. I will report back to the House on this issue.

Tuition logbooks for learners were mentioned. I urge every Deputy to have a good look at one of the appendices of the Road Safety Strategy 2007-2012, which describes a graduated driving licensing system. There is a list of 17 measures associated with this system, some of which are along these lines. We will have to make choices about these measures over the next 12 to 15 months. This is also something we should do together in committee.

I acknowledge the constructive approach adopted by Deputies and I look forward to working together with them in delivering this strategy. It is extremely important for all of us.

Adjournment Debate.

Health Services.

Deputy Kathleen Lynch: I wish to clarify that Deputy Ciarán Lynch will not be in this slot. It will be Deputy Allen and myself, so we will have five minutes each.

An Ceann Comhairle: The time is divided by two instead of by three.

Deputy Kathleen Lynch: No wonder the Ceann Comhairle got the good job. He is much better at it than I am.

I wished to ask the Minister for Health and Children if she is aware that the number of children attending for care at the paediatric diabetes unit at Cork University Hospital has risen to 270, which is more than twice as many as were attending four years ago; if she will outline the extra resources that have been given to the unit

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to cope with this extra demand; if she will explain why the clinical nurse specialist who was to take up her post on 23 September has not been appointed; and if she will make a statement on the matter.

It is not normal for a Deputy to read out his or her entire request for the Adjournment debate, but it is important, for many reasons, that this one be read out. It is virtually the same Adjournment request that was made on 7 March 2006. Since then the numbers being diagnosed with childhood diabetes at CUH have risen from 207 to 270. We should bear in mind that we are talking about children as young as 18 months. They are sometimes younger, but 18 months is near the average. In one instance a mother told me that she was in shock at having discovered that her child had diabetes and that she was given a syringe and an orange and told to practice on that and she would be fine, and to go home and treat her child.

All that is available to the parents in Cork is the help they can give to one another. They do not have a 24-hour service, as exists in Dublin, where if a child's blood sugar seems to be fluctuating a parent can pick up the telephone to the nurse specialist. They do not have a full-time paediatrician. As and from today, even though it has not been confirmed, there is the possibility that a dietitian with specific interest in children and childhood diabetes may have been appointed, but this is not fully confirmed. There is have one nurse when there should be three, and that one nursing post is filled by two half-time nurses. This time last year an additional nurse was promised, but that appointment was not made. There is no oncologist. There is a specialist who also works with other specialties.

Where do we go from here? There were parents outside CUH this morning and they did not want to be there. These mothers and fathers have other things to do. They have sick children to look after but they know that if they do not take a stand, the quality of their children's lives will be immeasurably worse.

The outcome for children with diabetes is good if they get the proper care and attention. If one lives in Dublin, one gets the proper care and attention. In fairness, the staff in Temple Street hospital have taken in children from Cork. Parents are willing to travel every three months to have their children get the proper treatment, but why should children in the south, from where the Ceann Comhairle comes, have less of a chance of proper health care than those in Dublin? Clearly, we are not treating all the children of this nation equally.

I may get the same answer tonight as I got on 7 March 2006, the end of which stated:

Hospital management has reported that the suggestions made at this meeting [between hospital management and the parents] are currently being examined. The development of the paediatric diabetes service remains a priority

for the executive management board of Cork University Hospital. The Tánaiste is confident that the Health Service Executive will continue to monitor the delivery of this service to ensure that the needs of the service users are prioritised and met.

When will we see that and what about the health of these children?

Deputy Bernard Allen: I thank the Ceann Comhairle for the opportunity to raise this issue again tonight. With other Deputies, I raised it in 2006 and we are forced to raise it again tonight. Effectively, Professor Brendan Drumm, who is the chief of the Health Service Executive, has given the two fingers to the Oireachtas Members of Cork North-Central and Cork South-Central. We all signed a letter, which was one of the few signed by all Deputies in both constituencies, in March last. We requested a meeting with him to discuss this serious issue and we have not even got a reply. That is accountability in the style of the Health Service Executive, which will go through another one in a series of charades of meeting public representatives — I intend no insult to the Ceann Comhairle who will chair a meeting next week — preaching to us and not giving us an opportunity to interact or to communicate properly. We sent a request, signed by all Oireachtas Members concerned, for a meeting but we received no response. That is why we must raise the issue here.

No doubt I will be told tonight this is a matter for the Health Service Executive. Accountability has gone out the window. We do not know what is happening within senior management of the Health Service Executive. They are all promoting themselves. There are many managers but there is no management of the health services and we will not stand for that because the people of Cork deserve better.

The parents of chronically sick children were forced to take to the footpaths of Cork University Hospital again this morning because of the situation, as outlined by Deputy Kathleen Lynch. I will not repeat much of the detail the Deputy has given.

I hope the Minister of State, Deputy Hocht, will not tolerate the attitude and the behaviour of Professor Drumm and his management team who seem to think that public representatives are just a crowd of nuisance makers. The Ceann Comhairle and I served on a health board for a number of years and we saw that on every item on the agenda, and even items that were not on the agenda, we could challenge and question management on the burning issues of the day. Now one cannot even get a response. A parliamentary question I tabled to the Minister for Health and Children, Deputy Harney, on 2 October was referred to the Health Service Executive and I have yet to get a reply on that urgent and important issue.

In November 2006 there was need for a consultant paediatric endocrinologist, who has still not been appointed. There was need for a consultant paediatrician — there is a part-time one in place at present. There were supposed to be three clinical nurse specialist to help the 270 children, to whom Deputy Kathleen Lynch referred, but there is the equivalent of 1.1. There is no dietitian, there is a half-time social worker and there is no dedicated clinical space.

This matter has been rolling on for many years with no accountability and no real response. This issue is not being taken seriously. Cork and the southern area is out of touch totally with what is happening in the rest of the country in the treatment of child diabetes. This should not continue.

I ask the Minister of State, Deputy Hctor, who is representing the Minister for Health and Children, to carry out a departmental investigation into the mismanagement of this entire affair by Professor Drumm who, as I stated, is giving the two fingers to Oireachtas Members by not even responding to a request for a meeting where we could discuss with him and his many highly paid managers this ongoing burning issue. He should be brought to task for non-performance, despite his large bonus, and his contempt, not for public representatives but for the parents and sick children of the greater Cork area.

An Ceann Comhairle: I know Deputy Allen does not mean any discourtesy, but we cannot refer in a disparaging way to people who are not Members of the House because they do not have the opportunity of defending themselves in the House. That is a long-standing rule of the House.

Deputy Bernard Allen: I know but if he does not have respect for Oireachtas Members, I do not think——

An Ceann Comhairle: I have to remind the Deputy of that.

Deputy Bernard Allen: I accept the Ceann Comhairle's ruling.

Minister of State at the Department of Health and Children (Deputy Máire Hctor): I am taking this matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney. I thank Deputy Kathleen Lynch, Deputy Allen and, indeed, Deputy Ciarán Lynch for raising this issue today.

The Minister is aware that the number of children diagnosed with insulin dependent diabetes who are attending Cork University Hospital, CUH, has increased from 122 in 2000 to 275 in 2007. She is pleased to note that the HSE is taking steps to boost the service for these children.

The HSE has succeeded in recruiting a senior dietician for the paediatric service and a suitably qualified dietician commenced providing the service from Tuesday, 30 October. The funding and whole-time equivalent for the post has been

ring-fenced and the post will be established in the hospital in a permanent capacity. A clinical nurse specialist post has been offered to a nurse who is already working in the paediatric unit at the hospital. She will be able to take up duty when her current post has been back-filled. It is likely that approval for her replacement will be granted shortly.

The CUH provides a service whereby a dietician and the clinical nurse specialist for diabetes attend the general paediatric clinics to see urgent cases of children with diabetes, for example, those who are newly diagnosed, have a new regime or are experiencing difficulties with control. The hospital management has given an assurance that every effort will be made to ensure that all the relevant staff attend these clinics.

The HSE has under consideration the following additional staffing level requirements for the paediatric diabetic service in the south for 2008: 1.2 whole-time equivalent, WTE, clinical nurse specialists; 0.20 WTE dietetic support; 0.5 WTE consultant paediatrician — a share of 1.0 WTE who has a special interest in diabetes and endocrinology and has a general paediatric commitment; and 0.3 WTE social worker support, who also shares the general paediatric commitment.

Deputy Kathleen Lynch: That is exactly what they have.

Deputy Máire Hctor: These posts would form part of a multidisciplinary team with the nursing and dietician posts currently being put in place.

The general manager and nurse service manager of Cork University Hospital, together with the business manager for the division of paediatrics, have met with representatives of the support group and are fully aware of their concerns in regard to the paediatric diabetic service. The Minister is satisfied that every effort is being made to address those concerns.

At the end of 2006, the Health Service Executive established an expert advisory group, EAG, on diabetes to draw up standards of care for persons with diabetes. This process will take account of the Department of Health and Children document, Diabetes: Prevention and Model for Patient Care. The EAG has subdivided its work into six areas: standards of care, retinopathy, paediatrics, education and patient empowerment, podiatry and model of shared care. The EAG will report in 2008 and the allocation of any additional resources for diabetes will be informed by this process.

The Minister is confident that the measures being adopted by the Health Service Executive will bring about much improvement in the paediatric diabetic services in the Health Service Executive southern area.

Deputy Kathleen Lynch: That is exactly what is there at present. There is nothing new in the reply.

An Ceann Comhairle: We cannot go into the matter now.

Deputy Kathleen Lynch: I am sorry about that.

Mental Health Services.

Deputy Dan Neville: I thank the Ceann Comhairle for allowing me to raise this issue. I plead for the life of Emer Carroll and many others like her who are suicidal and who have been discharged from hospital because of a lack of facilities to deal with them. I also wish to highlight the broader issue of the neglect of those who are suicidal.

Emer suffers from an eating disorder and now weighs just six stone. She has made seven suicide attempts and feels her life is worth nothing. She wants assistance. She has stated:

I want help, I don't want to be like this anymore. But because I am not eating, my brain is just telling me I don't want to live anymore and that I have no worth. I don't want to hurt my family, but I feel so bad that my brain just tells me they'd be better off if I was dead. And the fact I feel like this is not helped by the lack of treatment that is available to me. They told me they were discharging me from Tallaght because they do not have the facilities to treat eating disorders.

Funding has been made available in Tallaght Hospital by the National Office for Suicide Prevention for a suicide prevention nurse. Although the money is available, the Health Service Executive prevented the hospital from taking on a nurse because of the embargo on staff recruitment. This is nothing to do with controlling the overspend by the Health Service Executive. The money is available, yet the Health Service Executive is allowing a person like Emer Carroll to probably die because it will not allow the recruitment of a suicide prevention nurse.

Emer's father said that as far as he is concerned, this is tantamount to murder. I will not comment on that other than to say it is a sign of how upset the family is about the issue. This is similar to the experience of so many families around the country. I speak with people every week who are put under unbelievable pressure because members of their families who are suicidal are not getting the services they require. Many of them have attended funerals that could have been prevented if the recommendations of the various reports were implemented, including last year's report of the joint Oireachtas committee that has been totally ignored.

I was informed today by the Minister of State at the Department of Health and Children, Deputy Devins, that we are spending only 7.7% of the total health budget on mental health services, yet one in four people suffer from a psychiatric illness that will require intervention at some stage in life.

I do not expect any great answer on this matter from the Minister of State, Deputy Hctor, because I have not received any in the 18 years I have spent campaigning on this issue. I urge her to think of Emer Carroll who suffers from anorexia nervosa, who has attempted to take her life seven times, who went for help to Tallaght Hospital only to be told the facilities were not available to help her because the Health Service Executive prevented the resources being expended for bureaucratic reasons.

I have a copy of *Healthmatters*, a Health Service Executive publication. It contains 36 pages of information but only one small article is devoted to mental health.

An Ceann Comhairle: The Deputy is aware we cannot have illustrations in the House.

Deputy Dan Neville: I beg your pardon. One small column is devoted to a report on a mental health conference in a 36 page publication. That is indicative of the attitude of the Health Service Executive and the Minister towards psychiatric services.

Deputy Máire Hctor: I am replying to this matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney. I thank Deputy Neville for raising this matter. However, I do not consider it appropriate to comment on the clinical management of this individual case. All of us wish the young woman involved well and we want her to be treated with great sensitivity.

I wish to deal with the general issues. The decision to suspend recruitment temporarily was taken as part of a financial break-even plan developed by the Health Service Executive national management team to ensure it remained within its Vote for 2007. The Health Service Executive must be able to manage within the resources made available to it by the Government and voted by the Dáil. Operating within budget and making the best use of the available resources should be a key priority for any organisation. Reforming our health system is not just about extra funding and extra posts; it is about ensuring that the extra money which has already been invested by the Government on behalf of the people is being used wisely and efficiently.

Approximately 130,000 people are employed in the delivery of public health and personal social services, the vast majority of whom provide direct service to patients and clients. The current pause in recruitment must be viewed in this context. It is a temporary measure put in place by the HSE to operate within budget which is reviewed every month and is monitored by the HSE on a week-by-week basis.

There are some limited, critical or exceptional circumstances where appointment of staff may be necessary in frontline services. A small group has been established with representatives of the national employment monitoring unit, the

National Hospitals Office, primary community, continuing care and other directorates, to evaluate, monitor and approve requests for derogation from the general recruitment pause. This group meets every week. To date, 340 essential posts in frontline and stand-alone critical areas have been exempted from the employment pause.

The provision of mental health services is underpinned by the comprehensive policy framework outlined in *A Vision for Change*, the report of the expert group on mental health policy and *Reach Out*, the national strategy for action on suicide prevention. The current level of expenditure on mental health is unprecedented, having trebled since 1997. This year approximately €1 billion will be spent on specialist mental health services. It is important to bear in mind that approximately 90% of public mental health services are provided at primary care level, which is not captured in the €1 billion.

A Vision for Change was adopted by the Government in January 2006 as the basis for the development of mental health services for the next seven to ten years. This policy envisions an active, flexible and community-based mental health service where the need for hospital admission will be greatly reduced. *Reach Out* was published in September 2005 and represents Government policy on suicide prevention. Additional funding of €3.05 million was provided in 2006 and 2007, which brings the total funding available to support suicide prevention initiatives in 2007 to €8 million.

The €1 billion expenditure on mental health services generally is also of benefit to persons who may be suicidal. This substantial support for suicide prevention must be taken into account when considering the availability of individual posts. I have been informed that the Health Service Executive's National Office for Suicide Prevention has provided funding to Tallaght Hospital for the recruitment of a suicide prevention nurse. While this post is currently affected by the recruitment pause, it will be kept under review by the Health Service Executive as part of the monitoring process to which I have referred.

Other important supports are already in place to help people who may be suicidal. For example, funding has been provided in 2007 to complete the availability of self-harm services in accident and emergency departments. Self-harm services are in place in the vast majority of accident and emergency departments whereby, in addition to receiving medical care, people presenting with deliberate self-harm also receive a psycho-social assessment following which they are admitted to the treating hospital, a psychiatric hospital or discharged.

Another positive initiative is a national mental health awareness campaign which was launched earlier this month by my colleague the Minister of State, Deputy Devins. The main aim of the campaign is to influence public attitudes to mental health. It is specifically designed to alter nega-

tive attitudes and promote positive attitudes and a greater understanding of mental health.

Thankfully, the level of discussion and openness on mental health issues, including suicide and self-harm, has increased significantly in recent years. However, we need to ensure public discussion and media coverage of suicide and deliberate self-harm remain measured, well informed and sensitive to the needs and well-being of psychologically vulnerable and distressed individuals in society. In particular, we need to continue to work as a society to create a culture and environment where people in psychological distress will feel they can seek help from family, friends and health professionals. The Government is committed to the provision of quality care in the area of mental health.

School Accommodation.

Deputy Jack Wall: I thank the Ceann Comhairle for agreeing to this important debate.

The Sundai campus or site is an important one in the overall plan for educational development in the greater Newbridge area. It is important in that it has supplied a site for Gaelscoil Cill Dara and a proposed site for the Newbridge Educate Together national school. Both schools were operating in facilities that were not suitable for their needs and in which we would not ask any educational facility to operate.

It was with the goodwill of two local land-owners and a local sports club that the new facilities were made available. This proposal has overcome problems to some degree. The gaelscoil was offered a section of the campus and provided with a number of classrooms and a play area. However, when the second aspect of the proposal, the co-location of the Educate Together national school, emerged following the Department's planning application to Kildare County Council, there was suddenly a great awareness among the parents of gaelscoil students of major deficiencies in the proposal with regard to equal provision of facilities for children on the site. While welcoming the development, there must be serious concerns regarding the safe transfer of pupils from the main road, known locally as the green road, to the co-location site. Questions have also been raised about what appear to be excellent recreational facilities contained in the Educate Together application when compared to those contained, or in reality not contained, in the gaelscoil proposal.

With regard to the first point, the transfer of pupils from the green road or main road to the site, the most important consideration must be the safety of the children which must not be compromised in any way. It seems the treatment of this issue in the planning application leaves much to be desired. Given the fact that the planning application is in the name of the Department of Education and Science, the importance of underpinning all of the safety factors involved in ensuring the safety of children using the school

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is increased. In such instances, the Department should set the example for others to follow.

Irrespective of the decision of the local authority, there can be no compromise in regard to child safety. Sadly, however, this expectation has not been realised in the way one would expect from the Department. The section of the planner's report dealing with the safety factor states:

Road design is no objection to the proposed development subject to the following conditions... As permission has already been granted...

It beggars belief that this is the situation in regard to a planning application in the name of the Minister. Subsequently, an appeal was made by the parents to An Bord Pleanála. Even in this case, a subsequent letter from the road design section of the council was not accepted by the board because it was late for submission. In making this application the Department has not observed the necessary safety factors one would expect in regard to the safety of pupils in both schools. This leaves much to be desired.

A second consideration applies to the recreational facilities aspect of the application. Both schools have totally different values set down, as one will note from the planning application. On the face of it, the Educate Together national school has excellent facilities, including a PE hall, a junior play area and two other play areas, whereas Gaelscoil Cill Dara has just one play area. What has been offered to the Educate Together national school is wonderful but one cannot relate this to what was offered to the gaelscoil. Given that the average numbers attending both schools on the campus are practically equal, it is extremely difficult to understand how this is acceptable.

I have always found the Minister for Education and Science, Deputy Hanafin, and the Minister of State, Deputy Hctor, to be honest and hard-working, with a vision of the educational needs of the country. While one may not always agree with this vision, that is politics. However, in this instance there is a need for basic provision for both schools using the campus. It is a simple issue. There should be fair play and safe access for both schools, which is not much to ask. Will the Minister agree to consider the file and see for herself the deficiencies in what her Department is seeking to provide for one school when compared to what it has offered the other? How can the Department stand over the obvious safety concerns in both educational facilities? In the interests of fair play to all students in both schools and their families, the Minister should have a rethink on the proper development of the campus.

Deputy Máire Hctor: On behalf of the Minister for Education and Science, Deputy Mary Hanafin, I thank the Deputy for giving me the opportunity of outlining to the House the position of the Department of Education and Science on Gaelscoil Cill Dara and Newbridge Educate Together.

A major building project is at an advanced stage of architectural planning for the provision of a 16-classroom school for Newbridge Educate Together national school. A project to provide additional classrooms at Gaelscoil Cill Dara is also at an advanced stage of architectural planning. Stage 3, developed sketch scheme, of architectural planning is under review in the Department and expected to be completed shortly.

With regard to the Deputy's questions on traffic control at the school, the position is that following a pre-planning discussion between the design team and officials from the roads section of Kildare County Council, it was confirmed that a traffic impact assessment was not necessary. During this discussion Kildare County Council suggested alterations to the scheme to take account of traffic requirements and these have been incorporated into the design of the scheme. The council granted planning permission for the prepared scheme which has subsequently been appealed to An Bord Pleanála. The Department is awaiting the outcome of the appeal.

The position generally is that 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 Department is prepared to consider applications from school authorities for grant-aid towards improving safety arrangements, including car parking, inside the vested area of the school, but would require that the integrity of the outdoor play area be safeguarded in so far as is possible. Issues relating to traffic safety, pay car parking and so on outside school grounds are the responsibility of the relevant local authority. Grant-aid is not available for works outside the vested area of the school.

The design and planning of the project are covered by stages 1 to 5, during which the project is developed from the assessment of site suitability, through detailed design, which includes the obtaining of planning permission, to the point where detailed bills of quantities are prepared. In the case of all large capital projects currently in hand within the school building section, progression of a project to tender and construction will be considered in the context of the multiannual school building and modernisation programme. The Minister is committed to providing suitable high quality accommodation for both schools at the earliest possible date.

The Dáil adjourned at 10.20 p.m. until 10.30 a.m. on Thursday, 1 November 2007.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 15, inclusive, answered orally.

Questions Nos. 16 to 57, inclusive, resubmitted.

Questions Nos. 58 to 66, inclusive, answered orally.

Social Welfare Benefits.

67. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the number of people in receipt of the age allowance; the amount paid out; and if he will make a statement on the matter. [26195/07]

76. **Deputy Pat Rabbitte** asked the Minister for Social and Family Affairs the action he proposes to take to improve the income of older pensioners; and if he will make a statement on the matter. [26272/07]

77. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs when he will extend the age allowance to qualified adults over 80 years of age. [26289/07]

112. **Deputy Enda Kenny** asked the Minister for Social and Family Affairs if he will amend the qualifying criteria for the age allowance; if there are plans to increase the allowance; and if he will make a statement on the matter. [26196/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 67, 76, 77 and 112 together.

The Programme for Government features a number of commitments in relation to social welfare pensions. These include the commitment to increase the basic State pension to €300 per week by 2012. Over the last number of Budgets, pension increases have been well ahead of inflation ensuring that not only is the real value of pen-

sions maintained but that they are significantly improved in real terms.

The Department monitors regular statistical releases such as the EU Survey of Income and Living Conditions (SILC) to track the effectiveness of income policies. In this regard, using the official consistent poverty indicator, older people are in a relatively better position than the rest of the population with 3.7% in consistent poverty against 7% overall in 2005.

The risk of poverty rate based on relative incomes is more or less the same for both groups with the rate for older people showing significant improvement from 2004 to 2005, with the rate falling from 27% to 20%. Significant increases in pension rates implemented in 2006 and 2007 should see the position of older people improving further. The Social Portrait of Older People, published by the Office for Social Inclusion earlier this year, shows that poverty rates for older pensioners i.e. aged 75 and over, were lower than for younger pensioners.

The over 80 allowance was increased in 2006 to its present level of €10 per week. There are about 115,000 people currently in receipt of the over 80 allowance, at an annual cost of some €60 million per annum. There is a commitment in the Programme for Government to pay the allowance also in respect of the qualified adult portion of the pension. This measure will be addressed over the lifetime of the Government. I will continue to keep the range and adequacy of the supports provided to older pensioners under review, including the issues of increasing the over 80 allowance and amending the qualifying criteria for it.

The needs of older people have been, and will remain, a priority for the Government. Further reforms and improvements will be considered in the context of the Green Paper on pensions policy, published on the 17th October. A major consultation process in relation to future pensions policy is now underway. Following the com-

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pletion of the consultation process, the Government will develop a framework for future pensions policy.

Social Welfare Appeals.

68. **Deputy John Perry** asked the Minister for Social and Family Affairs the number of oral hearings for social welfare appeals held each year, by county; the way the locations are determined for each hearing; if there are mechanisms in place to speed up the process where delays are experienced; and if he will make a statement on the matter. [26176/07]

93. **Deputy Jim O’Keeffe** asked the Minister for Social and Family Affairs the average time taken to process social welfare appeals; and if he has proposals in this regard. [26246/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 68 and 93 together.

I am advised by the Social Welfare Appeals Office that statistics on a county basis are not maintained for the number of oral hearings held each year. During 2006, 4,220 oral hearings were conducted by the Social Welfare Appeals Office at 59 venues around the country with a further 1,700 held at its headquarters in Dublin. Overall, Appeals Officers made 171 week long visits throughout the country during the year

The selection of locations to be visited is based on the number of appeals on hand in a particular area in a given week. In general, those who are waiting longest can expect to be scheduled for a hearing when an Appeals Officer is next in the area. A small number of cases are given priority when exceptional circumstances arise.

During 2006, 75% of all appeals were processed within 14 weeks, while on average all appeals were cleared within 21 weeks. In addition to affording customers the right of appeal to the Social Welfare Appeals Office, all customers who receive an adverse decision are advised of their right to have their claim reviewed by a Deciding Officer of my Department where new facts or fresh evidence comes to light. These procedures can enable a speedy resolution of the appeal as the Deciding Officer may make a revised decision on foot of the new evidence received. Of appeals cleared in 2006, 23 % were disposed of in that manner.

The social welfare appeals process is quasi-judicial and it is necessary for the Appeals officer to be satisfied that he/she has all the facts before making a decision on a case. Gathering all the evidence takes time and impacts on the speed at which appeals can be decided. Furthermore, the Appeals officer must give the person making the appeal and the Deciding Officer the opportunity to make their views known on the facts of the appeal. In addition, where illness or disability is

involved, it may be necessary to have a further examination carried out by a Medical Assessor of my Department.

I am advised that improving processing times is a major objective of the Social Welfare Appeals Office. However, it is necessary at all times to ensure that progress in this regard is achieved in a manner which is not in conflict with the demands of natural justice and the requirement that every appeal be fully investigated and examined on all its merits.

Social Welfare Benefits.

69. **Deputy Fergus O’Dowd** asked the Minister for Social and Family Affairs the number of people in receipt of the one parent family payment; the amount paid; and if he will make a statement on the matter. [26178/07]

70. **Deputy Fergus O’Dowd** asked the Minister for Social and Family Affairs his views on the introduction of a cost of returning to work allowance to lone parents and other parents on low income moving from social welfare to work, in order to reflect the costs involved; and if he will make a statement on the matter. [26179/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 69 and 70 together.

There are currently some 84,400 people, with approximately 137,700 children, in receipt of the one parent family payment. The annual cost of the scheme is €835 million.

The Government discussion paper, “Proposals for Supporting Lone Parents,” put forward a range of proposals for removing obstacles to employment for lone parents and other low income families. These proposals include the expanded availability of education and training opportunities for lone parents and other parents on low income; the extension of the National Employment Action Plan to focus on lone parents; focused provision of childcare; improved information services for lone parents and the introduction of a new social assistance payment for low income families with young children. The paper also proposed the abolition of the cohabitation rule as a condition for receipt of the proposed social assistance payment.

One of the proposals in the report was that the upper income limit for the new social assistance payment should be set at €400 per week. This proposal was implemented in Budget 2007, which in effect meant that the upper income limit increased by more than one third in two years. This disregard means that a lone parent can earn up to €400 per week and still receive one-parent family payment. This will also be the case with the proposed new social assistance payment.

The new social assistance payment, under development in my Department, has the long term aim of assisting people to achieve financial

independence through supporting them to enter employment — the avenue that is widely agreed to offer the best route out of poverty.

As the Deputy knows, any proposed new payment can only be introduced when the necessary co-ordinated supports and services are put in place to help ease that transition from social welfare to employment. Income supports from my Department include earnings disregards currently in place for the One Parent Family Payment and also Family Income Supplement, which is a weekly tax-free payment for families, including one-parent families, at work on low pay.

The non-income proposals contained in the Government discussion paper on childcare, education, training and activation supports are currently being progressed by the Senior Officials Group on Social Inclusion, with the cooperation of the relevant Departments and Agencies.

As part of this process, my Department, with the co-operation of FAS, the Office of the Minister for Children and the Department of Education and Science, is testing the non-income activation proposals in Coolock, Dublin and in Kilkenny. These tests are focused on identifying and resolving any practical and administrative issues that may arise in advance of the scheme being introduced. The tests are expected to run until the end of the year, with a report then being made to the Cabinet Committee on Social Inclusion. They will allow for operational and logistical co-ordination between the relevant Departments and Agencies to be considered. They will also facilitate the development of the policy and operational details of the new scheme and accompanying supports.

71. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the actions his Department is taking to combat food poverty. [25883/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department through its various social insurance and assistance schemes provides income supports to people to meet their basic living needs, including food, clothing, heat and light. Supplements are also payable in certain circumstances for specific needs, for example fuel allowances, rent supplements, living alone allowance for older people or the household benefits package for pensioners, eligible disabled people and carers. Where people on low incomes have particular medical conditions or dietary requirements, diet supplements are available through the supplementary welfare allowance scheme which is administered on my behalf by the Community Welfare division of the Health Service Executive. It is expected that expenditure on diet supplements will amount to €5.4 million this year and benefit over 10,000 people.

My Department also provides funding for school meals through two programmes, the urban

school meals scheme and the local projects scheme. School meals make a real and important contribution to ensuring that children receive better nutrition. Such services can also contribute to improved school attendance and quality of learning. In 2007, approximately 165,000 pupils in 1,800 schools will benefit from the scheme at a cost of some €28m. The number of meals being provided on a daily basis to disadvantaged children through the school meals local projects scheme doubled from 89,915 in the school year 2005/2006 to 179,660 in the school year 2006/2007.

The school meals scheme is currently providing meals to over 165,000 children. The scheme is a direct intervention providing meals to children experiencing or at risk of poverty and it is reaching the most disadvantaged children. My Department is involved in a Healthy Food for All initiative to draw up a code of best practice for school meals.

Healthy eating is affected by dietary and nutritional awareness, cultural attitudes and access to good quality grocery shopping, as well as to the adequacy of social welfare income supports. In recent years, budgetary increases in social welfare payment rates have consistently exceeded increases in the cost of living. This key policy is the primary focus of Budget allocations to my Department each year, and it has helped ensure that those depending on social welfare experience real improvement in their ability to meet their basic needs, including provision of adequate food, heating, etc.

Consumer price index information from the Central Statistics Office indicates that the cost of food and non-alcoholic beverages has increased by 2.7% over the past 12 months. From December 2001 to date, food and non-alcoholic beverages increased by just 6.8% in aggregate while increases in social welfare payment rates increased by between 61% and 77% in the same period. As overall total inflation amounted to 22.7% in that period, there has been a very significant real increase in purchasing power for people on social welfare.

I am satisfied that the policy of providing substantial real increases in primary social insurance and assistance payment rates has been effective in ensuring that those who depend on social welfare income have sufficient income for healthy food.

72. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if he will develop new support measures for surviving spouses; and if he will make a statement on the matter. [26188/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Widows and widowers can qualify for one of a number of different schemes depending on their particular circumstances. The contributory widow(er)'s pension is available to those who satisfy the necessary PRSI contri-

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bution conditions, either on their own record or that of the deceased spouse. Those qualifying for this benefit are not subject to a means test.

Those without the necessary PRSI contributions can, if they have qualifying children, receive the one-parent family payment. Widow(er)s without dependant children who do not qualify for the contributory payment may, if they are under 66 years of age, qualify for widow(er)'s non-contributory pension, or the State non-contributory pension if they are over 66 years of age.

The widowed parent grant, introduced in 2000, also provides additional assistance to those with children and is paid in addition after death payments such as the bereavement grant, currently €850. This grant was increased by €1,300 to €4,000 in the last Budget in recognition of the particular difficulties faced by widows and widowers with children on the death of a spouse.

One of the key objectives of the 2007 social welfare package was to protect and enhance the value of all weekly rates of payment, in relative terms, by giving increases which are well in excess of projected inflation for this year. Younger widows and widowers receiving the widow(er)'s non-contributory pension (aged under 66) and the one parent family payment, benefited from a €20 per week increase, or 12.1%, in the weekly rates of payment. This increase brings the rates of payment for widows and widowers under age 66 to €185.80 per week for non-contributory payments, and €191.30 for contributory payments. Widows and widowers over 66 years of age receive the same rate of payment as those applying to State pensions. Increases in the rates of child benefit and child dependent allowance also assist those widowed with children.

Widowed persons are also entitled to the fuel allowance, back to school clothing and footwear allowance and other secondary benefits on the same basis as other social welfare recipients. I will continue to keep the range and adequacy of the supports provided under review.

73. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs the action he has taken in respect of the commitment in the Programme for Government to examine the possibility of introducing a paternity benefit. [26261/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Responsibility for questions relating to entitlement to paternity leave rests with the Minister for Justice, Equality and Law Reform. The question of a social insurance funded payment for paternity leave would be contingent on an underlying entitlement to statutory paternity leave.

While male employees are not entitled under Irish law to either paid or unpaid paternity leave,

they may be entitled to parental leave. Parental leave entitles both parents who qualify to take a period of up to 14 weeks' unpaid leave from employment in respect of children aged up to eight years of age. There is no provision for a social insurance based payment for periods of parental leave, but employees may be entitled to credited contributions to maintain their social insurance record for the period.

The introduction of paid parental leave or paternity leave would have significant cost implications for employers and/or the Exchequer and the social insurance fund. Any proposals for introducing any such payments would have to be examined with regard to its effect on the sustainability of the social insurance fund and employers costs in terms of global competitiveness and in the case of paternity leave would require legislation on the part of the Minister for Justice, Equality and Law Reform to provide for a statutory entitlement to the leave.

Social Welfare Code.

74. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs if he will alter the qualifying criteria for the back to education allowance; and if he will make a statement on the matter. [26186/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The back to education allowance (BTEA) is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The scheme enables people to continue to receive a payment while pursuing an approved full-time course of study. The scheme also provides an annual cost of education grant of €400.

As part of the Government's Expenditure Review Programme, a working group chaired by my Department reviewed the back to education allowance scheme in 2005. The Group comprised representatives of the Departments of Social & Family Affairs, Enterprise, Trade and Employment, Education and Science, Finance and FÁS. The working group made nine recommendations, some of which have already been implemented.

These include earlier access to the allowance for participants of the National Employment Action Plan (NEAP). Access is now available to the third level option for qualified participants who have been in receipt of Jobseekers Allowance for nine months as opposed to the standard requirement of twelve months. Additionally the scheme has been extended to include all those of working age in receipt of a Social Welfare payment.

Recent Budgets have also provided for improvements to the back to education scheme. The 2006 Budget provided that time spent in

receipt of supplementary welfare allowance from the Health Services Executive or in the direct provision system operated by the Department of Justice, Equality and Law Reform can count towards the qualifying period in circumstances where the person establishes an entitlement to a relevant social welfare payment prior to commencing an approved course of study. This provision came into effect from 1 September 2006.

In Budget 2007 it was provided that people who are awarded Statutory Redundancy may access the scheme immediately provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study. In addition the qualifying period for illness benefit recipients was reduced from three to two years. These further improvements to the back to education scheme came into effect from the beginning of the current academic year i.e. 1 September 2007.

The operation of my Department's employment support measures, in the context of current labour market conditions, is continually monitored to ensure that it continues to support those people who are the most distant from the labour market and whose needs are greatest. At present it not proposed to make any further changes in qualifying criteria.

Question No. 75 answered with Question No. 63.

Questions Nos. 76 and 77 answered with Question No. 67.

Social Welfare Benefits.

78. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs if and when it is intended to implement the proposal to transfer the administration of rent allowance from health centres to local authorities; and if he will make a statement on the matter. [24009/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): There are no plans to transfer the administration of the rent supplement scheme to local authorities.

The supplementary welfare allowance (SWA) scheme, which includes rent supplement, is currently administered on my behalf by the community welfare division (CWS) of the Health Service Executive. As the Deputy will be aware, in February of last year, the Government decided to implement the recommendations of the Core Functions of the Health Service Report. This provided for the transfer of certain functions, mainly from the Health Service Executive (HSE) to my Department. The main element of the decision was that income support and maintenance schemes including the SWA scheme should be transferred from HSE to my Department.

At present some 700 CWOs and 59 superintendents and supporting clerical and other staff

within the CWS have responsibility for the local delivery of the rent supplement scheme as part of their overall administration of SWA. The transfer of the CWS to my Department will not change this and the CWS will continue to have responsibility for administering the rent supplement scheme.

79. **Deputy Enda Kenny** asked the Minister for Social and Family Affairs his views on increasing the back to school, clothing and footwear allowance applied to the family income supplement using the threshold for two parent and one parent families; and if he will make a statement on the matter. [26197/07]

127. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the justification for including carers allowance as part of the means test for the back to school clothing and footwear allowance scheme; and if he will commit to amending legislation in the next Social Welfare Act to disregard income from carer's allowance in these circumstances. [26279/07]

135. **Deputy Mary Upton** asked the Minister for Social and Family Affairs his response to the suggestion that a new back to school payment be introduced with higher qualifying income thresholds in place of the back to school clothing and footwear allowance scheme. [26280/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 79, 127 and 135 together.

The back to school clothing and footwear allowance (BSCFA) scheme provides a one-off payment to eligible families to assist with the extra costs when their children start school each autumn. The allowance is not intended to meet the full cost of school clothing and footwear but only to provide assistance towards these costs.

A person may qualify for payment of an allowance if they are in receipt of a social welfare or Health Service Executive payment, are participating in an approved employment scheme or attending a recognised education and training course and have household income at below certain levels. The family income supplement (FIS) scheme is one of the qualifying payments for the purposes of the BSCFA scheme.

I consider the back to school clothing and footwear allowance scheme to be an important support for parents at a time of particular financial strain. I am satisfied that improvements to the scheme in recent years, namely an increase in income limits and an increase in the rates of payment respectively, provide a major boost to meeting the financial costs associated with return to school for those who most need assistance.

Any changes to the structure of the scheme, rates of payment, income limits or amendments to the qualifying criteria would have cost impli-

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cations and would have to be considered in a budgetary context and in the light of resources available to me for improvements in social welfare payments generally.

80. **Deputy Billy Timmins** asked the Minister for Social and Family Affairs if he will review or change the criteria for qualification for the blind persons pension; and if he will make a statement on the matter. [26190/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The qualifying criteria for entitlement to Blind Person's Pension are that a person must be over 18 years of age, satisfy a means test and be so blind that he or she cannot perform any work for which eyesight is essential or cannot continue his or her ordinary occupation. In that regard, Blind Person's Pension has always been regarded as a scheme providing income maintenance for persons of working age i.e. up to 66 years.

The Blind Person's Pension was recently reviewed as part of the 2003 Review of the Illness and Disability Payment Schemes, which concluded that these schemes are successful in meeting their objective of providing income support to people with disabilities.

Any future changes to the qualifying criteria for Blind Person's Pension will be considered within the context of the transfer of the Blind Welfare Allowance scheme to my Department, as provided for by the recent Government decision that "income support and maintenance schemes together with associated resources should be transferred from the Health Services Executive (HSE) to the Department of Social and Family Affairs".

Social Insurance.

81. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the implications for the proposals contained in the Programme for Government to cut PRSI contribution rates of the findings of the recently published 2nd Actuarial Review of the Social Insurance Fund. [25885/07]

82. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs the way he will fund the commitments set out in the Programme for Government on State contributory pension and other contributory schemes in view of the projected deficit in the Social Insurance Fund by 2011. [26269/07]

89. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs his views on the publication of the latest actuarial review of the Social Insurance Fund. [25887/07]

95. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs his views on the findings of the latest actuarial review of the Social Insurance Fund which found that while total income to the fund is projected to equal or exceed benefit outgo up to 2010 thereafter the fund's net cash flow position is projected to decline rapidly. [25884/07]

111. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs when his Department received the latest actuarial review of the Social Insurance Fund. [25889/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 81, 82, 89, 95 and 111 together.

The second Actuarial Review of the Social Insurance Fund, which was required under Section 10 of the Social Welfare (Consolidation) Act, 2005, was received by my Department on the 8th of June, 2007, following its completion by Mercer Human Resources Consulting, and was approved for publication at the Cabinet meeting of July 18th. It was decided that it would be appropriate to publish the Actuarial Review in due course in conjunction with the Green Paper on Pensions and both were published on 17 October 2007.

The focus of the Review, which covers the period from 2006 to 2061, is the income of the Social Insurance Fund including the accumulated surplus, the contributory pensions and benefits paid from the Fund, including associated non-cash benefits, and other payments. The report examines matters from a number of different aspects in the context of surpluses or deficits, whether benefit payments are up-rated to prices or earnings, and as a percentage of GNP. It also projects the number of years that existing reserves can be used to keep contributions rates below break-even rates. The report also examines the impact of number of potential enhancements to social insurance coverage into the future and the extent to which the Fund is redistributive through examining value for money in notional cases.

The findings of the Review include:

- That the Fund will move from being in surplus to running a deficit in 2009;
- That on foot of the annual deficits from 2009, the accumulated surplus will be exhausted by 2016;
- That the ratio of people of working age to people over pension age, or pensioner support ratio is projected to fall from 5.6 to 1.81 over the period to 2061.

In the short-term, the Fund has sufficient resources to provide for the changes to the PRSI system and the increases in benefits committed to in the Programme for Government. Obviously, however, decreasing contributions whilst also

increasing benefits will bring forward the time when exchequer subvention will be required.

In this context it should be noted that legislation provides that the Exchequer is the residual financier of the Fund and Exchequer contributions to cover shortfalls in contributions were the norm for over forty years. Any shortfall in the cost of benefits paid would, in the normal way, be addressed by Exchequer subvention. Other approaches to such an annual deficit would be a matter for the Government to consider in a future budgetary context.

Question No. 83 answered with Question No. 65.

Employment Support Services.

84. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the pro-active measures currently undertaken by his Department to discourage welfare dependence among teenagers; and if he will make a statement on the matter. [26263/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Since the early 1990's my Department has been developing its policy to move from largely passive income support provision to a more active social welfare system. Under the National Employment Action Plan all persons, including the young unemployed, who are approaching 3 months on the Live Register are identified by the Department of Social and Family Affairs and referred to FÁS for interview with a view to job placement or an offer of training.

My Department also has a number of specific employment and training incentives available to encourage and facilitate people, including young people on welfare to take up available work or training options. These include the Back to Work and Back to Education Allowances, as well as income disregards on means tested payments such as lone parents allowance and disability allowance. Recipients of disability schemes may undertake employment of a rehabilitative nature in certain circumstances.

In addition my Department's Social and Family Support Service (SFSS), through the facilitator network, assists people most marginalised in social and economic terms, including, in some instances teenagers, and gives much help by way of intensive training, counselling and other supports to groups at risk of developing long-term welfare dependency. Examples of some of the initiatives for young people supported by my department include:

- Support for a training and educational programme for young mothers in Carlow.
- Support in respect of a training project for young school leavers from disadvantaged backgrounds in the South Leitrim area.

- Contribution in respect of a training project for a group of early school leavers based in Sligo. Participants are from disadvantaged backgrounds, a number have been involved in anti-social behaviour in their communities.

The projects are usually supported on an inter-agency basis and the aim is to identify barriers to progression and support the participants to further education, training and work. My Department sees the funding provided as a means of supporting innovative responses to increasing employability and tackling social inclusion.

With regard to young people in receipt of other contingency-based payments; the impact of the payment of Disability Allowance (DA) from age 16 on retention rates in second level education was recently examined by the Department and the conclusion reached was that DA does not have a significant effect in encouraging early school leaving and may in fact promote second level retention among the majority of young people with disabilities.

The Government discussion paper, "Proposals for Supporting Lone Parents," put forward proposals for the expanded availability and range of education and training opportunities for lone parents. It is important to note that activation, as referred to in the proposal, is 'positive' in nature; it encompasses interview/advice meetings, access to education and training and providing people with the skills to enable them to achieve financial independence and therefore, a better life for themselves and their children.

Furthermore, under the social partnership agreement "Towards 2016" and the National Development Plan 2007-2013 my Department is committed to the introduction of an innovative programme of activation measures aimed at all people of working age, including young people on welfare payments. The particular added value that will be provided by my Department is an active outcome-focused individual case management of all social welfare customers of working age who are not progressing into employment or accessing training or education opportunities.

Social Welfare Benefits.

85. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the steps he proposes to take to alleviate hardship to recipients of rent allowance whose rent has increased and who are expected to make up the shortfall from their own resources; and if he will make a statement on the matter. [26241/07]

347. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he will increase rent allowances in line with recent rent increases thereby eliminating hardship for those dependant on rent support; and if he will make a statement on the matter. [26643/07]

348. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason for the freezing of rent allowances which is causing hardship to recipients of rent support; and if he will make a statement on the matter. [26644/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 85, 347 and 348 together.

The purpose of the rent supplement scheme is to provide short-term income support, in the form of a weekly or monthly payment, to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Rent supplements are subject to a means test. They are normally calculated to ensure that, after payment of rent, an eligible person has income equal to the rate of basic supplementary welfare allowance appropriate to their family circumstances, less a minimum contribution, currently €13, which each recipient is required to pay from his or her own resources. Many recipients pay more than €13 because recipients are also required to contribute any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate towards their accommodation costs.

Rent supplement is also subject to a limit on the amount of rent that an applicant for rent supplement may incur. These rent limits, provided for in Regulations, are set at levels that enable the different categories of eligible tenant households to secure and retain basic suitable rented accommodation, having regard to the different rental market conditions that prevail in various parts of the State. Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, exceed the rent levels as an exceptional measure, for example:

- where the person concerned is entitled to an income disregard AND has sufficient income to meet his or her basic needs after paying rent, taking into account the appropriate rate of rent supplement that is otherwise payable in the case
- where there are special housing needs related to exceptional circumstances, for example, disabled persons in specially-adapted accommodation or homeless persons,

- where the tenant will be in a position to re-assume responsibility for his/her rent within a short period

This discretionary power ensures that individuals with particular needs can be accommodated within the scheme and specifically protects against homelessness.

In January 2007 my Department completed a review of the maximum levels of rent which a person may incur and still be eligible to receive a rent supplement. The purpose of the review process was to ensure that the new rent limits, applicable from January 2007, reflect realistic market conditions throughout the country, and that they would continue to enable the different categories of eligible tenant households to secure and retain basic suitable rented accommodation to meet their respective needs. The existing limits are applicable from January 2007 until 30th June 2008.

The review involved a broad consultation process and included consultation with the HSE, the Department of Environment, Heritage and Local Government, the Private Residential Tenancies Board and voluntary agencies working in this area.

There are currently over 58,700 rent supplements in payment of which 23,819 have been awarded since the current rent limits were set in January 2007. These statistics show that rented accommodation is available within the current rent limits. In that regard, I do not intend to amend the existing limits. All limits will be reviewed again next year and any revision found to be necessary will be implemented from 1st July 2008 following expiry of the current limits.

86. **Deputy Billy Timmins** asked the Minister for Social and Family Affairs his views on transferring the administration of the blind welfare allowance to his Department; and if he will make a statement on the matter. [26191/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The decision to transfer certain functions from the Health Service Executive (HSE) to my Department follows on from recommendations made by the Commission on Financial Management and Control Systems in the Health Service. In its report, the Commission noted that over the years, the health system had been assigned responsibility for a number of activities that are non-core in the context of a health service. In view of the range of challenges facing the health sector, it recommended that the Government consider assigning such non-core activities to other bodies.

The Government considered this issue early last year and has decided to transfer certain functions. The functions to be transferred include the General Register Office and various payments, including supplementary welfare allowances and payments made to or in respect of persons with a

disability, namely, domiciliary care allowance, child respite care grant paid with domiciliary care allowance, mobility allowance, infectious diseases maintenance allowance and blind welfare allowance. Detailed proposals for the transfer of dental, optical and other treatment benefits from my Department to the health sector are also being developed.

As part of the National Disability Strategy, my Department has produced a Disability Sectoral Plan which was laid before the Houses of the Oireachtas on 21 July 2006. The objective of my Department's plan is to ensure that, as far as is practicable, the schemes and services provided to people with disabilities operate in a manner which facilitates their full participation in society and meet the mainstreaming principle of the equality agenda. In this regard, the Sectoral Plan takes account of the Government decision to transfer certain functions activities from the Health Service Executive (HSE) to my Department.

I am satisfied that the transfer of these income support and maintenance payments related to disability, such as the blind welfare allowance, allows for their administration within the mainstream income support framework and that this is consistent with the principle of mainstreaming supports for people with disabilities and the National Disability Strategy. This will result in a better service for people on Blind Welfare Allowance.

Incorporating the blind welfare allowance and other disability related payments identified for transfer within the social welfare framework will require amending legislation and I intend to provide for this in the context of the Social Welfare and Pension Bill 2008.

Advocacy Services.

87. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if work has begun on establishing a personal advocacy service for people with disabilities; and if he will make a statement on the matter. [26168/07]

117. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs the number of personal advocates to be recruited for the new personal advocacy service under the Citizens Information Board; where the advocates will be located; and if he will make a statement on the matter. [26171/07]

120. **Deputy David Stanton** asked the Minister for Social and Family Affairs if the new personal advocacy service for people with disabilities, under the Citizens Information Board, is on target to become operational in January 2008; and if he will make a statement on the matter. [26259/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 87, 117 and 120 together.

The development of personal advocacy services is a priority for my Department and in this regard additional funding of €1.9m has been provided for the Citizens Information Board in 2007 for the development of an advocacy service for people with disabilities and for the implementation of the Disability Sectoral Plan.

The personal Advocacy Service will be initially located in Dublin. When the service is well established, it is anticipated that advocates will be located in a number of key highly populated areas around the country. However, it is not possible at this stage to give estimates of the number of advocates to be employed.

An organisational structure has been developed by the Citizens Information Board to meet the needs of the Personal Advocacy Service. Discussions between my Department, the Department of Finance and the Citizens Information Board are ongoing in relation to these structures and the additional staffing resources required for the provision of the service. Temporary accommodation has been identified to facilitate the immediate needs of the service and it is envisaged that the post of Director of the Personal Advocacy Service will be advertised shortly.

The establishment of the new service is on target and will commence when the Director is appointed and the appropriate structures have been put in place and the service will be up and running in the early part of 2008.

I am meeting with the Chairman and the CEO of the Citizens Information Board this week to discuss the implementation of the Personal Advocacy Service and its development in to the future. I am committed to the introduction of a Personal Advocacy Service in this regard.

Combat Poverty Agency.

88. **Deputy Joan Burton** asked the Minister for Social and Family Affairs if his Department has received either or both reviews recently undertaken of the Combat Poverty Agency; and the action he will take on foot of these reviews. [26282/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): At this time, there are a number of reviews, in relation to the work of the Combat Poverty Agency which are at different stages of progression.

A review of the Agency's Research Programme was initiated in May 2007, by the Agency and the Office for Social Inclusion of my Department. The review is being carried out by Goodbody Economic Consultants and it will inter alia

- Assess the activities, output and outcomes of the research programme;

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- Review the programme's contribution to research on poverty;
- Benchmark the Agency's research programme against best practice in the design and implementation of similar social research programmes in Ireland and internationally;
- Advise on the future direction of the research programme, particularly with regard to the most effective allocation and optimum use of research resources, both within the Agency and in collaboration with other organisations.

A steering committee comprising representatives of the Combat Poverty Agency, the Office for Social Inclusion, relevant government departments, and Goodbody Economic Consultants is overseeing the work. I have been advised that the Review is nearing completion and will be made available to the Board and to my Department before the end of 2007.

In line with a commitment in Towards 2016, a review of the Combat Poverty Agency's programmes that facilitate the participation of the community and voluntary sector and people experiencing poverty in the policy making process, has been in progress over the period 2006 and 2007.

I have been advised that aspects of that review remain to be considered further by the Review Steering Committee, which oversaw the project, before it is finalised for the Board of the Agency and my Department.

The Government have decided that a review of the Combat Poverty Agency will be undertaken by my Department in association with other relevant departments. The review will commence shortly. It will be undertaken as part of my Department's Value for Money and Policy Review Initiative programme for 2006-2008 and, when completed, will include recommendations to the on the future role and functions of the Agency in a changed environment.

Arrangements are in hand to establish a Steering Committee comprising senior officials from my Department and other relevant Government departments, and representatives from the Agency to oversee the task. I expect that the review will be completed in mid 2008.

Question No. 89 answered with Question No. 81.

Social Welfare Code.

90. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the timeframe envisaged for the completion of his Department's technical review of the entire social welfare code to examine its compatibility with the Equal Status Act 2000; his views on the recommendation of the Law Reform Commission that same sex co-

habitants should be treated in the same way as opposite-sex cohabitants for social welfare payments; and if he will make a statement on the matter. [26286/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The purpose of the review of the social welfare code, which is currently being undertaken in my Department, is to examine its compatibility with the Equal Status Act, 2000 (as amended). The review will examine all the schemes and services provided for both in social welfare legislation and the administrative schemes operated by the Department. It will identify any instances of direct or indirect discrimination, on any of the nine grounds under the Act that are not justified by a legitimate social policy objective or where the means of achieving that objective are either unnecessary or inappropriate.

A decision was taken that the review would take place in two phases. Phase 1 involved the undertaking of a scoping exercise to establish the most appropriate approach and methodology to carrying out the main review, which would be robust and verifiable. The results of Phase 1 then formed the basis of the terms of reference of the main review. A request for tender for Phase 2 of the main review, issued in April 2007. Consultants were selected to carry out the work in July 2007 and that work has now commenced. The expected completion date for the work is end 2008.

The recommendation of the Law Reform Commission arose from one of two important pieces of work regarding different types of partner relationships and how they should be treated and recognised in Irish society. The first report an 'Options Paper, presented by the Working Group on Domestic Partnership' to the then Tanaiste and Minister for Justice, Equality and Law Reform, focuses on different types of cohabiting relationships, both same and opposite sex, and presents a range of options with regard to giving legal recognition to these relationships. Officials from my Department contributed to the work of this Group.

The second report — the 'Report of the Law Reform Commission on the Rights and Duties of Cohabitants' — makes substantial recommendations for reform of the law concerning cohabitants including both opposite sex or same sex couples who live together.

These reports come at a time of wide public debate on the question of according legal status to cohabitants generally, and same sex couples in particular. The review being carried out in my Department, together with the debate on these reports, will inform future policy development with a view to ensuring that the social welfare system is equitable in addressing the needs of citizens.

Social Welfare Benefits.

91. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs the number of people in receipt of the living alone allowance; the amount paid out; and if he will make a statement on the matter. [26193/07]

102. **Deputy Pat Breen** asked the Minister for Social and Family Affairs if he will amend the qualifying criteria for the living alone allowance; if there are plans to increase the allowance; and if he will make a statement on the matter. [26194/07]

132. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs when he proposes to raise the rate of the living alone allowance; his policy in relation to the future development of the scheme; and if he will make a statement on the matter. [26271/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 91, 102 and 132 together.

The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people who are under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The increase is intended as a contribution towards the additional costs people face when they live alone. Currently, about 157,500 people are in receipt of the living alone increase, at a cost of approximately €64 million per annum.

The policy in relation to support for pensioners has been, for many years, to give priority to increasing the personal rates of pension rather than supplements like the living alone increase. The objective is to use resources to improve the position of all pensioners to the fullest extent possible rather than focusing on particular groups. This approach was continued in Budget 2007 with increases of up to €16 and €18 per week granted on personal rates.

The needs of older people have been, and will remain, a priority for the Government. Further reforms and improvements will be considered in the context of the Green Paper on pensions policy, published on the 17th October. A major consultation process in relation to future pensions policy is now underway. Following the completion of the consultation process, the Government will develop a framework for future policy.

92. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if he will provide further details regarding the commitment in the Programme for Government to implement significant improvements to the back to school

clothing and footwear allowance and the school meals programme. [25886/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Programme for Government commits the Government to implementing significant improvements in both the Back to School Clothing and Footwear Allowance and to the School Meals scheme.

I consider the back to school clothing and footwear allowance scheme to be an important support for parents at a time of particular financial strain. It provides a major boost to those who most need assistance in meeting the financial costs associated with return to school.

The improvements as committed in the Programme for Government will be implemented over the course of the next five years and will build on the progress made in that scheme recent years. The improvements already implemented are very significant when viewed in the context of clothing and footwear price trends. According to the Consumer Price Index for September 2007, the overall cost of clothing and footwear has fallen by 4% over the past twelve months. Since December 2001, clothing and footwear costs have decreased by 17.9%.

The school meals assists schools and projects to provide healthy, nutritious food to the most disadvantaged children in our society who, by reason of lack of food, are unable to take full advantage of the educational opportunities presented to them. The scheme is currently providing meals to over 165,000 children.

The implementation of improvements in the School Meals scheme is well underway. The Department of Education and Science has identified a total of 875 disadvantaged schools under the 'Delivering Equality of Opportunity in Schools' (DEIS) action plan. These DEIS schools have been targeted for inclusion in the scheme and, to date, a total of 668 DEIS schools are participating on the scheme. The scheme will be extended in 2008 to as many of the remaining DEIS schools as wish to participate. As a result, I expect that expenditure on the scheme in 2008 will show a considerable increase on 2007 levels.

Question No. 93 answered with Question No. 68.

Social Insurance.

94. **Deputy Jim O'Keeffe** asked the Minister for Social and Family Affairs his views on whether there is an injustice arising from many self employed spouses on family farms and in family businesses not having PRSI coverage and consequently not qualifying for contributory pensions; and if he has proposals to remedy this anomaly. [26245/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Spouses working for self-employed contributors are specifically excepted from social insurance contributions. This exclusion recognises the practical difficulties in establishing the nature of a genuine employment relationship in circumstances such as when a person employed under a contract of service by his or her spouse is classed as an “excepted” contributor under social welfare law. As a result, farming spouses, in common with spouses of other self-employed persons, do not generally pay PRSI contributions. There are, however, three situations where spouses may pay contributions.

Spouses who are actively engaged in a commercial partnership, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors and are thus liable to social insurance contributions. These contributions — made under PRSI Class S — enable them to build up an insurance record in their own right and to receive accruing benefits. A partnership is commonly understood to be an association of two or more persons for the purpose of gain or of sharing in the work and profits of an enterprise. Liability for PRSI contributions is not contingent on the ownership of property but rather on the nature of the business arrangements between the couple. Co-ownership of property does not in itself create a partnership.

In the situation, where a family business or farming enterprise is incorporated as a limited company, spouses involved in the business can establish a social insurance record as either employees or as self-employed contributors — depending on whether a contract of service exists.

Finally, a spouse engaged in “off-farm” employment, will pay social insurance contributions in his or her own right. This enables farming spouses who might otherwise not be insured to develop a social insurance record on the basis of their “off-farm” earnings.

While there are no plans to alter these provisions, an information leaflet is currently being developed between the Department of Social & Family Affairs and the Revenue Commissioners to set out the social welfare and tax implications of families co-working in a shared business. It has been agreed, with the farming representatives, that their views and input will feed into this process to ensure the new publication meets with their information needs and is customer orientated. It is hoped to publish the new information leaflet by end 2007.

It should also be noted that under the Programme for Government there is a commitment to improve the income limits associated with the qualified adult allowance to enable more people to qualify for it. The limits will be reviewed in the context of the budget.

Question No. 95 answered with Question No. 81.

Social Welfare Benefits.

96. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs his views on allowing people to transfer the free electricity to the free gas allowance; and if he will make a statement on the matter. [26187/07]

354. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he will extend or expand the availability of the free schemes operated by his Department; and if he will make a statement on the matter. [26650/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 96 and 354 together.

The household benefits package, which comprises the electricity/gas allowance, telephone allowance and free television licence schemes, is generally available to people living in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test. The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package or free travel retain that entitlement. This measure is in place to ensure that households who have this entitlement do not lose it on the death of a spouse.

People aged over 70 years of age can qualify for the household benefits package regardless of their income or household composition. Those aged under 70 must live alone or only with certain excepted people in order to qualify.

With effect from January 2007 the number of units of electricity covered by the scheme was increased from 1,800 to 2,400. An equivalent increase in the natural gas allowance came into effect in October 2006. These allowances also cover increased standing charges and the associated VAT. Only one allowance is paid per household.

The annual value of both allowances is the same and, recipients are free to transfer from one allowance over another to suit their individual needs.

Budget 2007 provided for the telephone allowance to be extended to cover mobile phones. Under this new arrangement, customers have the choice to opt either for a direct credit to a telephone company for their landline as before or for a cash payment in respect of their mobile phone. The Programme for Government includes a commitment to extend the scheme further to incorporate broadband services.

A range of proposals has been made to extend the coverage of the household benefits package. These proposals are kept under review in the context of the objectives of the scheme and budgetary resources.

Social Welfare Fraud.

97. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs if he is satisfied that the new measures planned to control overpayments are sufficiently robust; the targets that have been set in terms of reducing overpayments or fraud; and if he will make a statement on the matter. [26265/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The overall goal of my Department's new Debt Management Strategy is to actively pursue the recovery of debt to maximise recovery levels, with due regard to value for money and with particular emphasis on recovery from people no longer dependant on welfare payments. The objectives of the strategy are

- To maximise the recovery of overpayments
- To efficiently record, report and monitor the occurrence and recovery of overpayments
- To fulfil statutory, accounting and reporting obligations
- To conduct overpayment and debt management as efficiently as possible

One of the key elements to the strategy is the introduction of the Overpayment and Debt Management (ODM) computer system which will record all overpayments and debt recovery data and will allow for timely and efficient management of debt. The new ODM system is now in operation in a number of areas in my Department and is being rolled out on a phased basis to all other sections. It is expected that all areas will be using the new system by the second quarter of 2008.

The debt management strategy will be achieved by the introduction of a strengthened policy on overpayments and debt management in the Department and by making the organisational and procedural changes necessary to achieve this. The strategy will be kept under review to ensure the achievement of its primary goals.

The debt management strategy is the fourth pillar of my Department's control strategy to deal with overpayments and to combat fraud and abuse of schemes, the other three pillars being prevention of fraud and error at the initial claim stage, early detection through effective review of claims in payment and measures to deter fraud.

Targets for control activity for 2007 include 422,480 reviews of entitlements over all scheme

areas. A total of 258,433 reviews have been carried out to end-September 2007, which is 81% of the Department's year to date target.

Overpayments are attributed to fraud, customer or third party error, or departmental error. In 2006, overpayments attributed to fraud amounted to €20.3m (45% of all overpayments), while customer or third party error totalled €23m (51%). Departmental error overpayments came to €1.8m (4%).

Question No. 98 answered with Question No. 65.

Social Welfare Benefits.

99. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs the position regarding the proposed fundamental changes in State support for lone parents, referred to as activation strategies for lone parents; and if he will make a statement on the matter. [26180/07]

100. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs the details of the proposed reform of lone parent State supports; and if he will make a statement on the matter. [26181/07]

106. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the details of incentives to further encourage lone parents in the labour market; and if he will make a statement on the matter. [26182/07]

123. **Deputy Liz McManus** asked the Minister for Social and Family Affairs his strategy in relation to eradicating poverty and welfare dependency among lone parents; when he will formally reform the restrictive rules on cohabitation; the reasons for the delay in fully implementing the proposals for reform contained in Proposals for Supporting Lone Parents. [26274/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 99, 100, 106 and 123 together.

The Government discussion paper, "Proposals for Supporting Lone Parents," put forward proposals for the expanded availability and range of education and training opportunities for lone parents; the extension of the National Employment Action Plan to focus on lone parents; focused provision of childcare; improved information services for lone parents and the introduction of a new social assistance payment for low income families with young children. The paper also proposed the abolition of the cohabitation rule as a condition for receipt of the proposed social assistance payment.

One of the proposals in the report was that the upper income limit for the new social assistance

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payment should be set at €400 per week. This proposal was implemented in Budget 2007 which in effect meant that the upper income limit increased by more than one third in two years.

In addition, the report recommended increasing the qualified child increase for recipients of the one-parent family payment. In Budget 2007 the three rates of qualified child increase, which had been maintained at the same levels for a number of years, were combined into a single rate of €22 per week in respect of over 340,000 children of welfare families.

The new social assistance payment, under development in my Department, has the long term aim of assisting people to achieve financial independence through supporting them into education, training and ultimately employment — the avenue that is widely agreed to offer the best route out of poverty.

As the Deputies know, any proposed new payment can only be introduced when the necessary co-ordinated supports and services are put in place on the ground by other Departments and Agencies. This is why the Government has asked the Senior Officials Group on Social Inclusion to create an implementation plan to progress the non-income recommendations in tandem with the development of the legislation required in my Department to introduce any new payment. Discussions are ongoing with the relevant Departments and Agencies on issues including childcare, education, training and activation measures.

As part of this process, my Department, with the co-operation of FAS, the Office of the Minister for Children and the Department of Education and Science, are testing the non-income activation proposals in Coolock, Dublin and in Kilkenny. These tests are focused on identifying and resolving any practical and administrative issues that may arise in advance of the scheme being introduced. The tests are expected to run until the end of the year, with a report then being made to the Cabinet Committee on Social Inclusion. They will allow for operational and logistical co-ordination between the relevant Departments and Agencies to be considered and will facilitate the development of the policy and operational details of the new scheme and accompanying supports. At the moment there is no definite date available for the nationwide rollout of these reforms, but following the outcome of the tests it is hoped to move forward with the proposals as soon as possible.

Question No. 101 answered with Question No. 63.

Question No. 102 answered with Question No. 91.

Departmental Schemes.

103. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs if he will provide details of each of the non-statutory schemes provided by his Department; the expected expenditure on each of these schemes in 2007; and the reason his Department operates a policy of not back-dating old claims on such schemes. [26283/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department operates the following non statutory schemes:

- Household Benefits Package
- Free Travel
- Back to Work Allowance
- Back to Education Allowance
- National Fuel Allowance
- Back to School Clothing and Footwear Allowance

Household Benefits Package

The household benefits package, which comprises the electricity, natural gas allowance, telephone allowance and free television licence is available to persons living permanently in the State who satisfy specific qualifying conditions. There are currently some 350,000 customers in receipt of the household benefits scheme at an annual cost of €315 million in 2007.

Provisions for backdating of household benefit applications have been aligned with regulations on backdating of late claims in the Social Welfare (Consolidated Payments Provision) (Amendment) (No. 8) (Late Claims) Regulations, 2000 (S.I. No. 159 of 2000)]. Under the Regulations an application for household benefit package may be backdated for a maximum of six months where there is an underlying entitlement. In certain circumstances a claim can be backdated for a period in excess of six months.

Free Travel

The Free Travel scheme provides free travel on a range of transport services on the island of Ireland to 600,000 customers at an annual cost of €64 million in 2007. It is not the policy of my Department to backdate entitlement to free travel.

Back to Work Allowance

The back to work allowance scheme is part of programme of initiatives designed to assist long term unemployed people, lone parents and other social welfare recipients to return to the active labour force. The allowance provides a monetary incentive designed to make return to work financially attractive and viable. The expenditure on

the back to work/back to work enterprise allowance scheme for 2007 is estimates at €73.5m.

Back to work applications should be submitted 14 days before the employment commences, in order to be approved. However, applications may be accepted up to one month after work commencing, provided that the claimant has signed off at the appropriate time. In certain limited circumstances applications may be accepted outside the one month limit.

Back to Education Allowance

The back to education allowance (BTEA) facilitates people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The scheme enables qualified people who have been getting a social welfare payment to continue to receive a payment while pursuing an approved full-time education course. The estimated expenditure on the scheme for 2007 is €68.5m.

National Fuel Allowance

The national fuel allowance scheme assists householders on long-term social welfare or health service executive (HSE) payments with meeting the cost of their heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April. The allowance represents a contribution towards a person's normal heating expenses. It is not intended to meet those costs in full. It is estimated that some 286,200 households benefit under the scheme at an annual cost of €161.5m. Fuel allowance is paid from the date of application, backdating may occur where there are extenuating circumstances and applies to individual cases only.

Back to School Clothing and Footwear Allowance

The back to school clothing and footwear allowance scheme (BSCFA) operates from the beginning of June to the end of September each year and is administered on behalf of this Department by the Community Welfare division of the Health Service Executive. The BSCFA scheme provides a one-off payment to eligible families to assist with the extra costs when their children start school each autumn.

Current indications are that 82,000+ families with approximately 174,000+ children will benefit from the scheme this year. A total of €38.1 million has been allocated for BSCFA for 2007 and it is expected that this amount will be expended in full.

BSCFA claims are only paid for the year in which applications are made, however depending on the circumstances of a particular case; Community Welfare Officers have the discretion to

make exceptional needs payments in the event of late applications for BSCFA.

Question No. 104 answered with Question No. 65.

PPS Numbers.

105. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if he is satisfied with the procedures in place regarding the issuing of PPS numbers to foreign nationals; and if he will make a statement on the matter. [26256/07]

126. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the steps he is taking to ensure the integrity of the issuing of PPS numbers to foreign nationals; and if he will make a statement on the matter. [26255/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 105 and 126 together.

The Personal Public Service Number is an individual's unique reference number for dealings with Government Departments and public bodies. My Department assumed sole responsibility for the registration of customers and subsequent allocation of PPS Numbers in June 2000. At that time and to facilitate customer service, all Local and Branch Offices were delegated the task of registering applicants for these numbers. However, due to the significant increases in the detection of identity fraud and misrepresentation of documents, my Department decided to rationalise the process to specially designated registration centres. Significant progress has been made to date with 13 Centres established outside Dublin. The remaining Centres will be established in 2008. In addition, 4 Centres have been established in Dublin, these will be amalgamated to 1 centre when new accommodation comes on stream in 2009. This approach was acknowledged as a step towards improving control during a recent audit by the Comptroller and Auditor General's Office.

As centres are established, emphasis is placed on specialised training and equipment and the development of expertise for the task of registering new customers. As a result, Departmental officials are becoming more effective in detecting false documentation and bogus applications. Consequently there has been an increase in the number of customers prosecuted who were attempting to obtain a PPS number fraudulently. The establishment of these centres is also facilitating the introduction of an improved and more specialised customer service to those seeking a PPS number.

It is necessary to have effective controls around the PPS Number registration process to guard against fraud and to protect the integrity of data

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under my Department's control. Processes are in place to ensure that a person receives only one number, and that the number is allocated based on information that is accurate and verified. Applicants for PPS Numbers are asked to present themselves at one of the Department's offices, complete an application form and supply documentation to establish their identity. These processes apply regardless of the nationality of the applicant.

Evidence of identity is a vital element of the allocation process. My Department has a dedicated section dealing with identity fraud in PPS No. allocations. The staff in this section receives training in the area of document fraud from a number of sources, including the relevant issuing authorities, via their embassies, and from the Garda National Immigration Bureau (GNIB). This section operates a full time help desk facility for front line staff and provides training and support to them in dealing with identity issues.

In addition to the central help desk facility, plans are in place to expand the role of my Department's inspectorate in identity work, increasing its focus on the issue of hijacked and bogus identities, as well as improving the support to local offices involved in registering applications for PPS numbers.

The Department has also introduced legislation to greatly enhance its ability to deal with fraudulent applications. Under Section 32(ii) of the Social Welfare and Pensions Act 2007 the Department can now retain documents including a passport, visa, identity card, driving licence, birth certificate or marriage certificate or any other document establishing a person's identity or nationality, for checking. As well as the power to retain identity documents for examination, the 2007 Act introduced increased penalties for fraudulent application for a PPS Number.

I am committed to the highest standards of control in the allocation of the numbers and to an efficient and effective management of the issue of identity fraud.

Question No. 106 answered with Question No. 99.

Social Welfare Fraud.

107. **Deputy Joe Costello** asked the Minister for Social and Family Affairs the action he is taking to reduce the rate of fraud or overpayments generally and specifically among non Irish national groups; the mechanisms in place to authenticate foreign documentation; and if he will make a statement on the matter. [26266/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The prevention of fraud and abuse of the social welfare system is an integral

part of the day-to-day work of my Department. A key objective of my Department's control strategy is to ensure that we pay the right person the right amount of money at the right time. This applies to all customers regardless of nationality.

A four pronged approach has been adopted by the Department to meet this objective, namely prevention of fraud and error at the initial claim stage, early detection through effective review of claims in payment, measures to deter fraud and the pursuit and recovery of overpayments.

Systematic risk analysis is a key element of the Department's control strategy. This entails the identification, by scheme managers, of areas of high risk of fraud and abuse in the schemes for which they are responsible and putting in place appropriate measures to address them in a systematic way. The purpose of this approach is to ensure that review activity is targeted in the most effective manner.

My Department carries out surveys of the levels of fraud and error as part of its control strategy to identify the types of claims which should be prioritised for review purposes.

Over 600 staff at local, regional and national level are engaged on a full or part-time basis on work related to the control of fraud and abuse of the social welfare system.

Controls are exercised at both the initial claim stage and at subsequent stages during the claim life-cycle. Claims are reviewed on a regular and targeted basis. During 2006, some 334,000 reviews of entitlements were carried out by staff in my Department. The records of some 4,800 employers were inspected to ensure compliance with the Department's regulations and in particular to prevent and detect abuses of the system. In 2007, to the end of September, over 258,000 reviews and 3,200 employer inspections have been undertaken.

My Department has a dedicated section dealing with identity fraud in PPS No. allocations. The staff in this section receives training in the area of document fraud from a number of sources, including the relevant issuing authorities, via their embassies, and from the Garda National Immigration Bureau (GNIB). This section operates a full time help desk facility for front line staff and provides training and support to them in dealing with document fraud issues.

I am committed to ensuring that social welfare payments are available to those who are entitled to them. I am also determined to ensure that abuse of the system is prevented and is dealt with effectively when detected. In this regard the control programme of my Department is carefully monitored and the various measures are continuously refined to ensure that they remain effective.

Employment Support Services.

108. **Deputy Liz McManus** asked the Minister

for Social and Family Affairs the progression rate of long-term recipients of disability payments off welfare and back into the workforce; and his Department's targets in this regard. [26275/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My department has a range of illness and disability payments. The two largest schemes in terms of the numbers of recipients are illness benefit and disability allowance. Illness benefit is a social insurance payment for people who cannot work due to illness. Recipients must comply with certain rules of behaviour that are set out in legislation. One of the rules of behaviour states that a person cannot work while receiving illness benefit.

Approximately 80% of people leave illness benefit within six to eight weeks and return to the workforce. In order to encourage longer term claimants to take up employment or training opportunities, an exemption to the general rules of behaviour states that the claimant may engage in employment or training which is part-time (i.e. less than 20 hours per week) and of a rehabilitative or therapeutic nature. The claimant must apply to my Department in advance of taking up such employment or training so that a decision can be made on whether the employment meets the criteria of part-time and rehabilitative or therapeutic in nature. At the end of September 2007 there were 71,280 on Illness Benefit, 1,187 were availing of an exemption from the rules of behaviour to engage in employment or training for rehabilitative or therapeutic purposes.

The Disability Allowance scheme currently allows for claimants to return to the workforce and remain on a full or partial Disability Allowance payment. If a person supplies a letter from their Doctor stating that the employment is of a rehabilitative nature, they may qualify for a means disregard of €120 per week.

A Disability Allowance payment may be terminated when a claimant returns to the work force and no longer requires social welfare support. Some 200 to 300 claims are terminated each year for that reason and significant numbers of other claims are terminated on means grounds, many of which also relate to taking up employment.

My Department's targets in this area flow from the National Disability Strategy which the Government launched in September 2004 to underpin the participation of people with disabilities in Irish society. The implementation of this Strategy provides the framework for policy initiatives under Towards 2016, the National Development Plan and the NAPinclusion for this group.

In line with the National Disability Strategy, the NAPinclusion high level goal in relation to people with disabilities emphasises participation in education, training and employment. The goal

in the NAPinclusion is to "Increase the employment of people with disabilities who do not have a difficulty in retaining a job. The immediate objective is to have an additional 7,000 of that cohort in employment by 2010. The longer term target is to raise the employment rate of people with disabilities from 37% to 45% by 2016, as measured by the Quarterly National Household Survey. The overall participation rate in education, training and employment will be increased to 50% by 2016. These targets will be reviewed in the light of experience and the availability of better data".

The overall policy in relation to supporting employment incentives for people with disabilities will continue to be kept under review and will be monitored in the context of the NAPinclusion high level goal in relation to participation of people with disabilities.

109. **Deputy Charles Flanagan** asked the Minister for Social and Family Affairs the number of people in receipt of the blind persons pension; the amount paid out; and if he will make a statement on the matter. [26189/07]

122. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs if he will clarify what is regarded as rehabilitative work, with regard to employment support, for people with sight loss; and if he will make a statement on the matter. [26192/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 109 and 122 together.

Blind Pension is paid to blind people and certain people with low vision, between the ages of 18 and 66 who are habitually resident in the State, and satisfy a means test. Items which are assessed as means include:

- Cash income of claimant and or spouse partner
- The value of savings, investments, shares, land etc.
- Any property they may have, other than their own home
- Maintenance paid to applicant if deserted/separated

There are currently some 1,458 customers in receipt of the Blind Pension at the annual cost of €14.7 million.

My Department supports customers with disabilities to engage in employment of a rehabilitative nature by disregarding earnings of up to €350 per week from rehabilitative employment. To avail of a disregard for income from rehabilitative work a customer must provide medical evidence to that effect from their General Practitioner to my Department. This information is then taken

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into account when the customer's means are being assessed.

Money Advice and Budgeting Service.

110. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs the steps he will take to fulfil the commitment in the Agreed Programme for Government where the Money Advice and Budgeting Service will be given a central role in increasing access to affordable credit for low income earners and social welfare customers; and if he will make a statement on the matter. [26175/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Money Advice and Budgeting Service (MABS) provides assistance to people who are over-indebted and need help and advice in coping with debt problems. There are 53 independent companies nationwide with over 230 money advice staff operating the service. Last year, MABS provided services to almost 12,500 new clients throughout the country. To date, in 2007, some 9,300 new clients have approached the service. The number of active cases at the end of September was 18,500. In 2006, €16.4 million was provided to fund the service and in 2007 the annual allocation was increased to €17.67 million to assist the MABS in dealing with its workload.

The issues that give rise to problems of over-indebtedness for people are highly complex. The cost and availability of credit for people on low incomes and the barriers they face in accessing mainstream and cheap forms of credit add to the difficulties people encounter in managing their finances. I am particularly concerned about the high level of interest rates currently being charged by some financial institutions, loan companies and by legal moneylenders in situations where people have no alternative sources of credit available to them.

The issues in this policy area are complex. For example, the regulation of money lending comes under the Consumer Credit Act 1995 and the Financial Regulator has statutory responsibility for the licensing process. My view is that MABS has a unique and expert contribution to make, on behalf of people on low incomes, in shaping the strategies that need to be put in place, including those of services providers, such as the banks and the credit unions, to ensure greater financial inclusion in Ireland.

Officials of my Department have had discussions with the Department of Finance on these matters. They also continue to engage with the Financial Regulator and other key interests on the options for tackling the barriers which arise for people on low incomes accessing the full range of mainstream financial services that is available to the wider community.

In line with the Programme for Government, I am developing proposals for a new structure for the MABS geared to meeting the needs of people with debt difficulties in today's society. These proposals will include initiatives to improve the situation of people on low incomes in securing access to affordable credit.

My proposals will build on the best features of the MABS model of service to the public to ensure a high quality, coordinated budgeting and advice service to meet the challenges posed by the changing face of debt in Ireland.

Question No. 111 answered with Question No. 81.

Question No. 112 answered with Question No. 67.

Pension Provisions.

113. **Deputy Joan Burton** asked the Minister for Social and Family Affairs his policy in relation to relaxing or abolishing the means test for qualified adults on contributory pensions. [26281/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): All contributory payments include, where appropriate, an increase for a dependent spouse or partner. However, this increase is means-tested with a full increase payable where a spouse's income is less than €100 per week, with reduced rates payable until income exceeds €250 per week. Unlike the means test for non-contributory payments, a household means test does not apply, i.e. a decision is made on the basis of the income enjoyed by the qualified adult only. However, where capital or property (other than the family home) is jointly owned, then the qualified adult will be assessed with 50% of any actual/notional income or capital value deriving from that asset.

As set out in the Agreed Programme for Government, the policy in relation to the means testing of qualified adult payments is to increase the income limits that apply in the means test so that more people will qualify for the allowance. These limits are kept under review in a budgetary context. The issue of means testing qualified adult payments is discussed in the Green Paper on Pensions.

Decisions in relation to the future of these arrangements will be made in the context of the framework for long-term pensions policy which will be developed following the completion of the Green Paper consultation process.

Social Welfare Code.

114. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs his views on whether it is time to develop a new longer term

benchmark against which the evolution of social welfare rates can be measured. [25888/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The appropriateness of benchmarking social welfare rates has been actively considered from time to time.

In 2001 the Social Welfare Benchmarking and Indexation Group was established to examine the issues involved in developing a benchmark for adequacy of adult and child social welfare payments. The Group published its final report in September 2001 but did not achieve a consensus position on the desirability of establishing a formal benchmark.

The illustrative benchmark options examined in the report included 30% of Gross Average Industrial Earnings and 50% of Average Weekly Household Income.

The Group could not agree about which of these would be the better option as there were advantages and disadvantages associated with each.

The report provides a valuable resource for the assessment of the implications of adopting particular approaches to the up rating of social welfare payments and was considered by Government as part of the review of the National Anti-Poverty Strategy (NAPS) in 2002. Recognising that the exact rate was a matter for Government, the Strategy set a target of €150 per week (in 2002 terms) for the lowest social welfare payments to be met by 2007. This target was achieved in this year's Budget.

The current social partnership agreement, Towards 2016 commits the Government and social partners to working together to achieve the NAPS target and to maintaining the value of the lowest social welfare rates at this level over the course of the agreement, subject to available resources.

Social Insurance.

115. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs the number of personnel devoted to the enforcement of the law requiring employers to make PRSI contributions; the level of activity of his Department in this area; and if he will make a statement on the matter. [26264/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Contributions due to the Social Insurance Fund are collected in the main by the Revenue Commissioners, together with income tax due. My Department's Inspectorate, appointed under Section 250 of the Social Welfare (Consolidation) Act 2005 is responsible, inter alia, for ensuring that employers and the self employed comply with the Act in relation to Pay Related Social Insurance contributions. Employer compliance in this regard is monitored by Inspectors conducting employer inspections whose remit includes a detailed examination of

employers' records to ensure that correct PRSI payments are being made in respect of all their employees. In addition, any irregularity in a customer's PRSI record either detected at claim processing stage or reported directly by the customer, is referred to the Inspectorate for follow up action.

My Department currently employs 380 Social Welfare Inspectors throughout the country. The duties of a Social Welfare Inspector are wide ranging. They include the investigation of eligibility to a broad variety of means tested schemes, as well as enforcing the law in relation to employers' responsibilities in regard to PRSI matters. Social Welfare Inspectors are also engaged in specialist control work. It is not possible to give an exact figure on the number of personnel devoted to the enforcement of the law requiring employers to make PRSI contributions as there are no social welfare inspectors devoted exclusively to this work.

Employer inspections, carried out by the Department's Inspectors, comprise of a number of tasks:

- detailed examination of employer records to ensure that accurate records of employees are being maintained and that correct PRSI payments are being made in respect of all their employees and that the correct PRSI class is being applied;
- checks to ensure that employees are not concurrently working and claiming social welfare payments;
- outlining employers responsibilities with regard to Social Welfare legislation and where Revenue staff are part of the inspection team, tax legislation;
- general advice and information to employers on matters such as the operation of the PRSI system, incentives available to employers, the correct classes of contributions, employees' entitlements etc.

Where PRSI undercharges are confirmed, the Inspector will set out PRSI arrears/underpayment in respect of each employee for each tax year and issue a demand to the employer for payment. Should the employer fail to respond satisfactorily, a statutory demand will issue by registered post and the employer given 14 days to respond. If the employer fails to respond the case is prepared for consideration of prosecution.

In the absence of wage records, an employee statement (Form IN12) detailing evidence of employment and payment of earnings is obtained. Based on confirmation of employment, either by way of wage inspection or employee statement, my Department's Central Records Unit is advised to update the employee's PRSI record for the period of employment in question. Where a benefit claim is pending the relevant Local Office/Section is similarly advised.

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The number of employer inspections undertaken to date this year is 3,475.

My Department is committed to delivering an effective and efficient regime of employer inspections, and ensuring that PRSI deductions and remittances are made in an accurate and timely manner.

116. **Deputy Charles Flanagan** asked the Minister for Social and Family Affairs the action he proposes to take in respect of the recommendation of the Irish Human Rights Commission that those elderly persons who contributed to the social insurance scheme as self-employed persons expecting on retirement to receive an old age contributory pension but who were denied this benefit due to the fact that they did not satisfy the minimum period of contributions by reason only of their advanced age when the relevant legislative provisions came into force be afforded a reduced benefit; and if he will make a statement on the matter. [24835/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): It is a fundamental principle of our social insurance system that those qualifying for benefits must satisfy a range of contribution and other conditions. In the case of contributory pensions this involves commencing payment of contributions 10 years before pension age, payment of a minimum number of contributions at an appropriate rate and reaching a minimum average annual contribution rate. The state pension (contributory) is a valuable benefit and the conditions are designed to ensure that those qualifying have had a sufficient and ongoing attachment to the social insurance system.

The case reported on by the Irish Human Rights Commission (IHRC) involves a couple who were over 56 years of age in 1988 when compulsory social insurance for the self-employed was introduced. Accordingly, they were unable to satisfy one of the basic requirements for pension as they did not commence paying insurance 10 years before pension age.

In 1999 a special half-rate pension was introduced for this group based on the payment of 260 contributions and, again, the couple involved did not satisfy the qualifying condition. While one of the couple could have qualified had they paid the necessary contributions, because of advanced age the other person would not have been able to contribute the necessary level of contributions before reaching pension age. A refund of part of the social insurance contributions was available to such people.

Having considered the case, the IHRC has recommended that a reduced benefit should be paid to people who, because of advanced age, could not satisfy the conditions for the special pension introduced in 1999. The recommendations of the IHRC are based on its assessment of the situation under the European Convention on Human Rights, the International

Covenant on Civil and Political Rights and the European Code of Social Security. In relation to the European Code of Social Security, the IHRC places particular emphasis on provisions in relation to the position of people, who by reason of age when provisions are introduced, cannot satisfy contribution or employment conditions.

The Department makes annual reports on compliance with this Code to the Council of Europe, summarising changes to the social welfare system. These reports are then referred to the International Labour Organisation (ILO) Committee of Experts for their examination. The Department's 1999 report included details of the self-employed provisions which are now the subject of the Irish Human Rights Commission (IHRC) investigation. At that time, the ILO Committee confirmed that Ireland met its obligations.

Accordingly, as an initial step in its review of the IHRC report, my Department has asked the ILO Committee of Experts for its views on the way in which the IHRC has interpreted the relevant articles. While the Department has received an informal opinion which is at variance with the conclusions of the IHRC, it has asked the Committee of Experts for a formal review of the situation in the context of our annual report on compliance with the European Code of Social Security which my Department submitted recently. The annual report has drawn specific attention to the IHRC report and the manner in which it interprets our obligations under Article 29.5 of the Code.

The views of the supervising committees have been sought on the conclusions of the IHRC report and as soon as these are received the position will be reviewed. My Department is anxious to finalise this matter and will press for an early response from the supervising committee.

Question No. 117 answered with Question No. 87.

Social Welfare Benefits.

118. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the action he will take to extend the all-Ireland free travel pass to all free-travel pass holders. [26288/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, also receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU Regulations, or from a

country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel.

The all Ireland free travel scheme is based on a reciprocal agreement between my Department and the Department for Regional Development in Northern Ireland, which operates the Northern Ireland concessionary fares scheme.

Under the scheme, free travel pass holders age 66 or over can travel free on services operating within Northern Ireland and senior smartpass holders from Northern Ireland can travel free on participating services here. Effectively, institutions in this State and in Northern Ireland recognise free travel arrangements for older people in each jurisdiction as equivalent arrangements.

The concessionary fares scheme in Northern Ireland is available only to people aged 65 and over so it is not possible to develop reciprocal arrangements in respect of free travel pass holders aged under 66. Any extension to the scheme would have to be agreed with the Northern authorities.

119. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the reason he refuses to progress the commitment to establish a new subsidy or assistance on a pilot basis to assist wheelchair users with the cost of taxis; and if he will make a statement on the matter. [26277/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 80 private transport operators.

I am aware of the difficulties that some free travel pass holders have in accessing public transport and my officials have discussed this issue with the Commission for Taxi Regulation. Various alternatives to the existing system, including the use of vouchers, have been examined. A study, "A Review of the Free Schemes," published in 2000 under the Department's programme of expenditure reviews concluded that a voucher type system, which would be open to a wide range of transport providers including taxis and hackneys, would be extremely difficult to administer, open to abuse and unlikely to be

sufficient to afford an acceptable amount of travel. This position remains unchanged.

I will continue to review the operation of the free travel scheme with a view to identifying the scope for further improvements as resources permit.

Question No. 120 answered with Question No. 87.

121. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs if he has received the NESC research on the possible merging of family income supplement and child dependent allowances; and the way he proposes to proceed. [26260/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Under the terms of an earlier Social Partnership agreement the National Economic and Social Council (NESC) was asked to examine the feasibility of merging the family income supplement with qualified child increases and possibly including other child supports such as the back to school clothing and footwear allowance, resulting in a single second tier child income support. Such a payment would be aimed specifically at targeting child poverty by channelling resources to low-income families without creating significant disincentives to employment. This commitment to examining such a change was subsequently embodied in the current social partnership agreement 'Towards 2016'.

While the final results of the NESC study have not been received to date, the importance of targeted income support to families and children continues to be a high priority for this Government and the significantly improved and targeted measures announced in Budget 2007 represent substantial improvements in this area.

Family income supplement income thresholds were raised in Budget 2007, increasing the weekly payments of almost all existing FIS recipients by €9 for a one child family, to €111 for a family with eight or more children. Research has shown that poverty is more likely to be concentrated in larger families and this improvement continues the re-focusing of thresholds towards larger families which started in Budget 2006, thereby further targeting resources at low-income households.

In Budget 2007 all three rates of qualified child increase, which had remained unchanged since 1994, were consolidated to a single rate of €22 per week. In addition, the annual back to school clothing and footwear allowance, which provides income support for the poorest families at a particularly difficult time of the year, was increased by €60 for children aged 2 to 11, and by €95 for children aged 12 to 22, bringing the rates of payment to €180 and €285 respectively.

These changes represent a more selective approach to child income support through targeting children in poorer households while at the same time limiting the extent to which employment disincentives are increased. Maintaining this

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balance will remain a priority in consideration of future policy changes in this area.

The merging of family income supplement and qualified child increases would provide an opportunity to further target income support at the poorest families. However, the issues involved are complex and there are technical and policy challenges to be overcome.

NESC research on the subject is expected to be available soon. The Council's analysis of these issues will, when received, be of assistance in informing the future direction of child income support policy.

Question No. 122 answered with Question No. 109.

Question No. 123 answered with Question No. 99.

Pension Provisions.

124. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs the steps he will take to fulfil the commitment in the Agreed Programme for Government to introduce phased retirement which allows workers a greater say in their retirement age; and if he will make a statement on the matter. [26173/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): It is important that those who wish to continue in employment after normal retirement age should, as far as is possible, be facilitated and supported. Longer working can play an important role in ensuring that the pensions system is sustainable in the future and can be beneficial to the individual.

The Green Paper on Pensions includes proposals for the examination of issues surrounding retirement age and the barriers faced by older workers who wish to remain in employment.

In the context of the Green Paper on Pensions and the Agreed Programme for Government, I will be considering how to introduce flexibilities into the social welfare pensions and social insurance systems to encourage and facilitate longer working. These include options such as allowing people to receive a higher rate of payment if they defer claiming pension and the question of making work after normal retirement age insurable for pension purposes.

Changes to social welfare pensions represent only one aspect of the responses which will be needed in this area. Both employer and employee attitudes in relation to longer working will have to change in order for changes in the pension area to impact. While neither employment nor equality law impose a compulsory retirement age, employers may decide on one for particular employments. In future, at the workplace level, employers must seek to retain older employees by creating the working conditions which will

make longer working both attractive and feasible for them if change is to be achieved.

Departmental Expenditure.

125. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs his priority areas for additional expenditure in 2008; and if he will make a statement on the pre-Budget 2008 outlook in so far as it affects his Department. [26292/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The recently published Pre-Budget Outlook provides for total social welfare expenditure between Vote and Social Insurance Fund of €16.113 billion in 2008. This is a 5.1% increase over the 2007 allocation and reflects the full-year impact of the Budget changes announced last December, as well as forecasted changes in numbers of recipients. The Pre-Budget estimates are on an existing level of service basis. They do not provide for any changes to qualifying conditions or rates of payment.

Improvements in social welfare schemes and services are introduced by way of the Budget. In this regard, I will be developing proposals having regard to various factors.

My priority will be to make progress in delivering on the commitments contained in the Agreed Programme for Government, the Social Partnership Agreement Towards 2016 and the National Action Plan for Social Inclusion 2007-2016. These commitments relate to increases in pensions and other social welfare payments as well as a wide range of measures to benefit vulnerable groups in society including older people, children, and carers.

Question No. 126 answered with Question No. 105.

Question No. 127 answered with Question No. 79.

Social Welfare Benefits.

128. **Deputy Pat Rabbitte** asked the Minister for Social and Family Affairs the way and when he will increase eligibility for the carer's allowance. [26273/07]

345. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the extent to which he plans to re-evaluate the carers allowance with a view to extending payments to a greater number of carers thereby achieving a reduction in institutional care and good value for money; and if he will make a statement on the matter. [26641/07]

346. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the extent to which he will expand the carers allowance in the coming year with particular reference to the need to provide payments to all persons provid-

ing care; and if he will make a statement on the matter. [26642/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 128, 345 and 346 together.

Supporting and recognising carers in our society is, and has been, a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended.

Most recently, significant reforms came into force, which allow people in receipt of certain other social welfare payments, who are also providing full time care and attention to a person, to retain their main welfare payment and receive another payment, depending on their means. The maximum payment will be the equivalent of a half rate carer's allowance.

Carer's allowance, in line with other social assistance schemes, is means tested. This ensures that scarce resources are directed at those in greatest need. The means test has been significantly eased over the years, most notably with regard to spouse's earnings. Budget 2007, provided for an income disregard for a couple of €640 per week. This ensures that a couple can earn in the region of €36,000 per annum and still receive the maximum rate of carer's allowance and the associated free travel and household benefits. This measure surpasses the "Towards 2016" commitment to ensure that those on average industrial earnings continue to qualify for a full carer's allowance. In addition, the rates of carer's allowance have been increased to €200 per week for those aged under 66 and to €218 per week for those aged over 66.

One of the fundamental qualifying conditions for carer's allowance, carer's benefit and the respite care grant is that the person be providing full-time care and attention to a person who needs such care. The number of hours a person may engage in employment, self employment, training or education outside the home and still be considered to be providing full-time care and attention for the purposes of the schemes was increased from 10 to 15 hours per week in June 2006.

In Budget 2006, the duration of carer's benefit was extended from 15 to 24 months. The associated carer's leave scheme was extended in the same manner. In Budget 2005, the respite care grant was extended to all people providing full time care and attention regardless of their means or social insurance contributions. In addition, since June 2005, the respite care grant is payable in respect of each care recipient. I will keep the supports for carers available from my Department under review in order to continue to improve the schemes and ensure that commit-

ments in relation to income support are delivered.

129. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the action being taken to improve the information available to the public on entitlements in other EU countries in view of the increase in the mobility of welfare and State pension recipients across the EU. [26287/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department provides a range of information on social welfare entitlements aimed and people moving to and from Ireland. A combination of information is available from the Departmental website, printed material and directly from staff.

The Departmental website, www.welfare.ie, provides a multi-lingual guide to Irish Social Welfare Services as well as information on entitlements of the customer if they choose to move to another EU Member State. The site also provides links to websites of other countries, and to information sites such as EUlisses. EUlisses is in the process of being developed by the EU commission, and is a guide to social security in Europe for people who have lived or worked in another member state. It is designed to help people understand how they are protected when they go to work, take up residence, or simply stay temporarily in another member state. My department is co-operating fully with the provision of information for the EUlisses website.

In 2005, my Department published EU Guidelines on its website, which provides an in-depth, user friendly guide to EU Regulations 1408/71 and 574/72. These Regulations govern the social security rights of people living and working in the EU by co-ordinating the rights of migrant workers moving within the European Union. These Guidelines are also available, upon request, in hardcopy.

In addition, my Department is currently in the process of creating a Guide entitled "Your Social Security Rights in Ireland", which aims to provide the same information as the Guidelines already mentioned, will be available in multi-lingual hardcopy form, as well as on our website, and is specific to social security rights of persons coming to Ireland. It is anticipated that the Guide will be published by the end of this year.

My Department's Information Services Unit provides core funding each year to the "Emigrant Advice" organisation which is an information, advocacy and referral organisation for vulnerable migrants. As part of its range of services Emigrant Advice provides information to people intending to emigrate from Ireland to other countries, including other EU Member States. Emigrant Advice has published a practical guide entitled "Thinking of Going to the UK", and they continue to provide information services at its premises in Cathedral Street, Dublin 1, over the telephone and via its website.

[Deputy Martin Cullen.]

The Citizens Information Board, one of my Department's agencies, is the national agency responsible for supporting the provision of information, advice and advocacy on social services. The Board provides general information for people leaving Ireland on claiming social security within the EU and also provides the equivalent information for people moving to Ireland. This information is provided on the Board's public service website www.citizensinformation.ie and can also be accessed by members of the public who telephone the Citizens Information Phone Service or who call into one of the Citizens Information Centres located around the country. Finally, if a person is in receipt of a social welfare benefit from my Department, and decides to go abroad for whatever reason, they will be given expert advice on the possibility of exporting that benefit, by staff in their Social Welfare Local Office, upon notifying them of their intention to move abroad.

130. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs the rationale for the policy of backdating valid late claims to six months only; and if he will make a statement on the matter. [26284/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The legislative provisions relating to late claims for social welfare benefits are set out in Section 241 of the Social Welfare Consolidation Act 2005, and in Regulations made under that section. These provisions set out the times within which a person must claim, the disqualifications which apply where a claim is made late, and the circumstances in which the time limits may be extended.

Since 1997 a number of improvements have been made to the provision relating to late claims for social welfare payments. For example, prior to 1997 arrears of state pension contributory claims were limited to either three months or six months before the date of claim. Regulations made in 2000 put certain extra-statutory provisions that had applied in the case of late claims under certain schemes on a statutory basis. All late claims are now determined in accordance with the legislation.

The legislation also provides for payment to be made on foot of late claims in the case of a range of other schemes for a period of 6 months prior to the date of claim provided there was good cause for the late claim. The legislation now also provides for relaxation of the restrictions on backdating late claims under all schemes apart from Unemployment Benefit, Unemployment Assistance and Supplementary Welfare Allowance, and for further payment to be made, up to the level of full retrospection where the circumstances would warrant it, where:

- the delay was due to incorrect information having been given by my Department, or

- illness or a force majeure prevented a person from claiming earlier or,
- the person is dependent on the arrears of payment to relieve financial hardship.

It is generally accepted that there is an obligation on people to claim their social welfare entitlements in time. However, cases will inevitably arise where they fail to do so and the legislative provisions are designed to cater for such situations. I am satisfied that the current provisions strike a reasonable balance between, on the one hand the need to exercise supervision and control of claims and the requirements of sound financial management and control of public expenditure and, on the other hand, the need for appropriate recognition to be given to cases of genuine hardship or difficulty.

131. **Deputy Joe Costello** asked the Minister for Social and Family Affairs the action he will take in relation to the cap on rent supplement in view of the considerable increase in the cost of renting in 2007; his views on amending the qualification criteria in order that qualification is based on a means test rather than on holding a social welfare payment; the projected expenditure on rent supplement in 2007 and in 2008; and if he will make a statement on the matter. [26268/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): In January 2007 my Department completed a comprehensive review of the maximum levels of rent which a person may incur and still be eligible to receive a rent supplement. The purpose of the review process was to ensure that the new rent limits, applicable from January 2007, reflect realistic market conditions throughout the country, and that they would continue to enable the different categories of eligible tenant households to secure and retain basic suitable rented accommodation to meet their respective needs. The existing limits are applicable from January 2007 until 30th June 2008.

Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

There are currently over 58,700 rent supplements in payment of which 23,819 have been awarded since the current rent limits were set in January 2007. These statistics show that rented accommodation is available within the current rent limits. I intend to have all limits reviewed next year and any revision found to be necessary will be implemented from 1st July 2008.

Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, exceed the rent levels as an exceptional measure, for example:

- where the person concerned is entitled to an income disregard AND has sufficient income to meet his or her basic needs after paying rent, taking into account the appropriate rate of rent supplement that is otherwise payable in the case
- where there are special housing needs related to exceptional circumstances, for example, disabled persons in specially-adapted accommodation or homeless persons,
- where the tenant will be in a position to re-assume responsibility for his/her rent within a short period

This discretionary power ensures that individuals with particular needs can be accommodated within the scheme and specifically protects against homelessness.

The purpose of the rent supplement scheme is to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source. The scheme is targeted at those most disadvantaged in society and for that reason, those qualifying for the payment are primarily dependent on a social welfare or health service executive (HSE) payment as their main source of income.

Improvements to the means test for rent supplement have been made in recent years to encourage recipients of rent supplement to engage in employment without losing all of their rent supplement. Furthermore, people who are accepted by local authorities as eligible for the Rental Accommodation Scheme may take up full-time employment and still receive rent supplement, subject to the standard means test.

I am satisfied that the scheme is currently being targeted at those who most need support. I do not consider that any further change to the existing qualifying criteria is warranted at this point in time. The projected expenditure for rent supplement for 2007 and 2008 is estimated at €392 million and €410 million respectively.

Question No. 132 answered with Question No. 91.

Pension Provisions.

133. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs the time-frame envisaged for completion of the public consultation on pension reform and acting on any policy proposals that emerge. [26270/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Green Paper on pensions policy was published on the 17th October and a major consultation process in relation to future pensions policy is now underway. Following the completion of the consultation process the

Government is to respond to the views expressed by publishing a framework for future policy.

Pensions is one of the major issues the country must tackle for the future and any decision taken at this stage will impact on society for decades to come. Given the importance of the issue, I am anxious to ensure that the consultation process is as inclusive as possible and that people have ample time to study the Green Paper and to formulate their ideas and comments. Therefore, I intend to leave it open until mid-2008. Once the consultation process is completed, work on developing the framework for future policy will commence. At this stage, it would be my intention to see this work completed and proposals submitted to the Government for consideration.

Social Welfare Benefits.

134. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the number of people in receipt of qualified children's allowance; the amount paid out; and if he will make a statement on the matter. [26183/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): As a qualified child increase is considered to be a part of the relevant social welfare weekly payment to which it is attached, it is not normally presented as a separate cost. However, as of the end of June 2007, there were 253,433 full rate and 82,730 half rate qualified child increases in payment across the range of social welfare schemes, with an estimated annual cost of some €340 million.

Question No. 135 answered with Question No. 79.

136. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the cross-Departmental practices and procedures in place to ensure that welfare recipients with benefits such as medical cards or differential rents are not disadvantaged by improvements in welfare rates; and if he will make a statement on the matter. [26285/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Local authorities are responsible for determining rents payable under the differential rents scheme including the income to be assessed for this purpose, subject to broad principles laid down by the Department of the Environment, Heritage and Local Government. I understand that these guidelines recommend that no more than 15% of any increase in welfare income should be absorbed by an increase in rent. Around Budget time, my predecessors have, in recent years, written to the Minister of the Environment, Heritage and Local Government requesting him to remind local authorities of this. It is my intention to make a similar request this year.

Pension Provisions.

137. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs the action he will take on foot of the issues highlighted in the Pension's Ombudsman's 2006 annual report; and if he will make a statement on the matter. [26291/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department is in regular contact with the Pensions Ombudsman in relation to changes to the Pensions Act he feels are necessary to deal with issues which have come to his attention in the course of his investigations or where he feels his powers to investigate particular problems are not adequate. In this regard, a number of changes have already been made to the Pensions Act at the request of the Pensions Ombudsman and the Department is at present considering a number of further suggestions from him which, if considered appropriate, will be included in Social Welfare and Pensions Bill 2008.

In his annual report for 2006, the Pensions Ombudsman has drawn attention to a range of issues including pension scheme design, communications, investment arrangements, use of discretionary powers by trustees, etc. and I would urge pension providers and others to study his comments and, where appropriate, to amend their administrative practises.

The Pensions Ombudsman also pointed to difficulties in a number of Government Departments and I have been in touch with the appropriate Ministers requesting them to examine the issues raised to ensure that administrative practises are in accordance with the Pension Act.

Industrial Wages.

138. **Deputy Damien English** asked the Taoiseach the average industrial wage for persons in the State for each of the years 2004, 2005, 2006 and most recent available for 2007 with a breakdown for each year for male and female employees in tabular readable form. [26545/07]

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): The average earnings per week for industrial workers for the years 2004, 2005, 2006 and quarter 1 of 2007 (the latest quarter for which figures are available) with a breakdown by gender is presented below:

Average earnings per week of All Industrial Workers in the Industrial Sector

Period	Male	Female	Total
	€	€	€
2004	620.48	407.16	560.77
2005	637.59	430.75	580.88
2006	655.68	451.79	601.21
2007Q1*	669.73	460.14	614.44

* Preliminary estimate.

Northern Ireland Issues.

139. **Deputy Arthur Morgan** asked the Taoiseach when he will meet with the family of a person (details supplied); when he will establish a commission to investigate the matter as proposed by the Joint Committee; and if he will make a statement on the matter. [25879/07]

The Taoiseach: The Deputy will be aware that I have met with victims and their families on many occasions. I have recently received a request for a meeting with the family of the person concerned and that is under consideration. As is usual in these circumstances, I have asked that a meeting be arranged with officials in the first instance. Many of the Joint Committee's recommendations have been implemented. Others require further consideration, including in the context of ongoing work on the question of dealing with the past in Northern Ireland.

Commemorative Events.

140. **Deputy Jimmy Deenihan** asked the Taoiseach if the inter-Departmental committee he established to consider the putting in place of an annual commemoration of the Great Famine has reported to him; if so, the proposals in relation to same; and if he will make a statement on the matter. [26228/07]

The Taoiseach: The issues relating to the commemoration of the Great Famine on an annual basis are currently under consideration by the inter-Departmental committee. I understand that they have yet to finalise their recommendations.

Departmental Staff.

141. **Deputy Fergus O'Dowd** asked the Taoiseach the number of people working in his Department's media monitoring unit; the cost of same; the rates of pay paid and to whom; the type of contract each individual is on; if they are civil servants, their rank and pay scale; the arrangements regarding rostering of staff; if any staff were on duty for the month of June 2007 and the issues reported by them and to whom; the persons to whom the staff of the unit report to; the issues reported on for the month of June 2007; and if he will make a statement on the matter. [26398/07]

The Taoiseach: There are six staff working in the Communications Unit. All are established civil servants, five of whom are on secondment from other Departments. The total cost incurred by the Communications Unit to date in 2007 is €311,270, with €144,698 being a direct cost to the Department of the Taoiseach and €33,314 on average being borne by the five other Departments who have staff seconded to the Unit. The

estimated total annual cost for the Communications Unit in 2007 is €373,524.

The staff in the Unit comprise of five Executive Officers and one Clerical Officer. The pay scales are the same as those applicable throughout the Civil Service for serving Executive Officers and Clerical Officers. The current scale for Executive Officer and Clerical Officer in the Civil Service range from €29,093 to €47,980 and €24,302 to €38,469 respectively. Staff in the Unit work an 18 hour day, based on a flexible rota of three working shifts and are accordingly paid a shift allowance based on one sixth of their salary.

The Unit provides a media information service to Government Ministers and their Departments by furnishing news updates and transcripts. The staff in the Unit report directly to an Assistant Principal in the Government Information Service. All of the Communications Unit's staff were on duty during June 2007, providing news updates, synopsis of newspaper headlines and transcripts as required.

Employment Levels.

142. **Deputy Damien English** asked the Taoiseach the number of people employed in the construction industry on a county basis in the years 2002 and 2006; if he expects this trend to continue; and if he will make a statement on the matter. [26543/07]

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): The information requested by the Deputy in relation to 2002 and 2006 is contained in the following table. Projected employment data for the construction sector is not available.

Persons aged 15 years and over at work in the Construction industry, in each Province, County and City, Census 2002 & 2006

Construction Industry	Census 2002	Census 2006
<i>Geographic Area</i>		
<i>Leinster</i>		
Carlow	77,271	108,142
Dublin	1,994	2,711
Dublin City	32,334	41,756
Dún Laoghaire-Rathdown	12,928	15,992
Fingal	4,021	4,732
South Dublin	6,291	9,841
Kildare	9,094	11,191
Kilkenny	7,665	10,981
Laoighis	3,641	5,024
Longford	2,628	4,351
Louth	1,273	2,055
Meath	3,805	5,350
Offaly	7,298	11,010
Westmeath	2,838	4,428
	3,069	4,641

Construction Industry	Census 2002	Census 2006
Wexford	5,942	9,369
Wicklow	4,784	6,466
<i>Munster</i>		
Clare	42,279	61,532
Cork	4,172	6,071
Cork City	17,527	25,799
Cork County	3,897	4,850
Kerry	13,630	20,949
Limerick	5,494	8,216
Limerick City	6,094	8,224
Limerick County	1,287	1,475
North Tipperary	4,807	6,749
South Tipperary	2,278	3,433
Waterford	3,249	4,789
Waterford City	3,465	5,000
Waterford County	1,128	1,518
<i>Connacht</i>		
Galway	2,337	3,482
Galway City	19,463	29,761
Galway County	8,521	13,158
Leitrim	1,686	2,775
Mayo	6,835	10,383
Roscommon	1,140	1,971
Sligo	5,357	7,787
<i>Ulster (part of)</i>		
Cavan	2,381	3,690
Donegal	2,064	3,155
Monaghan	10,258	15,749
State	2,569	4,082
	5,439	8,124
	2,250	3,543
State	149,271	215,184

Departmental Expenditure.

143. **Deputy Damien English** asked the Taoiseach the amount that was spent by his Department on official hospitality in the past 12 months. [26584/07]

The Taoiseach: The total spend by my Department on official hospitality in the past 12 months (October 2006 to September 2007) amounts to €345,771. This includes expenditure in relation to State protocol, such as State dinners and receptions organised in association with visits by Heads of State or Heads of Government. It also includes entertainment of other foreign dignitaries and other official entertainment such as arises in association with official meetings and events.

Departmental Facilities.

144. **Deputy Damien English** asked the Taoiseach the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the

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information in tabular readable form; and if he will make a statement on the matter. [26616/07]

The Taoiseach: My Department has no staff canteens and does not provide hot food services for staff.

Drug Seizures.

145. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Finance if his attention has been drawn to the number of drug arrests at Dublin Airport arising from the Johannesburg, Zurich, Dublin route; the number of such arrests there have been in the past 24 months; the measures being taken to tackle traffickers on this route and all routes coming into Dublin Airport; and if he will make a statement on the matter. [25999/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that there have been 2 drugs arrests from the Johannesburg — Zurich — Dublin Airport route in the past 24 months. However, during that period, there were 7 drugs arrests in total of passengers who arrived in Dublin Airport from Johannesburg via European Airports.

The total Drug seizures from passengers originating in Johannesburg over the past 24 months amount to 120.64kg of Herbal Cannabis and 1.5kg of Cocaine with a total combined value of €607,680. The total value of Drugs seized in Dublin Airport in 2006 was €7,225,480 and the value so far in 2007 is €5,457,179.

Revenue's Customs Service in Dublin Airport is continuously engaged in the analysis and evaluation of seizure trends, traffic frequency, route and similar risk indicators. In addition to local intelligence, the Customs Service in Dublin Airport shares and receives information and intelligence on drug smuggling from a number of international bodies including the World Customs Organisation, United Nations Drug Control Programme, Interpol, Council of Europe, Euro-pol and the UK's Serious Organised Crime Agency.

The Customs Service in Dublin Airport also liaises on an ongoing basis with other national and international enforcement services such as the Garda Síochána, the Air Corps, and foreign customs and police services. It regularly takes part in European, bilateral and national surveillance operations focused at specific drug smuggling methodologies.

I am also advised that an additional 14 staff resources were recently appointed to Dublin Airport to increase the regular enforcement operational resources there to 50. Furthermore, in early 2007, the Customs Service in Dublin Airport set up a dedicated Intelligence, Risk Analysis and Profiling Unit in support of operational

enforcement teams. This unit will develop and improve intelligence-gathering methods, profiling and risk analysis in relation to approximately 3,800 flights arriving into and departing from Dublin Airport each week.

Garda Stations.

146. **Deputy Margaret Conlon** asked the Tánaiste and Minister for Finance the position regarding the new Garda station at Shantonagh, Castleblaney, County Monaghan. [26205/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): Advertisements were placed in the National and local newspapers seeking a site for a new Garda Station at Shantonagh, Castleblaney, Co. Monaghan. Seven responses were received and an assessment of these sites is currently being undertaken.

EU Funding.

147. **Deputy Joe McHugh** asked the Tánaiste and Minister for Finance the mechanisms that have been agreed upon to facilitate the distribution of funding under the forthcoming INTERREG programme; and if he will make a statement on the matter. [26435/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The ERDF-funded INTERREG programmes aim to address the economic and social disadvantage that can result from the existence of a border. During the period 2007-2013 these programmes will take place under the EU's European Territorial Cooperation Objective 3. During this period Ireland will participate in all of the three strands of the Objective 3 programmes, cross-border, transnational, and inter-regional.

Ireland will participate in two cross-border programmes, the Ireland/Northern Ireland/ Western Scotland Programme, and the Ireland/Wales Programme. The aim of the Ireland/Northern Ireland/Western Scotland Programme is to support strategic cross-border cooperation for a more prosperous region and improve access to services to enhance the quality of life. This Programme will have EU funding of €192 million. The Ireland/Wales Programme is primarily a maritime cross-border programme the aim of which is to achieve a sustainable development by a progressive integration of local economic, social and environmental development. The Programme will have EU funding of €52.7 million.

Ireland will participate in three transnational programmes. These are the Atlantic Area Programme which will include Ireland, UK, parts of west France, northern Spain and Portugal. The programme will have EU funding of €104 million. The North West Europe Programme will include Ireland, the UK, northern France, Benelux countries and part of Germany. The programme will

have EU funding of €335 million. The Northern Periphery Programme will include the south and west coast of Ireland, Northern Ireland, part of Scotland, parts of Sweden and Finland and the non-Member States of Greenland, Iceland and Faroe Islands. The programme will have EU funding of €35 million. Finally, Ireland will participate in the interregional Programme which covers all 27 EU Member States as well as Norway and Switzerland. The programme will have EU funding of €321 million.

Tax Code.

148. **Deputy Liz McManus** asked the Tánaiste and Minister for Finance if he plans to extend the tax saver scheme in Budget 2008 to include the purchase by employers of bicycles and electric bicycles for the transportation of their employees to work, especially in rural areas where public transport does not exist; and if he will make a statement on the matter. [26482/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There are no plans to extend the scheme referred to by the Deputy to include the purchase by employers of bicycles and electrical bicycles for their employees to travel to work. There is provision in the existing Benefit-in-Kind arrangements to allow an employer to provide an employee with a small benefit to a value not exceeding €250 in any one year without applying PAYE and PRSI to that benefit. The purchase by an employer of a bicycle for an employee could be covered by this provision, subject to the €250 limit on the value of any such benefits.

Debt Relief.

149. **Deputy Michael D. Higgins** asked the Tánaiste and Minister for Finance his views on the writing off of odious and illegitimate debt by the World Bank, the IMF and other international lending agencies; and if he will propose such or make other proposals to the forthcoming meeting of these institutions. [25998/07]

164. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Finance his views on initiatives to relieve the debt of highly indebted poor countries; and if he will make a statement on the matter. [26439/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 149 and 164 together.

Ireland has been strongly supportive of the full implementation of debt relief and, where appropriate, cancellation.

In 2002, the Department of Finance and the Department of Foreign Affairs published a joint paper on the question of debt relief to which I refer to the attention of the Deputies. That set out our position in detail regarding such issues as

debt sustainability and cancellation. In particular, it emphasised the need for donor support for debt cancellation, which has been partially successful. The poorest countries are already eligible for 100 per cent — debt cancellation on their bilateral debts under the Heavily Indebted Poor Countries (HIPC) Initiative, as well as 100 per cent debt cancellation on their debts to the World Bank, International Monetary Fund (IMF) and African Development Bank under the Multilateral Debt Relief Initiative (MDRI). In addition to an earlier contribution of €30m towards the costs of implementation of the HIPC Initiative, we were the first country to pay its full share of the costs of the MDRI — €58.6m out of the approximately US\$37 billion total cost. We will remain actively engaged in ensuring that international commitments to dealing with the debt burden on developing countries are met.

Tax Code.

150. **Deputy John Deasy** asked the Tánaiste and Minister for Finance the number of people affected by the amendment of Section 86 of the Capital Acquisitions Tax Consolidation Act 2003; the number of people as a result of this legislation who do not qualify for relief that they did under Section 130 of the Finance Bill 2000; and if he will make a statement on the matter. [26071/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that particulars are received mainly in respect of claims which qualify under section 86 of the Capital Acquisitions Tax Consolidation Act 2003 for exemption from CAT in relation to gifts or inheritances of certain dwellings.

As corresponding information is not required in relation to gifts of houses which no longer qualify for the exemption, by virtue of the amendment of section 86 by section 116 of the Finance Act 2007, there is no statistical basis on which an estimate of the numbers so affected could be provided.

Pension Provisions.

151. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Finance if, in relation to the new pension regulations for the self employed, IT14, he will respond to a query by a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [26099/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that the situation in relation to the individual who is the subject of the Deputy’s question is as follows:

Section 19, Finance Act 1999 introduced new options for certain individuals (including proprietary directors) who have contributed to pen-

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sion funds and who have reached retirement age. These entitlements are set out in a Revenue leaflet IT 14 and may be summarised as follows: 25% of the pension fund may be taken as a tax free lump sum and the balance may be used to either purchase an annuity, invest in an Approved Retirement Fund (ARF) or withdrawn in cash subject to taxation at the individual's marginal income tax rate. Before these options may be exercised, however, the individual concerned must be able to show that, having taken 25% of the fund as a tax-free lump sum, he/she has "specified income" of at least €12,700 per annum. Specified income is defined as a pension or annuity (including a Social Welfare pension) which is payable for the life of the individual and is being paid at the retirement date from which the benefits of the pension fund become payable. Where an individual does not have the required "specified income", an amount of €63,500 or the full balance in the pension fund if less than this amount, must be transferred to an Approved Minimum Retirement Fund (AMRF). The capital in an AMRF is not available to an individual until he or she reaches 75 years though any income generated by the fund can be drawn down subject to tax. The purpose of an AMRF is to ensure a capital or income "safety net" for certain individuals throughout the period of their retirement.

As regards the "specified income" requirement, any pension or annuity payable to a spouse cannot be regarded as the specified income of the individual pension fund beneficiary, as it is not payable for the life of that individual but rather for the life of the spouse. In the specific case in question, the specified income requirement was not met. The individual seems to have taken the view that the full Social Welfare pension payable to a married couple should be reckoned as specified income whereas only the amount attributable to him personally may be reckoned.

I am informed by the Revenue Commissioners that they have no role in advising taxpayers in relation to the various pension products which may be available in the market place. Moreover, I am not in a position to comment on the information which may or may not have been provided to the individual when he established the AMRF.

Parking Regulations.

152. **Deputy Tony Gregory** asked the Tánaiste and Minister for Finance if the Office of Public Works will examine the car parking requirement for Glasnevin Cemetery in Dublin 9 in the context of the ten year development plan in progress for the cemetery and the lack of car parking locally other than residential roads; if an underground car park will be considered nearby; and if he will make a statement on the matter. [26105/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Office of Public Works is assisting the Dublin Cemeteries Committee in the refurbishment of Glasnevin Cemetery and the development of both it and the Botanic Gardens as a combined Visitor destination. In conjunction with the Committee, OPW are now presently examining parking issues at the Cemetery with a view to seeing what improvements might be possible in that area.

Tax Code.

153. **Deputy Mary Upton** asked the Tánaiste and Minister for Finance if, in view of the Government's stated ambition to promote the use of commuting options other than the private car, he has considered extending the tax saver commuter scheme to the purchase of bicycles and electric peddled bicycles; and if he will make a statement on the matter. [26207/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There are no plans to extend the scheme referred to by the Deputy to include the purchase by employers of bicycles and electrical bicycles for their employees to travel to work. There is provision in the existing Benefit-in-Kind arrangements to allow an employer to provide an employee with a small benefit to a value not exceeding €250 in any one year without applying PAYE and PRSI to that benefit. The purchase by an employer of a bicycle for an employee could be covered by this provision, subject to the €250 limit on the value of any such benefits.

Garda Stations.

154. **Deputy Edward O'Keefe** asked the Tánaiste and Minister for Finance when work will commence on the extension for refurbishment to the Garda station at Mallow, County Cork to be used by the Traffic Corps; and if his attention has been drawn to the fact that the delay in carrying out the works is slowing down the work of the Gardaí. [26212/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Commissioners of Public Works are currently considering all site options for the construction of the new Divisional Headquarters to be located in Mallow, Co. Cork. The Commissioners are also assessing the State owned site adjoining Mallow Garda Station with a view to facilitating the new Garda Traffic Corps there on a temporary basis.

Revenue Commissioners Investigations.

155. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Finance the number of unauthorised used car dealers in County Louth that will be audited by the Revenue Commissioners as part of their ongoing investigation into the industry. [26213/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that from time to time, they initiate a number of projects aimed at tackling tax evasion in specific sectors. One such project, which is ongoing and is expected to extend into 2008, involves the targeting of unauthorised trading in vehicles. Revenue are not in a position at this stage to say how many unauthorised used car dealers in County Louth will be identified as a result of this project — the numbers of cases to be targeted in each geographic area will depend on local intelligence and risk-based selection criteria. However, I am advised that since the project started, Revenue have so far identified 72 instances of unauthorised vehicle dealing nationwide, including 1 identified in County Louth.

State Property.

156. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Finance the premises the State is renting or leasing in County Louth; the amount of rent paid for each such premises; if the premises are presently occupied; if not, the period they are vacant; the cost of unoccupied premises to date; and if he will make a statement on the matter. [26214/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): Details of the properties that are leased by the Office of Public Works in County Louth including the annual rent for each are scheduled in the table below. Properties Leased by the Office of Public Works in County Louth:

Property Name	Address	Annual Rent
		€
Ardee Social Welfare Office	William Street, Ardee	5,282.11
Drogheda Agriculture Car Park	Fitzwilliam Court Carpark, Dyer Street, Drogheda	18,150.00
Drogheda Customs & Excise	Steam Packet Quay, Drogheda, Drogheda	12,697.38
Drogheda Education Office	C C O House, Industrial Estate, Drogheda	70,089.52
Drogheda Probation & Welfare Service	23 Laurence Street, Drogheda	66,000.00
Drogheda Social Welfare Office	Singleton House, Laurence Street, Drogheda	70,533.00
Drogheda Social Welfare Office/Customs & Excise	Abbey Shopping Centre, West Street, Drogheda	3,301.32
Drogheda SWO Car Park	Haymarket Multi-Storey Car Park, Dyer Street, Drogheda	8,800.00
Dundalk Education Office	Dundalk Institute of Technology, Dublin Road, Dundalk	9,570.00
Dundalk Fairways Hotel (temp driver testing)	Dublin Road, Dundalk	OPW only pay for days where tests are scheduled by the Department of Transport.
Dundalk Garda Office	Dundalk Railway Station, Dundalk	2,800.00
Dundalk Government Office	Brook Street, Ardee Road, Dundalk	35,000.00
Dundalk Government Office	Earl House, 13-14 Earl Street, Dundalk	177,763.33
Dundalk Revenue Warehouse	Coes Road, Dundalk	130,000.00

Earl House has previously been used by the Revenue Commissioners who have now moved to the Coes Road premises. However, Revenue are currently using the premises for temporary storage purposes. The OPW is in the process of arranging to surrender the lease back to the landlord.

Garda Headquarters.

157. **Deputy Noel Grealish** asked the Tánaiste and Minister for Finance the stage the Office of Public Works are at regarding the design for a new Garda divisional headquarters for Galway in view of the fact that a site has been identified; when he envisages that work will begin on the project; and if he will make a statement on the matter. [26299/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): A site survey was carried out in September and is now complete. Work on a Sketch Scheme for the new Divisional Headquarters will commence on receipt of the survey report and drawings which are expected shortly.

Disabled Drivers.

158. **Deputy Jack Wall** asked the Tánaiste and Minister for Finance the position of an application for vehicle registration tax by a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26301/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The initial application for a Primary Medical Certificate under the Disabled

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Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate has been refused in this case, the named person may appeal the refusal to the Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

Garda Stations.

159. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Finance if there plans by the Office of Public Works to refurbish and renovate Coolock Garda Station; and if he will make a statement on the matter. [26341/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): Coolock Garda Station is ranked at No. 60 on the Garda Building Programme priority list. The Office of Public Works concentrates its efforts on Stations with a high priority and has no immediate plans to refurbish and renovate this Station.

Budget Submissions.

160. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Finance his views on the IFA Budget 2008 submission; and if he will make a statement on the matter. [26397/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I have received a pre-Budget submission from the IFA. Its contents will be considered in the context of the forthcoming Budget and Finance Bill. As Deputies are aware it would not be appropriate for me to comment in advance of the Budget on possible Budget decisions.

Tax Code.

161. **Deputy Seamus Kirk** asked the Tánaiste and Minister for Finance the way the money value of the entitlements are determined where entitlements under the single farm payment system are sold and there is a capital gains tax liability; and if he will make a statement on the matter. [26422/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Where an entitlement under the single farm payment system is sold, the normal capital gains tax rules apply. The net gain attracts a liability at 20%. Where the entitlement was originally acquired on the commencement of the scheme, the cost price, for capital gains tax purposes, is nil. However, the single farm payment entitlement will qualify as an asset for the purposes of capital gains tax retirement relief provided the farmer fulfils the 10 year rule in relation

to ownership and usage of the land which is disposed of at the same time as the entitlement.

162. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he has reviewed the operation of the tax credit on research and development available here; the way this compares with the UK, Sweden, Finland and Denmark; and if he will make a statement on the matter. [26423/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Since 2004, a tax credit of 20% of incremental expenditure by a company on research and development (R&D), over a base level of previous R&D expenditure, is available for offset against its corporation tax liability.

A preliminary review of the R&D tax credit scheme, involving consultation with industry, was undertaken last year prior to Budget 2007. A number of changes were introduced in the 2007 Budget and Finance Act, including the fixing for a further 3 years from 2007 to 2009, of expenditure in 2003 as the base against which qualifying incremental expenditure on R&D is measured under the tax credit scheme. With the incremental period gradually widening over this time, the scheme will become progressively more beneficial to companies that are active in R&D.

Also, from 1 January 2007, expenditure by companies on sub-contracting R&D work to unconnected parties qualifies under the tax credit scheme up to a limit of 10% of qualifying R&D expenditure in any one year. This is in addition to the existing provision in the scheme under which payments made by a company to a university in the European Economic Area undertaking R&D qualify for the credit up to an amount not exceeding 5% of the expenditure incurred by the company on R&D activities. It should also be noted that expenditure on buildings used for R&D is allowed on a volume based system and the credit at 20% of cost is allowed over a period of four years.

According to a recent consultant's report in this general area, fifteen EU member states currently have fiscal incentives in place to encourage business research and development, including Ireland, Denmark and the UK. The structure of these various incentives differ from one member state to the next which makes direct comparison of schemes difficult. For example, the incentives in the UK and Denmark operate by way of tax allowances (which reduce taxable income before application of tax) whereas tax credits (as operated in Ireland and elsewhere) reduce the final tax bill. Moreover, comparing discrete fiscal incentives in isolation would serve to ignore other important considerations such as, in Ireland's case, the low corporation tax rate on trading profits from which firms involved in R&D also benefit.

The R&D tax credit scheme is a very important part of the Government's overall strategy to encourage the undertaking of more research and development in this country. I will keep the operation of the scheme under review to ensure that it continues to make a strong contribution in that direction.

163. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance if he will change the system whereby the vehicle registration tax payable on a second hand imported car is set based on manufactures recommended prices and remains fixed at that level for the entire twelve months in such a way that recognises that second hand cars trade at well below the manufactures recommended prices and avoids the substantially higher VRT paid on the same car in December, compared to the following January. [26424/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Revenue Commissioners are the vehicle registration authority in the State. As a general rule all vehicles imported permanently into the State must register for vehicle registration tax (VRT) purposes at any vehicle registration office within one week of their arrival in the State.

VRT is charged on the open market selling price (OMSP) of a vehicle in the State at the time of registration. The OMSP is defined in Section 133 of the Finance Act 1992 as the price inclusive of all taxes and duties which a vehicle might reasonably be expected to fetch on a first arm's length sale in the open market in the State by retail.

The OMSP of imported second hand vehicles is determined by the Revenue Commissioners by reference to trade publications, price lists, trader opinions, actual selling prices and information collected during the course of audits. It is applied to individual vehicles and adjusted on an ongoing basis throughout the year to allow for factors such as age, mileage and the condition of that vehicle.

In determining the age of the vehicle, Revenue take into account the actual month of manufacture so that the difference in the OMSP of a vehicle imported in December vis a vis the OMSP of the same model imported in the following January reflects the market forces at the time of registration and not a value that was fixed for the entire year.

Question No. 164 answered with Question No. 149.

165. **Deputy Liz McManus** asked the Tánaiste and Minister for Finance his views on extending the tax saver scheme in Budget 2008 to include the purchase by employers of bicycles and electric bicycles for the transportation of their employees to work, especially in rural areas where public

transport does not exist; and if he will make a statement on the matter. [26483/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There are no plans to extend the scheme referred to by the Deputy to include the purchase by employers of bicycles and electrical bicycles for their employees to travel to work.

There is provision in the existing Benefit-in-Kind arrangements to allow an employer to provide an employee with a small benefit to a value not exceeding €250 in any one year without applying PAYE and PRSI to that benefit. The purchase by an employer of a bicycle for an employee could be covered by this provision, subject to the €250 limit on the value of any such benefits.

166. **Deputy Margaret Conlon** asked the Tánaiste and Minister for Finance if he has plans to ensure that where joint ownerships of family farms are dissolved and the jointly owned assets are divided and transferred to the individual family owners at that point, no chargeable gain to capital gains tax will apply. [26492/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Section 30 of the Taxes Consolidation Act 1997 deals with the treatment, for capital gains tax (CGT) purposes, of partnerships. It provides, in the case of a business partnership, that chargeable gains accruing to the partners on the disposal of partnership assets are assessed and charged on them separately and not on the partnership itself. In this case, the dissolution of a business partnerships, might involve three forms of asset disposal, two of which incur a CGT liability. An asset that was brought into a partnership by a particular partner and is subsequently taken back by that same partner is not considered a disposal for CGT purposes and, as such, no CGT liability arises.

Where an asset was brought into a partnership by one partner and is subsequently disposed of to a different partner, the disposal is treated as a disposal from the partner who originally contributed the asset to the partner that subsequently receives the asset. In this case the partner who contributed the asset is liable to CGT on any gain in its value. The third form of asset disposal that might arise on the dissolution of a business partnership relates to assets acquired by the partnership which are subsequently disposed of to its partners. In this situation the assets concerned are taxable and the liability to tax is apportioned according to the apportioning of the assets between the partners concerned.

I have no plans to make any changes to the current CGT treatment of business partnerships. To do so would effectively treat one group of taxpayers more generously than other taxpayers and it would lead to calls for similar relief from other interested parties. In addition, such a measure

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could open the CGT regime to abuse from a taxpayer who might use the medium of business partnerships as a means to avoid paying CGT.

Relief from CGT is available for persons aged 55 or over who are retiring from business where the assets being disposed of have been owned and used for ten years prior to disposal. Relief in this case is available on assets up to the value of €750,000. Where such assets are disposed of to a child of the individual, who undertakes to continue to run the business or farm, there is no limit to the value of assets that may be claimed under this relief.

167. **Deputy Margaret Conlon** asked the Tánaiste and Minister for Finance if he will direct the new Commissioner on Taxation to examine the equity issue in relation to farmers' and other self-employed in relation to the fact that they did not receive the substantial increases in personal tax credits which are available to employees and others whose income is paid through the PAYE system. [26493/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I will be bringing proposals to Government in the near future on matters relating to the establishment of the proposed Commission on Taxation including its membership and terms of reference. The Commission will be specifically charged with considering and making recommendations on the following: examine the balance achieved between taxes collected on income, capital and spending and report on it; review all tax expenditures with a view to recommending the discontinuation of those that are unjustifiable on cost/benefit grounds; consider options for the future financing of local government; in the context of maintaining a strong economy, investigate fiscal measures to protect and enhance the environment including the introduction of a carbon tax.

Pending consideration by the Government of these proposals, I am not in a position to elaborate further on matters pertaining to the Commission. In relation to the different tax treatment of farmers and other self-employed vis-à-vis PAYE workers, the PAYE allowance was introduced in 1980 to improve the tax progression of PAYE taxpayers and to take account of the fact that the self-employed generally then had the advantage of paying tax on a preceding year basis. The argument was also made at the time that the general scheme of allowances discriminated against employees and in favour of other taxpayers. There have been changes since 1980 — the self-employed now pay tax on a current year basis, for example. However, the PAYE allowance has become a tax credit. Moreover, given that there can be significant timing advantages in the payment of tax for the self employed, the

employee credit is still perceived as necessary to ensure a balance in the system.

Decentralisation Programme.

168. **Deputy Damien English** asked the Tánaiste and Minister for Finance further to a previous parliamentary question the grades of staff and the number of each grade of staff that will move to Navan in the first quarter of 2008 under his Departments decentralisation programme for the Revenue Commissioners. [26557/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that the indicative numbers of each grade of staff moving to Navan in the first quarter of 2008 are as follows:

Grade	Number
Principal Officer	1
Assistant Principal	4
Higher Executive Officer	14
Executive Officer	22
Clerical Officer	42
Service Officer/Attendant	2

Departmental Expenditure.

169. **Deputy Damien English** asked the Tánaiste and Minister for Finance the amount that was spent by his Department on official hospitality in the past 12 months. [26579/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Of a total of €115,000 classified in the accounts for 2006 as entertainment, it is estimated that my Department spent some €38,000 on official hospitality per se. The remainder related to various incidental expenses.

Departmental Facilities.

170. **Deputy Damien English** asked the Tánaiste and Minister for Finance the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26611/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There are serviced canteen facilities in three of the buildings occupied by my Department. These buildings are Government Buildings, Dublin, 2, Lansdowne House, Dublin, 4 and the Departments decentralised office in the Central Business Park Tullamore County Offaly. All three facilities are operated by commercial

caterers. It is a matter for the companies providing the service to make their own commercial decisions as to where to source their supplies. However, I am informed by the caterers that the majority of meat used by them is sourced in Ireland.

Tax Code.

171. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Finance the justification for the regime whereby the same income tax exemption threshold for persons over 65 is applied to widowed persons as to single people; the reason no extra tax exemption is applied to widowed persons over 65 years when widowed persons enjoy extra tax credits and wider tax bands to reflect the extra costs associated with their circumstances; the cost in a full year of allowing an income tax exemption threshold to widowed persons of 1.5 times the single persons limit; and if he will make a statement on the matter. [26623/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The position is that the income tax code has many favourable provisions relating to the tax treatment of widowed persons, particularly widowed parents with dependent children. This includes widowed persons aged 65 or over. In the year of bereavement, a widowed person may receive a personal tax credit which is equivalent in value to the married tax credit, currently €3,520. Following the year of bereavement, a widowed parent with a qualifying child or children may qualify for the one-parent family tax credit of €1,760 in addition to the single personal tax credit of €1,760.

In addition, a further credit, the widowed parent tax credit, is available on a sliding scale for the first five tax years following the year of bereavement as follows:

Year	€
Year 1	3,750
Year 2	3,250
Year 3	2,750
Year 4	2,250
Year 5	1,750

Therefore, in the first year following bereavement, a widowed parent may be entitled to aggregate tax credits of €7,270, that is, a single personal tax credit of €1,760; a one-parent family tax credit of €1,760 and a widowed parent tax credit of €3,750. In addition, by virtue of entitlement to the one-parent family tax credit, the widowed parent may also have entitlement to a standard rate band of €38,000 which is €4,000 greater than the band available for a single person.

Where a widowed person has a mortgage outstanding, the person may be entitled to relief — at the standard rate — equivalent to that for a

married couple. Rent relief available to widowed persons is the same level as that received by married couples. It might also be noted that widowed persons who are in receipt of the social welfare non-contributory widow's pension are not liable to the health levy of 2% on any part of their income. Widowed persons who are 65 or over may avail of the above reliefs as appropriate. There is no impediment on age grounds. In addition, such persons would have entitlement to an age tax credit of €275 in the current tax year.

The age exemption limits are available to all elderly taxpayers, including those who are widowed. They are intended to focus assistance on elderly earners with lower incomes. In the case of a single person aged 65 or over, the limit is €19,000 in the current year. In the case of a married couple where one spouse is aged 65 or over, the limit is €38,000 in the current year. In the last 6 years, these limits have increased by 76%. This compares with an increase in the cost of living as measured by the CPI of about 24% in the six years 2002 to 2007.

I am advised by the Revenue Commissioners that the full year cost to the Exchequer, estimated by reference to 2008 incomes, of increasing the exemption limit for widowed persons aged 65 or over to a level of 1.5 times the corresponding limit for single persons is of the order of €20 million. This figure is provisional and subject to revision.

Health Services.

172. **Deputy John Perry** asked the Minister for Health and Children the status of a long stay repayment claim for a person (details supplied) in County Sligo; and if she will make a statement on the matter. [25944/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Medical Cards.

173. **Deputy Ulick Burke** asked the Minister for Health and Children her views on extending medical card cover to patients who are celiacs, asthmatics and diabetics; and if she will make a statement on the matter. [25958/07]

Minister for Health and Children (Deputy Mary Harney): At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act,

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2004, determination of eligibility for medical cards is the responsibility of the Health Service Executive. Persons aged seventy years and over are automatically entitled to a medical card, irrespective of means. The HSE has discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

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 lower incomes who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP. In June 2006 I agreed with the HSE to raise the assessment guidelines for GP visit cards and these are now 50% higher than those in respect of medical cards. For Medical Card and GP Visit Card applications, the HSE now considers an applicant's income after tax and PRSI are deducted, rather than total income. Allowances are also made for expenses on child care, rent and mortgage costs and the cost of travel to work.

I have no plans to provide for the granting of medical cards to any particular group as a whole. However, my Department is currently reviewing all legislation relating to eligibility for health and personal social services with a view to making the system as fair and transparent as possible.

As the Deputy may be aware, under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition, through the Long Term Illness Scheme (LTI). The LTI does not cover GP fees or hospital co-payments. The conditions are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to extend the list of eligible conditions. Products which are necessary for the management of the specified illness are available to LTI patients. Other products are available according to the patient's eligibility.

Non-medical card holders and people whose illness is not covered by the LTI can use the Drug Payment Scheme, which protects against excessive medicines costs. Under this scheme, no individual or family unit pays more than €85 per calendar month, or approximately €20 per week, towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, the Deputy will be aware that non-reimbursed medical expenses above a set threshold may be offset against tax.

174. **Deputy Michael Ring** asked the Minister for Health and Children the number of medical cards in County Mayo at 1 June for each of the past ten years; and if she will make a statement on the matter. [25959/07]

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, child care, and travel to work costs. In June 2006 I agreed a further adjustment to the assessment guidelines for GP visit cards and these are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

175. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if a person (details supplied) in County Cork will receive much needed treatment. [25964/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Pharmacy Services.

176. **Deputy Seán Ardagh** asked the Minister for Health and Children if she will take action to

resolve the dispute between the Health Service Executive and the pharmacists, particularly where it affects people on methadone (details supplied); and the position regarding the matter. [25972/07]

182. **Deputy Pat Breen** asked the Minister for Health and Children the steps she is taking to resolve the dispute between the Health Service Executive and pharmacists; if she will appoint an independent facilitator; if her Department are prepared to negotiate with the Irish Pharmaceutical Union; and if she will make a statement on the matter. [26026/07]

200. **Deputy Michael Ring** asked the Minister for Health and Children if she is breaking the contract with the pharmacies sector by forcing them to do something without negotiating with them. [26164/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 176, 182 and 200 together.

I have previously outlined in detail to the Oireachtas the legal reasons why it is not possible for the HSE to negotiate with the Irish Pharmaceutical Union (IPU) on fees, prices or margins for their members. A detailed, fair and transparent consultation process, including independent economic analysis and public consultation, informed the final determination of the new reimbursement arrangements announced by the HSE. The evidence available to the HSE indicates that the impact on individual pharmacies will not be detrimental, having regard to the totality of fees and mark-ups under the GMS and community drugs schemes.

In regard to the reimbursement prices for drugs and medicines under the GMS and community drugs schemes, the main wholesaler companies have recently confirmed to the HSE they will charge community pharmacists the same price for these drugs and medicines as pharmacists will be reimbursed by the HSE for these products.

All the evidence available to the joint HSE/Department of Health & Children team dealing with this issue indicated that the State was paying a premium for this service and that the new arrangements will save the HSE about €100m in 2008.

The impact of the new arrangements on the incomes of pharmacists will depend on the extent of the discounts which individual pharmacists were getting from wholesalers under the previous arrangements. I am advised that large urban pharmacies and chains typically got discounts of up to 12% whereas small and rural pharmacies got discounts of 2-3%.

In relation to the withdrawal by some pharmacists from dispensing under the Methadone Treatment Protocol, the HSE put in place a con-

tingency plan under which it provided an alternative service to the patients affected. As the Deputy will be aware, pharmacists resumed their dispensing methadone service last week and in that context the HSE has completed, in line with safety protocols, the transfer back to the community pharmacists of the patients involved.

A process of dialogue was established, chaired by Bill Shipsey SC, to explore ways in which concerns raised by the IPU about the implications of this legal advice might be addressed. At a meeting on 11 October, the IPU maintained that it has a fundamental right as a trade union to fully represent its members on all issues. It appears, therefore, that the Union does not accept the legal position under competition law regarding negotiation on fees. In an effort to resolve the current impasse, renewed engagement will take place this week between the Irish Pharmaceutical Union and the HSE under the auspices of Mr. Shipsey.

Health Services.

177. **Deputy Jimmy Deenihan** asked the Minister for Health and Children the reason the application to the health repayment scheme by a person (details supplied) was rejected; and if she will make a statement on the matter. [25975/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Medical Cards.

178. **Deputy Jack Wall** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare with a medical card has to pay for a blood test each month; and if she will make a statement on the matter. [25980/07]

Minister for Health and Children (Deputy Mary Harney): The vast majority of General Practitioners (GPs) providing services to General Medical Services (GMS) patients hold the GMS GP capitation contract. These contracts for service are with the Health Service Executive (HSE). In accordance with the contract the GP receives an annual fee from the HSE which is based on the number of patients on his/her GMS patient panel and the GP undertakes to provide all proper and necessary treatment of a kind generally undertaken by a GP to these patients.

Accordingly, under this contract a GP should not demand or accept any payment or consideration for services provided by him/her, including

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blood tests, where they are indicated as part of a recognised treatment of an ongoing medical condition of a patient.

Under the Health Act 2004, the management and delivery of health and personal social services are the responsibility of the Health Service Executive. This includes operational responsibility for GMS contracts between the Executive and participating GPs. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

179. **Deputy Terence Flanagan** asked the Minister for Health and Children if she will take action to deal with the case of a person (details supplied); and if she will make a statement on the matter. [25993/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

180. **Deputy John O'Mahony** asked the Minister for Health and Children the action that will be taken regarding the equipment for cancer treatment at Mayo General Hospital, that has been fundraised for and presented by the people of Mayo, if services are downgraded at the hospital; and if she will make a statement on the matter. [26011/07]

Minister for Health and Children (Deputy Mary Harney): The implementation of the National Cancer Control Programme is a major priority for me and for this Government. I fully support the appointment by the Health Service Executive (HSE) of Prof. Tom Keane as Interim National Cancer Control Director. The delivery of cancer services on a programmatic basis will serve to ensure equity of access to services and equality of patient outcome irrespective of geography. The decisions of the HSE in relation to four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. The HSE plans to have completed 50% of the transition of services to the cancer centres by end 2008 and 80-90% by end 2009.

The HSE has designated University College Hospital Galway and Limerick Regional Hospital as the two cancer centres in the Managed Cancer Control Network for the HSE Western Region, which includes Mayo. The designation of cancer centres aims to ensure that patients receive the highest quality care while at the same time allowing local access to services, where appropriate. Where diagnosis and treatment planning is directed and managed by multi-disciplinary teams based at the cancer centres, then much of the treatment (other than surgery) can be delivered in local hospitals, such as Mayo General Hospital.

The specific question raised by the Deputy regarding equipment at Mayo General Hospital relates to the management and delivery of health, personal and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Health Services.

181. **Deputy Pat Breen** asked the Minister for Health and Children if funding of home care packages and nursing home packages is adequate to allow the discharge of patients from the National Rehabilitation Clinic in Dun Laoghaire; and if she will make a statement on the matter. [26025/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 182 answered with Question No. 176.

Hospital Services.

183. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an appointment; and if she will make a statement on the matter. [26027/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive and funding for all health services has

been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Housing Aid for the Elderly.

184. **Deputy Pat Breen** asked the Minister for Health and Children the status of an application for a person (details supplied) in County Clare; and if she will make a statement on the matter. [26028/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

185. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for an appointment. [26064/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Health Services.

186. **Deputy Denis Naughten** asked the Mini-

ster for Health and Children if she will approve funding for a service (details supplied) in County Roscommon following their submission of 29 August 2007 to Roscommon PCCC; and if she will make a statement on the matter. [26072/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case 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.

187. **Deputy Denis Naughten** asked the Minister for Health and Children the action she will take to implement the five recommendations of the second report of the Irish Diabetes Prevalence Working Group; and if she will make a statement on the matter. [26073/07]

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

Health Service Funding.

188. **Deputy Tom Sheahan** asked the Minister for Health and Children the structures in place to cover the deficit of €46,000 at a centre (details supplied) in County Kerry which has arisen due to a freeze in funding since 2002. [26079/07]

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

Health Services.

189. **Deputy Michael D'Arcy** asked the Minister for Health and Children her views on introducing an appeals process for the Health Service Executive's fosters maintenance allowance for a person (details supplied) in County Wexford; and

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if she will make a statement on the matter.
[26089/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Deputy's question relates to the management and delivery of health and social services which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Office has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Home Help Service.

190. **Deputy Jack Wall** asked the Minister for Health and Children the date on which travel allowances were first agreed to be paid to home helps within the Health Service Executive; the amount of funding paid in relation to such allowances for each year for each area since that date; and if she will make a statement on the matter. [26090/07]

191. **Deputy Jack Wall** asked the Minister for Health and Children the reason the administrative system that operates the travel pay system for home helps in the Kildare and west Wicklow areas cannot operate a travel allowance system similar to all other areas that has such a mechanism for paying such a payment to personnel; when the matter will be rectified; the amount of arrears due for each year since the inception of the travel allowance payment for home helps to the home helps in the Kildare and west Wicklow areas; when her attention was drawn to the discrepancy that the home helps in the Kildare and west Wicklow areas are not on a par with home helps in the other areas of the Health Service Executive; and if she will make a statement on the matter. [26091/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 190 and 191 together.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 191 answered with Question No. 190.

Home Help Service.

192. **Deputy Jack Wall** asked the Minister for Health and Children the number of persons in receipt of home help hours in the Kildare and west Wicklow areas for each year since 2003; and if she will make a statement on the matter.
[26102/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter 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.

Care of the Elderly.

193. **Deputy Jack Wall** asked the Minister for Health and Children the number of home care packages provided in the Kildare and west Wicklow areas for each year since the inception of the scheme; the cost for each year; the average cost of each package; and if she will make a statement on the matter. [26103/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

194. **Deputy Michael D'Arcy** asked the Minister for Health and Children when an occupational therapy appointment will be offered to a child (details supplied) in County Wexford; and if she will make a statement on the matter.
[26108/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to

have the matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

195. **Deputy Dan Neville** asked the Minister for Health and Children if Budget 2008 will provide for significant increase to resources for the mental health service reflecting the economic and social benefits of investing in prevention and more effective intervention in mental health. [26118/07]

196. **Deputy Dan Neville** asked the Minister for Health and Children her views on whether mental health problems account for 12% of what economists call the global burden of disease should the funding for mental health services progressively reach a minimum of 12% which is the total health spend to achieve parity with other areas of the health service. [26119/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 195 and 196 together.

The proportion of overall health spending on mental health is frequently used to make a point on the adequacy of funding. However, it is not valid to make this comparison. As the nature and scope of total health services change, funding ratios automatically change. The amount spent on mental health services as a proportion of the total expenditure on health services was estimated to be 7.7% in 2007. This amount only reflects expenditure on specialist mental health services. This will amount to €1 billion in 2007.

It is important to bear in mind that some 90% of public mental health services are provided at primary care level. The expenditure on these services is not captured in the figure of 7.7%. This underlines the need for caution when drawing conclusions from percentages of total health expenditure.

It is more meaningful to note that, since 1997, public expenditure on specialist mental health services has trebled. The spending on other services at primary care level has also increased substantially.

Future funding for mental health services will be considered as part of the estimate process for 2008 and future years.

Health Services.

197. **Deputy Mary O'Rourke** asked the Minister for Health and Children the reason a person (details supplied) in County Westmeath was refused a drug which would benefit their medical condition; and if she will make a statement on the matter. [26121/07]

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.

Hospital Waiting Lists.

198. **Deputy Joe McHugh** asked the Minister for Health and Children the reason a person (details supplied) in County Donegal has been on the waiting list for three years for the cochlear implant programme; and if she will make a statement on the matter. [26146/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Child Care Services.

199. **Deputy Joe McHugh** asked the Minister for Health and Children the number of people employed by community child care groups; and if she will make a statement on the matter. [26152/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The National Childcare Census which was carried out in 1999/2000 reported that 2,027 paid staff, of which 732 were full time and 1,295 were part time, were employed by community services at that time. A further 1,235 trainee staff were employed in community services under the Community Employment and Jobs Initiative Schemes. To put these figures in context the Census also reported that 4,248 paid staff, of which 2,163 were full time and 2,085 were part time, were employed in the private sector.

Under the Equal Opportunities Childcare Programme 2000-2006 (EOCP), all grant recipients are asked to respond to a detailed annual

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survey. While the survey does not cover the whole sector, it does provide a valuable snapshot of current trends in the sector. In 2006, the most recent survey, questionnaires were issued to 1,575 grant recipients of which 1,208 (76.7%) were

returned. From the information returned, which is summarised in the following table, it is clear that the number of childcare staff employed by both community and private sector providers has increased significantly (155%) under the Programme.

	Before Funding			After Funding			Percentage Change
	Full Time	Part Time	Total	Full Time	Part Time	Total	
<i>Paid staff</i>							
Community	436	773	1,209	1,599	1,636	3,235	168%
Private	702	324	1,026	1,635	822	2,457	139%
	1,138	1,097	2,235	3,234	2,458	5,692	155%
<i>Trainee Staff</i>							
Community	82	856	938	94	1,264	1,358	45%
	1,220	1,953	3,173	3,328	3,722	7,050	122%

Question No. 200 answered with Question No. 176.

Health Repayment Scheme.

201. **Deputy James Reilly** asked the Minister for Health and Children the amount of money donated to the repayment scheme donations fund in respect of the nursing home refund scheme for the repayment of illegal nursing home charges; the services that have or will benefit from this fund; and if she will make a statement on the matter. [26198/07]

Minister for Health and Children (Deputy Mary Harney): In accordance with Section 11 of the Health (Repayment Scheme) Act 2006 a Repayment Scheme (Donations) Fund has been established and will be managed by the Health Service Executive (HSE) for the purposes of implementing improvements in the public health services provided to dependent older persons and persons with disabilities. Donations received will be used to improve facilities in the institution or service specified by the donor. All donated monies will be used for the benefit of the patient and will be used to provide items of a non recurring nature including patient comforts.

The HSE has informed my Department that up to 30th September 2007 there has been a total of 161 expressions of interest from clients and 13 donations have been received amounting to €16,583 in total. The HSE have also informed my Department that many claimants who have expressed an interest in making a donation have indicated that they would make their donation directly to their local institution.

Mental Health Services.

202. **Deputy James Reilly** asked the Minister for Health and Children the number of child and adolescent community mental health teams that

have been established in respect of the Vision for Change strategy; the number that are fully staffed as recommended in Vision for Change; the composition of these teams; the number of positions that remain to be filled; the geographic area covered by these teams; the population of each of the areas; and if she will make a statement on the matter. [26199/07]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Jimmy Devins): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular 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.

203. **Deputy James Reilly** asked the Minister for Health and Children the number of adult community mental health teams that have been established to date in respect of the Vision for Change strategy; the number that are fully staffed as recommended in Vision for Change; the composition of these teams; the number of positions that remain to be filled; the geographic area covered by these teams; the population of each of the areas; and if she will make a statement on the matter. [26200/07]

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 under the Health Act 2004 and funding for all health

services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

204. **Deputy Terence Flanagan** asked the Minister for Health and Children when a person (details supplied) in Dublin 5 will receive a kidney transplant; and if she will make a statement on the matter. [26201/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

205. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children her views on correspondence from a person (details supplied) in County Kildare; if she will investigate the delays that have occurred in providing surgical intervention in this case; if the necessary treatment at Beaumont Hospital will be expedited or if alternative routes to treatment will be identified; and if she will make a statement on the matter. [26216/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. My Department has been advised that the patient referred to by the Deputy, was admitted to Beaumont Hospital on 24 October, 2007, and had his procedure carried out.

Health Services.

206. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of children awaiting assessment for speech and language therapy in County Louth and in the electoral areas of Julianstown and St Mary's in County Meath; the length of time they have been waiting for such service; the number in this area presently

receiving this service; and if she will make a statement on the matter. [26218/07]

208. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of children awaiting pre-school autism assessment in County Louth and in the electoral areas of Julianstown and St Mary's in County Meath; the length of time these children are waiting; the extra resources she is allocating to this area; and if she will make a statement on the matter. [26220/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 206 and 208 together.

As the Deputy may be aware, an additional sum of €75m for revenue purposes was provided by the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

207. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of medical cards and doctor-only medical cards held by patients in County Louth and in the electoral areas of Julianstown and St Mary's in County Meath for each year since doctor-only cards were introduced; the number of applicants in each category who were refused; the number of medical card holders who were given doctor-only medical cards; and if she will make a statement on the matter. [26219/07]

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

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apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the assessment guidelines for GP visit cards and these are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to arrange to address this matter and to have a reply issued directly to the Deputy.

Question No. 208 answered with Question No. 206.

Health Services.

209. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [26229/07]

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.

Mental Health Services.

210. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of the child psychiatric services in County Kildare: the number of cases on hand or pending; the degree of availability of services as required by general practitioners, schools or other referrals; the extent to which it is expected to meet the requirements on an ongoing basis; her proposals to address these issues; and if she will make a statement on the matter. [26243/07]

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 under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

211. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has had discussions with the Health Service Executive regarding proposals to reopen the Grove Hospital in Tuam as a health care facility; and if she will make a statement on the matter. [26247/07]

Minister of State at the Department of Health and Children (Deputy Máire Hootor): Discussions have taken place between the Minister for Health and Children and the Health Service Executive concerning the Grove Hospital, Tuam with a view to advancing the proposal.

Any proposals in relation to this would in the first instance be a matter for the HSE.

Hospital Waiting Lists.

212. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo went on a waiting list to be seen at an orthopaedic outpatient clinic. [26250/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

213. **Deputy Enda Kenny** asked the Minister for Health and Children the proportion of total payments repaid to date in the refunding of nursing home charges; the number of payments processed each week; the number of refunds outstanding; her views on whether all the payments will be reclaimed before the cut-off date of 31 December 2007; if these payments are not refunded by that date, the action that will be taken in respect of the remaining funds; the cost to the State on the private administration of these repayments; and if she will make a statement on the matter. [26253/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG/McCann Fitzgerald.

The HSE has informed my Department that since the commencement of the scheme over 30,000 claims have been received and to date over

4,120 payments totalling over €82.3m have issued while 6,501 offers of repayment totalling over €123.8m have been made.

All eligible applications received prior to the closing date will be repaid in full and an appropriate provision will be made as necessary to meet any costs arising under the scheme. The HSE has advised that the private administration costs associated with the scheme are capped at €15 million exclusive of VAT and the Scheme Administrator has received €1 million to date in payment.

The Scheme Administrator and the HSE are confident that all claims submitted by eligible applicants by 31st December 2007 will be dealt with within the 2 year time frame allotted for the Scheme which is due to end in July 2008.

Hospital Charges.

214. **Deputy Denis Naughten** asked the Minister for Health and Children the uncollected hospital charges in each hospital on 31 December 2005, 31 December 2006, and for the latest available date in 2007; the steps being taken to recover these moneys; and if she will make a statement on the matter. [26257/07]

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.

Medical Cards.

215. **Deputy Richard Bruton** asked the Minister for Health and Children if she has costed the proposal of extending medical card cover to all children under the age of five years; and if she will introduce such cover over the five year Programme for Government. [26304/07]

Minister for Health and Children (Deputy Mary Harney): I have no plans to extend medical card coverage to all children aged under five and my Department has not carried out a detailed costing exercise to estimate the cost of extending medical cards to all children in this age cohort.

In 2006, on foot of a Parliamentary Question, my Department estimated the cost of extending medical cards to children under 6 years. Based on these figures (using 2006 prices), it is estimated that the direct cost to the GMS Scheme of extending medical card coverage to all children under five would be in the region of €80m per annum.

Were eligibility provisions to be adjusted to enable a particular cohort of the population to

qualify for a medical card, the actual costs arising would depend on the precise demographic profile of those additional clients. The capitation payments to GPs, for example, are calculated according to clients' age, sex and distance of their residence from the GP's centre of practice. Furthermore the effect on the General Medical Services (GMS) drugs budget and on certain other services available free of charge to medical card holders cannot be predicted with accuracy and would be dependent on the health status of the clients concerned.

The estimate of approximately €80 million does not take account of the following matters: Potential additional costs in terms of income forgone by public hospitals in respect of A & E attendance and in-patient charges; The possible cost, depending on the circumstances of the additional children obtaining medical cards, of such services as aids and appliances and public health nursing; Costs in other areas of Government in which the holding of a medical card may be used as a means of determining entitlement to services or benefits; Any offsetting effect of a potential reduction in costs under the Drug Payments Scheme.

The Programme for Government commits to the following: Indexing the income thresholds for medical cards to increases in the average industrial wage; Doubling of the income limit eligibility of parents of children under 6 years of age, and trebling them for parents of children under 18 years of age with an intellectual disability; Allowing people with disabilities to work without losing key essential medical card cover after 3 years; Implementation of an annual publicity campaign and making applications easier so as to increase uptake amongst those who are eligible for Medical Cards and GP Visit Cards.

My Department is at present considering the steps required to enable these commitments to be implemented. My Department is also examining the steps necessary to give effect to the Towards 2016 commitment to review the eligibility criteria for the assessment of medical cards in the context of medical, social and economic/financial need with a view to clarifying entitlement to a medical card.

Hospital Services.

216. **Deputy Seán Connick** asked the Minister for Health and Children when funding will be provided to increase the bed capacity of Our Lady of Lourdes National Rehabilitation Centre, Rochestown Avenue, Dun Laoghaire from 150 beds to 250 beds. [26328/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Approval has been given for the development of a new 235 bed hospital at the National Rehabilitation Hospital in Dun Laoghaire.

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As the development of the hospital is the responsibility of the Health Service Executive my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

General Practitioners.

217. **Deputy Róisín Shortall** asked the Minister for Health and Children the way general practitioner practices are currently regulated; the way the number is determined; the number of doctors currently in GP practice and the number of doctors in GP practice in wholtime equivalent terms; the way the number of GPs per capita here compares with the typical per capita number in other EU countries; if she is satisfied that the regulatory regime is delivering a sufficient number of GPs to allow demand be met within a reasonable timeframe; and the actions she is taking to ensure that GPs are available to the public at reasonably short notice. [26329/07]

Minister for Health and Children (Deputy Mary Harney): The Medical Council is the statutory body charged with responsibility for the registration of all medical practitioners, including General Practitioners, and the regulation of their activities. The function of the Medical Council is to protect the public through implementing appropriate standards and controls on the medical profession. All doctors practising medicine in Ireland must be registered with the Medical Council.

General practitioners are self-employed and my Department does not collect official statistics on the number of such doctors in practice or the hours they work. Information from the Health Service Executive (HSE) indicates that in 2006 some 2,100 GPs held a General Medical Services (GMS) contract for service with the Executive.

General Practitioner vocational training is conducted under the auspices of the Irish College of General Practitioners (ICGP) through vocational training programmes funded by the Health Service Executive (HSE). Since 2005 an additional €6 million has been provided to enable the creation of 36 additional GP training places. There are now 12 GP training programmes in place, involving a total of 120 GP training places, and these programmes are accredited by the ICGP. It has been agreed between my Department, the HSE and the ICGP that the number of GP training places per year should be increased to 150 as soon as possible. I understand that the HSE has also indicated its intention to begin a more detailed exercise to examine longer-term GP manpower requirements and how these can be addressed.

Under the Health Act 2004, the Health Service Executive (HSE) has the responsibility to manage and deliver, or arrange to be delivered on its

behalf, health and personal social services. This includes responsibility for arranging for the provision of general practitioner services to persons covered by the GMS Scheme.

At present the HSE is required, under the terms of the agreement negotiated with the Irish Medical Organisation (IMO), when deciding to fill a vacant GP patient panel or to create a new patient panel, to take account of the potential viability of such a panel under a range of headings.

I regard the existing arrangements in this regard as unnecessarily restrictive and it is my wish, therefore, that new contractual arrangements, which are to be developed for the provision of publicly funded general practitioner services, should ensure that HSE contracts are open to all suitably qualified and equipped doctors.

GPs who hold a GMS contract with the HSE undertake under these arrangements to provide general practitioner services for their assigned patients for a total of 40 hours, to cover surgery and domiciliary visits, on five or more days per week, as agreed with the Executive. They are also obliged to put in place arrangements that enable contact to be made with them or a deputy/locum for emergencies outside these times.

GP out-of-hours co-operatives are now available in all HSE areas, providing coverage in all or in part of all counties. In 2007, almost €37 million is available to the HSE to fund the operation of GP out-of-hours co-ops. This figure does not include the fees of the participating doctors.

Ambulance Service.

218. **Deputy Michael Creed** asked the Minister for Health and Children the level of ambulance cover at locations (details supplied) in County Cork; and if she will make a statement on the matter. [26335/07]

220. **Deputy Michael Creed** asked the Minister for Health and Children her Department guidelines for the level of ambulance cover in rural areas; and if she will make a statement on the matter. [26337/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 218 and 220 together.

Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

219. **Deputy Michael Creed** asked the Minister for Health and Children the level of community physiotherapy available at a location (details supplied) in County Cork; and the reason this service is being curtailed. [26336/07]

Minister for Health and Children (Deputy Mary Harney): The Primary Care Strategy aims to develop services in the community to give people direct access to integrated multi-disciplinary teams of general practitioners, physiotherapists, nurses, home helps, occupational therapists and others.

It has been estimated that up to 95% of people's health and social services needs can be properly met within a primary care setting and the establishment of new Primary Care Teams can contribute greatly to enhancing community based health services.

The HSE received an additional €10m in funding in 2006 to enable the establishment of up to 100 Primary Care Teams in development; a further €22m is being provided in 2007 to meet the full year costs of the 2006 developments and to enable a further 100 Primary Care Teams in development to be established. The development of these teams will facilitate a significant increase in capacity for delivery of physiotherapy services in primary care settings.

The Government has committed under the Towards 2016 agreement to the establishment of 300 Primary Care Teams by 2008; 400 by 2009; and 500 by 2011. A review of these targets will be undertaken in 2008.

As the Health Service Executive has the operational and funding responsibility for Primary Care services, it is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 220 answered with Question No. 218.

Ambulance Service.

221. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the figures for ambulance response times for Dublin for each of the years 2002 to 2006 inclusive; and if she will make a statement on the matter. [26344/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the

Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Procedures.

222. **Deputy Joe Carey** asked the Minister for Health and Children if her attention has been drawn to the fact that post-mortem facilities covering County Clare which operate out of Limerick are under threat due to the Health Service Executive recruitment freeze, as there is only one pathology technician in Limerick and if they are away on holidays or fall ill no cover will be provided; if she approves of these cut backs; if she will take the appropriate measures to ensure that this most important service will not be effected regardless of the current recruitment embargo; and if she will make a statement on the matter. [26360/07]

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.

The Deputy may wish to note that the current recruitment pause is a temporary measure initiated as part of the HSE financial break-even plan and will be reviewed at the end of this month. The HSE recognises that there are some critical or exceptional circumstances where appointment of staff may be necessary in front-line services. Accordingly a process has been put in place to evaluate, monitor and approve requests for derogation from the general recruitment pause. A group has been established which meets weekly to consider such applications.

Health Services.

223. **Deputy Jack Wall** asked the Minister for

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Health and Children the figures in relation to waiting times for a child to see a speech and language therapist in County Kildare; the number of therapists working in the county; if this number is in line with the agreed figures for such a service; and if she will make a statement on the matter. [26366/07]

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 social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

224. **Deputy Jack Wall** asked the Minister for Health and Children the number of people that have used an x-ray facility at a Kildare Hospital (details supplied); the opening hours of this facility; and if she will make a statement on the matter. [26367/07]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter 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.

General Practitioner Co-operatives.

225. **Deputy Jack Wall** asked the Minister for Health and Children the number of complaints to a medical facility (details supplied) in County Kildare; the amount of money invested in this facility by her Department; and if she will make a statement on the matter. [26368/07]

Minister for Health and Children (Deputy Mary Harney): Out of hours co-operatives allow general practitioners to put in place arrangements to provide services to their patients, while their surgeries are closed in the evenings, on weekends and bank holidays. The development of GP co-operatives is in line with the overall health service policy of strengthening primary care services and ensuring that to the greatest extent possible, people's care needs are met in the primary care setting.

Out of hours co-operatives are now in place in all Health Service Executive (HSE) areas, providing coverage in all or in part of all counties. K

Doc covers the areas of County Kildare and West Wicklow. It commenced providing services on 5th March, 2001. Its treatment centres are based in Newbridge, Celbridge and Athy. Between 2000 and 2005, almost €12 million was allocated to the HSE, Eastern area (Dublin, Kildare & Wicklow) for the expansion of their GP out of hours co-operatives. This figure does not include the fees of the participating doctors.

As the Health Service Executive has the operational and funding responsibility for this service, it is the appropriate body to provide the other information sought by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

226. **Deputy Michael Creed** asked the Minister for Health and Children when a person (details attached) in County Cork will receive an out-patient appointment. [26376/07]

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.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Health Service Staff.

227. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 459 of 26 September 2007, if she will provide a break down of the whole time equivalent of the number of vacant places in the mental health sector of the Health Service Executive in County Kildare; the concerns she has due to lack of these vacancies for the mental health sector; the action she will take to overcome these vacancies in the mental health sector within County Kildare; and if she will make a statement on the matter. [26400/07]

228. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 459 of 26 September 2007, if she will provide a break down of the whole time equivalent of the 23.1 vacancies in the elderly

section of the vacant posts within the Health Service Executive in County Kildare; the concerns that the lack of services that this entails for this sector in Kildare; the actions she will take to overcome such vacancies for the elderly group in County Kildare; and if she will make a statement on the matter. [26401/07]

230. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 459 of 26 September 2007, the breakdown of the whole time equivalent of the vacancies in community nursing within the Health Service Executive in County Kildare; the effect this shortfall has on services within the county; her views in relation to such vacancies; the action she is taking to overcome such a shortfall within the community nursing sector; and if she will make a statement on the matter. [26404/07]

231. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 459 of 26 September 2007, the breakdown of the whole time equivalent of the number of vacancies in the therapy section of the Health Service Executive in County Kildare; her views in relation to such vacancies in the therapy section in County Kildare; the action she will take to overcome this staffing shortfall; and if she will make a statement on the matter. [26405/07]

232. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 459 of 26 September 2007, the breakdown of the whole time equivalent of the number of vacancies in the therapy sector of the Health Service Executive in County Kildare; the effect these vacancies have on the therapy service within the county; her views in relation to such vacancies; her plans to overcome such vacancies within the therapy sector within County Kildare; and if she will make a statement on the matter. [26415/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 227, 228 and 230 to 232, inclusive, together.

I understand that the Deputy has received a reply from the Health Service Executive which provides an overall figure for the number of vacant posts in each of the sectors mentioned in his questions i.e. elderly, therapy grades, mental health and community nursing and that more detailed information is now being sought.

As the Deputy is aware, subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the Annual Service Plan for the delivery of health and personal social

services to the public. The Executive is the appropriate body to consider the matters raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued to the Deputy.

Health Services.

229. **Deputy Michael D'Arcy** asked the Minister for Health and Children when a school (details supplied) in County Wexford will be allocated a second full time speech and language therapist and a full time occupational therapist; and if she will make a statement on the matter. [26403/07]

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.

Questions Nos. 230 to 232, inclusive, answered with Question No. 227.

Health Service Report.

233. **Deputy Jack Wall** asked the Minister for Health and Children the cost to the Health Service Executive of an independent review (details supplied); and if she will make a statement on the matter. [26425/07]

Minister for Health and Children (Deputy Mary Harney): The Report referred to by the Deputy was commissioned by the HSE. Accordingly the Executive is the appropriate body to consider the particular questions raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued directly to the Deputy in relation to the matter raised.

Home Help Service.

234. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 452 of 26 September 2007 the position of training for home helps; if she will explain each model and the several different approaches; the number of home helps to date who have received or are on training courses; the cost of the courses to the Health Service Executive to date; and if she will make a statement on the matter. [26426/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal

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social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Care of the Elderly.

235. **Deputy Tony Gregory** asked the Minister for Health and Children if occupational therapists are available from the Health Service Executive, Rathdown Road, Dublin 7 to elderly persons who require special disability facilities at home and require a recommendation from an occupational therapist regarding same; if this service has been withdrawn due to cutbacks; and if she will make a statement on the matter. [26429/07]

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.

The Deputy may wish to note that the current recruitment pause is a temporary measure initiated as part of the HSE financial break-even plan and will be reviewed at the end of this month. The HSE recognises that there are some critical or exceptional circumstances where appointment of staff may be necessary in front-line services. Accordingly a process has been put in place to evaluate, monitor and approve requests for derogation from the general recruitment pause. A group has been established which meets weekly to consider such applications.

Additionally, as an interim measure, it has been decided that a derogation of the suspension in appointments should be made to facilitate the

following service enhancements: Staff recruited to establish and operate Cherry Orchard Community Nursing Units in Dublin; Staff recruited as Case/Liaison Officers in respect of services for people with a disability; Staff required to open a new Admissions Unit/Community Hostel for the Central Mental Hospital; and Staff required to introduce the 'Fair Deal' arrangements relating to Nursing Home Subventions for Older people.

Health Repayment Scheme.

236. **Deputy Joe McHugh** asked the Minister for Health and Children the number of applications in relation to the reimbursement of nursing home charges that have been processed; the number of applications that have been paid out to date; and if she will make a statement on the matter. [26436/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG/McCann Fitzgerald.

The HSE has informed my Department that since the commencement of the scheme over 30,000 claims have been received and to date over 4,120 payments totalling over €82.3m have issued while 6,501 offers of repayment totalling over €123.8m have been made.

Hospitals Building Programme.

237. **Deputy Joe McHugh** asked the Minister for Health and Children if there has been negotiations between the Health Service Executive and potential investors regarding the construction of a private hospital in Letterkenny; if this is the case, the possible timeframes and commitments to the process; and if she will make a statement on the matter. [26437/07]

Minister for Health and Children (Deputy Mary Harney): I met with a delegation from North West Healthcare on 10 September 2007, at their request, for the purpose of briefing me on their proposal to develop a private hospital in Letterkenny. No action was envisaged, or arises, for me from this meeting. Any discussions between the HSE and the investors is a matter for themselves.

My Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued concerning this matter directly to the Deputy.

Medical Cards.

238. **Deputy Róisín Shortall** asked the Minister for Health and Children her estimate of the number of people holding a medical card on the basis of the EU pension rule; and the percentage

this represents of total medical card holders.
[26447/07]

Minister for Health and Children (Deputy Mary Harney): Regulation (EC) 1408/71 deals with the coordination of social security schemes, including healthcare, for those moving within the European Union. Under its provisions, persons residing in Ireland who are attached to the social security system of another member state are entitled to receive healthcare services in Ireland at the cost of the member state with which they are affiliated. This is in accordance with Annex VI of the Regulation (text relating to Ireland), which states that such persons “are entitled free of charge to all medical treatment provided for by Irish legislation where the cost of this treatment is payable by the institution of a Member State other than Ireland.” Such persons receive a medical card as evidence of their entitlement, although this is not based on national legislation.

Persons covered by the above Regulation include persons in receipt of a qualifying pension who are not also in receipt of a qualifying Irish pension, and their dependants. In regard to the number of such pensioners residing in Ireland, the most recent statistics provided to my Department indicate that in 2006, of the 110,000 pensioners resident in Ireland in receipt of a contributory pension from the UK, approximately 51,000 were entitled to hold a medical card under EU regulations. This represents 4.03% of the total number of medical card holders as at 1 October 2007 (1,264,434, representing 29.82% of the total population). The number of pensioners from other countries holding medical cards under the EU regulations is not readily available but is understood to be very small.

Health Services.

239. **Deputy Catherine Byrne** asked the Minister for Health and Children when a new dentist will take up their position in the Inchicore Dental Service; when they will start seeing patients; and if she will make a statement on the matter.
[26463/07]

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.

240. **Deputy Catherine Byrne** asked the Minister for Health and Children the supports in place in the health service for patients with alopecia; if there is funding available for the purchase of wigs; her views on the provision of such funding;

and if she will make a statement on the matter. [26464/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to have the issue examined and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

241. **Deputy Catherine Byrne** asked the Minister for Health and Children the number of people on the waiting list for an appointment with the dermatology service in St James Hospital; and if she will make a statement on the matter.
[26465/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

242. **Deputy Catherine Byrne** asked the Minister for Health and Children the number of people on the waiting list for an appointment with the dermatology service in Tallaght Hospital; and if she will make a statement on the matter.
[26466/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

243. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to the Health Service Executive’s plans to provide a new health centre in Carrigaline, County Cork; the amount of funding that has

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been allocated for the project; and when work is expected to commence on the site. [26478/07]

Minister for Health and Children (Deputy Mary Harney): The Primary Care Strategy aims to increase health service capacity through the development of services in the community to give people direct access to integrated multi-disciplinary teams of occupational therapists, general practitioners, nurses, home helps, physiotherapists and others.

It has been estimated that up to 95% of people's health and social services needs can be properly met within a primary care setting and the establishment of new Primary Care Teams can contribute greatly to enhancing community based health services.

The provision of the appropriate infrastructure to facilitate the delivery of primary care services is being considered by the HSE, having regard to a number of factors. These include the type and configuration of the services involved, the mixed public/private nature of our health system, the suitability of existing infrastructure and the capital requirements of the health services generally over the coming years.

As the Health Service Executive has the operational and funding responsibility for Primary Care services, it is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

244. **Deputy Eamon Gilmore** asked the Minister for Health and Children the reason she has not provided funding to a school (details supplied) in County Dublin to enable the school employ a physiotherapist to provide physiotherapy to the children who attend this school; and if she will make a statement on the matter. [26494/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As the Deputy may be aware, additional funding 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.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Execu-

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

245. **Deputy Denis Naughten** asked the Minister for Health and Children the steps, further to a recent meeting (details supplied) her Department will take to support the development of services in the Ballinasloe area for persons with an intellectual disability; and if she will make a statement on the matter. [26495/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As was stated at the meeting, the management and delivery of health and personal social services are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

246. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding the provision of BreastCheck services in the Health Service Executive south region. [26565/07]

Minister for Health and Children (Deputy Mary Harney): BreastCheck commenced the screening process in the Southern region last week. I am committed to ensuring that the BreastCheck service is rolled out to the remaining regions in the country as quickly as possible. I have allocated additional revenue funding of €8 million to the National Cancer Screening Service for this year to meet the additional costs involved. The full complement of 111 staff for roll-out has been approved. I have also made available an additional €26.7m capital funding for the construction of two new clinical units and the provision of seven additional mobile units and state of the art digital equipment. The expansion of the BreastCheck programme to the Southern region covers counties Kerry, Cork, Waterford, Limerick and Tipperary South Riding. Screening in individual counties will be dictated by BreastCheck's management and operational considerations.

Child Abuse.

247. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the status of an enquiry that was established over nine years ago by the then Western Health Board into alleged abuse (details supplied); if that investigation is now under the auspices of the Health Service Executive; when the report will be completed; when it will be published; and if she will make a statement on the matter. [26569/07]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I understand from the Health Service Executive that it is finalising a report into allegations of abuse at the Brothers of Charity Services at Kilcornan, Clarenbridge, Co Galway. I am informed by the Health Service Executive that this report is due to be completed before the end of the year.

Departmental Expenditure.

248. **Deputy Damien English** asked the Minister for Health and Children the amount that was spent by her Department on official hospitality in the past 12 months. [26581/07]

Minister for Health and Children (Deputy Mary Harney): The amount spent by my Department, which includes the Office of the Minister for Children, Adoption Board and the General Register Office, on official hospitality in the past twelve months was € 58,427.45. This amount is the cost associated with State Receptions.

Health Insurance.

249. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her Department's role in regulating the health insurance market; and if she will make a statement on the matter. [26592/07]

Minister for Health and Children (Deputy Mary Harney): My Department's role in relation to the regulation of the health insurance market is to provide the appropriate regulatory framework, thereby providing adequate statutory protection for the core principles of community rating, open enrolment and lifetime cover and also facilitating the development of the market.

The Health Insurance Authority was set up under the Health Insurance Acts with a role to monitor the operation of this Act and the carrying on of health insurance business and developments in relation to health insurance generally. It is also to advise the Minister either at his or her request or on its own initiative on matters relating to the functions of the Minister under this Act, the functions of the Authority and health insurance generally.

Under the current regulatory framework the proportion of the population availing of voluntary health insurance cover has continued to grow with 51% of the population now availing of health insurance as an alternative to their public eligibility.

Nursing Home Subventions.

250. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if the fair deal for people in nursing homes is still scheduled to be commenced in January 2008; and if she will make a statement on the matter. [26593/07]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): The Department is currently working on the Bill for the new Nursing Home Support Scheme — A Fair Deal. It is intended to publish the Bill for the scheme in November, and to have the legislation in place by 1 January 2008. The scheme will be made effective from that date.

Departmental Facilities.

251. **Deputy Damien English** asked the Minister for Health and Children the number of buildings within her Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if she will provide the information in tabular readable form; and if she will make a statement on the matter. [26613/07]

Minister for Health and Children (Deputy Mary Harney): Canteen services are available in my Department in Hawkins House. These services are provided on a contract basis by a private company which complies with the Féile Bia accreditation scheme. The company has advised my Department that the beef, pork, chicken and lamb provided are of Irish origin.

Medical Cards.

252. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26635/07]

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, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the

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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.

253. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [26636/07]

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, child care and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

254. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if and when entitlement to rebate through the national nursing home charges scheme can be ascertained in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26637/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange

to have the matter investigated and to have a reply issued to the Deputy.

Hospital Services.

255. **Deputy Bobby Aylward** asked the Minister for Health and Children when a person (details supplied) in County Kilkenny will be admitted for an operation to Cork University Hospital; and if she will make a statement on the delay in having this person called for surgery. [26653/07]

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.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Search and Rescue Service.

256. **Deputy Joe McHugh** asked the Minister for Transport the status of the Malin Head and Valentia coast guard radio stations and the plans for their future; and if he will make a statement on the matter. [26004/07]

Minister for Transport (Deputy Noel Dempsey): The Irish Coast Guard and Maritime Administration of my Department at present operates three manned Co-ordination Centres at Dublin, Malin and Valentia. The equipment at these locations is dated and in need of replacement. As part of continuing investment in improving maritime safety a tendering process for a new Integrated Communications System equipment for delivery and commissioning in 2009 is underway.

This will provide for a two-centre operation, geographically separated. Each centre will be equipped and manned in such a way that if one centre ceased to operate the other could take over the maritime emergency management of Ireland for the required period. The Marine Rescue Co-ordination Centre (MRCC) and the Marine Emergency Room will be transferred from Dublin and co-located with a new HQ for the Irish Coast Guard and Maritime Administration in Drogheda. The second national centre, a Marine Rescue Sub Centre (MRSC), will be in

an urban or near urban location on the west coast.

There is no suggestion that Malin or Valentia will be closed or be disposed of as Irish Coast Guard locations. The Stations will be retained as part of the Coast Guard infrastructure and some operations will continue to be delivered from these locations although the precise nature of their long-term function has yet to be finalised. The quality of the marine emergency response capability in Ireland will be enhanced by the provision of the new equipment and premises as outlined above.

The background to this development is that following the transfer of the maritime transport functions to the Department of Transport on 1 January 2006 my predecessor asked officials to review arrangements for the delivery of these services. As part of this review the needs of each of the rescue co-ordination units were finalised with a view to undertaking the necessary investment, training, development and re-equipping work.

The process of migrating from the present situation to the new developments will be planned and implemented in consultation. That process will take account of the safety needs of local communities, and ongoing improvement of the service to the public and the concerns of individual staff members.

Air Development Projects.

257. **Deputy Fergus O'Dowd** asked the Minister for Transport if his Department's media monitoring unit brought press reports relating to the establishment of a hub by Aer Lingus in Belfast to his attention; the response taken in each case; and if he will make a statement on the matter. [26586/07]

258. **Deputy Fergus O'Dowd** asked the Minister for Transport if the media monitoring staff working in his Department received any queries regarding Aer Lingus during the month of June 2007 and from whom; and if he will make a statement on the matter. [26398/07]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 257 and 258 together.

There is no Media Monitoring Unit in my Department.

Public Transport.

259. **Deputy Joe Costello** asked the Minister for Transport the number and distribution of park and ride facilities in the Dublin metropolitan area and in neighbouring counties; the number and distribution of such facilities to be provided in these areas under Transport 21; and if he will make a statement on the matter. [25961/07]

Minister for Transport (Deputy Noel Dempsey): Transport 21 provides for the doubling of the number of park and ride (P&R) facilities in the Greater Dublin Area (GDA) in the period up to 2015.

I am informed that there are Park and Ride (P&R) facilities on the Irish Rail network at Adamstown, Balbriggan, Blackrock, Booters-town, Bray, Clontarf, Connolly, Dalkey, Gormanston, Greystones, Heuston, Killester, Kiliney, Leixlip Confey, Leixlip Louisa-Bridge, Malahide, Maynooth, Raheny, Sallins, Salthill & Monkstown, Skerries and Sutton.

Plans are at an advanced stage for construction of further P&R facilities at Iarnród Éireann stations at Newbridge and Kildare, Arklow, Rush, Lusk, Donabate, Grange Road Baldoyle and at Pace in Co Meath when Phase 1 of the Navan Rail Line opens in 2010.

My Department has also funded studies looking at the feasibility of parking facilities at Kilcock, Hazlehatch and Athy, Portmarnock and Coolmine, Enfield and Laytown and at Wicklow Town.

There are currently five P&R sites along the existing Luas network at Red Cow, Sandyford, Stillorgan, Balally and Exchange Hall. I understand that the RPA is currently investigating the possibility of opening a further, temporary, P&R site near the Stillorgan Luas stop during the construction of the new line which will require the temporary closing of the Sandyford facility. The Luas extension from Sandyford to Cherrywood will have a P&R site at Carrickmines and the Luas Red Line to Citywest will have a P&R facility at Cheeverstown.

Metro North will have 3 P&R sites at Lissenhall, Metropark, between the Airport and the M50, and Fosterstown, south of Swords.

The preferred route for the extension of the Green line from Cherrywood to the Bray area includes a P&R facility at Fassaroe.

As part of Metro West, the RPA hope to provide P&R facilities from the N2 (Ashbourne) at the Huntstown stop, N3 (Navan) at the Blanchardstown stop and N4 (Lucan) at the Liffey Valley stop. Additional facilities might also be provided at other locations.

The proposed Luas line to Lucan is currently subject to public consultation on possible route options and depending on the preferred route may have a P&R facility in the Liffey Valley area.

There is also funding available from my Department for the development of P&R facilities by local authorities. It is a matter for the local authorities to identify sites and to apply to my Department for funding. While no applications have been received to date, I understand that South Dublin 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 the M4 Lucan/Leixlip interchange.

[Deputy Noel Dempsey.]

My Department will consider any further funding requests for new or improved P&R facilities over the lifetime of Transport 21.

Road Network.

260. **Deputy Joe McHugh** asked the Minister for Transport if there are plans to upgrade the Bridgend Buncrana road to a national primary road; and if he will make a statement on the matter. [25996/07]

Minister for Transport (Deputy Noel Dempsey): I have no plans to reclassify the Bridgend Buncrana road as a national primary road.

Public Transport.

261. **Deputy Michael Kennedy** asked the Minister for Transport the position regarding the 41X bus route; the date the private bus operator was granted a bus license by his Department; the date the private service will operate its service from; if Dublin Bus will be given priority in order for it to run the 41X through the Dublin Port Tunnel; and the date he expects to grant a license to Dublin Bus. [26001/07]

Minister for Transport (Deputy Noel Dempsey): Dublin Bus is not subject to licensing in accordance with the provisions of the 1932 Road Transport Act, as amended. However, the initiation or alteration of a bus service by the Company is subject to compliance with the necessary regulatory requirement of giving 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.

On the 22nd March, 2007, Dublin Bus notified my Department of its proposal to re-route four of its existing Route 41X services from Swords via the Port Tunnel. At that time, my Department advised the Company that a decision on the proposal was being deferred until such time as an application from a private operator for a high frequency service from Swords via the Port Tunnel to the City Centre was finalised.

On the 3rd October, 2007, my Department issued a licence in accordance with the Road Transport Act, 1932 to the private operator concerned. It is a condition of the licence that the services are in operation in their entirety within 4 months from the date of issue of the licence. While it is a matter for the operator concerned to introduce the services within the timeframe, my Department understands that the operator proposes to commence operations within a matter of weeks.

My Department is now considering the Route 41X proposal from Dublin Bus, taking into consideration the newly licensed service. My Depart-

ment will revert to Dublin Bus as soon as possible on the proposal.

262. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport further to Parliamentary Question No. 151 of 18 October 2007, the reason that his Department was able to provide a subsidy to Lough Swilly Bus Company to provide a public bus service to the people of north Donegal and Derry City in the 1980s and subsequently removed this subsidy; 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. [26034/07]

Minister for Transport (Deputy Noel Dempsey): The instigation of bus services in any location in the country is in the first instance an operational matter for bus operators and I have no power to direct operators to provide bus services in a particular area or to directly subvent such services. Private bus operators may apply to my Department for the grant of licences under the Road Transport Act 1932 in respect of the operation of services or, Bus Éireann or Dublin Bus, as appropriate, may notify my Department of their intention to provide such services. In addition, both private and public bus operators may apply for approval for the issue of International Authorisations in respect of services that operate to and from destinations in Northern Ireland.

While some limited funding was made available to the Londonderry and Lough Swilly Bus Company by CIE in the nineteen eighties, EU policy in relation to the funding of public bus services has been evolving over recent years culminating in the recent adoption of a new EU Regulation on Public Service Obligations in the transport sector.

Under those Regulations, the grant of financial support to a private bus operator for the provision of bus services can only be contemplated on the grounds that a “public service obligation” has been identified as being required in respect of those services. The Regulations also require that the payment of compensation for fulfilling the public service obligation must be established in a contract between the relevant competent authority and the prospective provider of the services. Such contracts may only be entered into following an open tendering exercise.

The Regulations establish strict conditions that must be complied with before a contract can be determined. These include compliance with provisions relating to the funding of public bus services established by the European Court of Justice in July 2003 in its judgement in the Altmark case.

The position in relation to the evolution of this new legal framework was outlined to officials of the Londonderry and Lough Swilly Bus Company at a meeting with officials of my Department on

15th March 2007. It is expected that the EU Regulation will come into effect in late 2009.

Road Safety.

263. **Deputy Thomas P. Broughan** asked the Minister for Transport the estimate his Department has made of the survival chances of a pedestrian hit by a vehicle travelling at speeds (details supplied) in view of the existing research findings by other EU transport departments; and if he will make a statement on the matter. [26045/07]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) the carrying out of research or analysis of research on road safety awareness is now a matter for the Road Safety Authority. The new Rules of the Road, which is available on the Authority's website, contains information on pedestrian survivability of the type sought by the Deputy.

Motor Insurance.

264. **Deputy Thomas P. Broughan** asked the Minister for Transport his most recent estimate of the number of vehicles without motor insurance on the road here; and if he will make a statement on the matter. [26047/07]

Minister for Transport (Deputy Noel Dempsey): The number of drivers without motor insurance is estimated by the insurance industry to be in the range of one hundred thousand drivers. This is calculated by taking the number of registered vehicles from the National Vehicle and Driver File maintained by the Vehicle Registration Unit and subtracting the number of exempted vehicles, e.g., State vehicles. The resulting figure is compared to the number of policies in force. An allowance is also made for fleet insurance where a number of vehicles are insured on a single policy.

Several steps have been taken in recent years to reduce the level of uninsured driving. The Garda Traffic Corps has been substantially expanded to improve compliance with all road traffic legislation including motor insurance requirements. Legislation has also been put in place to extend the powers of the Gardaí to permit the seizure of all uninsured vehicles. In addition, since the introduction of the Penalty Points system, 6,539 persons have received penalty points for uninsured driving up to the end of September 2007. It is also planned under the recently published Road Safety Strategy 2007 — 2012 to establish a system to ensure current insurance details for all drivers can be accessed in real time by the Gardaí to facilitate enforcement.

Public Transport.

265. **Deputy Thomas P. Broughan** asked the Minister for Transport the estimate he has made of the change in cost to the passenger of public transport in real terms in each year since 1997, broken down by mode of transport; and if he will make a statement on the matter. [26048/07]

Minister for Transport (Deputy Noel Dempsey): As private operators are free to set their own fares policy, I am not in a position to estimate the change in cost to the passenger of public transport since 1997.

However, since 1997 Ministerial approval has been granted for the following CIE and Luas fares' increases:

CIE

Year	Increase
1997	0
1998	0
1999	0
2000	Increase averaging 5.5%
2001	0
2002	0
2003	Increase averaging 9%
2004	Increase averaging 3.2%
2005	Increase of 3.5% in fares revenue yield
2006	Increase of 3.8% in fares revenue yield
2007	Increase of 2.75% in fares revenue yield

Luas

Year	Increase
2005	Increase of 3.8% in fares revenue yield
2006	Increase of 2.75% in fares revenue yield

Over the period 1997-2006 the CSO reported Consumer Price Index annual percentage changes as follows:

Year	Average
1997	+1.5%
1998	+2.4%
1999	+1.6%
2000	+5.6%
2001	+4.9%
2002	+4.6%
2003	+3.5%
2004	+2.2%
2005	+2.5%
2006	+4.0%

The detailed design of fare structures, including promotional and incentive fares, is a matter for CIE and the RPA. All three CIE companies and

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Luas use discounted fares of various types, including the tax saver annual and monthly ticket scheme.

Airport Security.

266. **Deputy Thomas P. Broughan** asked the Minister for Transport the number of security alerts there have been at each commercial airport here in each of the past 10 years; and if he will make a statement on the matter. [26050/07]

Minister for Transport (Deputy Noel Dempsey): It is not the practice to comment on specific security measures or incidents at the State's airports. However, aviation security arrangements at Irish airports are kept under continuous review by my Department and the National Civil Aviation Security Committee, which is chaired by a senior official from my Department. The Committee comprises representatives of Government Departments, State Airports, airlines, the Garda Síochána, the Defence Forces, Customs and Excise, An Post, Irish Aviation Authority, the Irish Airline Pilots' Association and the Regional Airports.

Satellite Navigation.

267. **Deputy Thomas P. Broughan** asked the Minister for Transport if he plans to undertake a review on the use of global positioning in-vehicle information systems; his views on all safety aspects of human-machine interface aspects of satellite navigation and other route guidance systems for drivers and hence for other road users; if the guidance offered by such systems is designed in order to avoid inappropriate routing; and if he will make a statement on the matter. [26052/07]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the issue of vehicle standards on construction, equipment and use including the use of global positioning in-vehicle information systems and the consideration of road safety aspects in that regard is a matter for the Road Safety Authority.

Road Safety.

268. **Deputy Joe McHugh** asked the Minister for Transport the position regarding the upgrade of a bridge (details supplied) in County Donegal which is posing a serious hazard to the safety of motorists and pedestrians; and if he will make a statement on the matter. [26154/07]

Minister for Transport (Deputy Noel Dempsey): The provision and improvement of non-national roads, including bridges, in its area is a matter for Donegal County Council to be

funded from its own resources supplemented by State grants.

In August this year, local authorities were invited to submit applications for consideration for funding in 2008 under the Specific Improvements Grant Scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is solely a matter for local authorities. Accordingly, it is open to the Council to submit an application for eligible works on Cockhill Bridge for consideration for funding under the scheme in 2008.

Applications for funding under the scheme in 2008 have not yet been received in my Department from Donegal County Council.

Public Transport.

269. **Deputy Thomas P. Broughan** asked the Minister for Transport the reason a licence has not been granted for Dublin Bus to operate the proposed 141 bus route from Swords to Dublin city centre via Santry, Whitehall and Drumcondra; the further reason the new Swords express service and the proposed Dublin Bus 141 route can not both receive a licence as they have proposed significantly different routes; when he will reform the bus licensing legislation; and if he will make a statement on the matter. [26203/07]

Minister for Transport (Deputy Noel Dempsey): Dublin Bus is not subject to licensing in accordance with the provisions of the 1932 Road Transport Act, as amended. However, the initiation or alteration of a bus service by the Company is subject to compliance with the necessary regulatory requirement of giving 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.

On the 23rd October, 2006, Dublin Bus notified my Department of its proposal to introduce a new Route 141 service to operate between Swords and Rathmines via Drumcondra. At that time, my Department advised the Company that a decision on the proposal was being deferred until such time as an application from a private operator for a high frequency service from Swords via the Port Tunnel to the City Centre was finalised. Dublin Bus is aware of these procedures.

On the 3rd October, 2007, my Department issued a licence in accordance with the Road Transport Act, 1932 to the private operator concerned.

My Department has not refused the Dublin Bus Route 141 proposal, but is now considering the service taking into account the newly licensed service. My Department will revert to the Company as soon as possible on the proposal.

The Programme for Government includes a commitment to improve bus services under Transport 21 by reforming bus licensing to facili-

tate the optimum provision of services by providing a level playing field for all market participants. The new licensing regime will be designed in a manner consistent with the recently adopted new EU Regulation on Public Service Obligations in the transport sector.

While it is not possible at this time to indicate a precise time as to when the legislative proposals on regulatory reform of the bus market will be published, applications and notifications from bus operators will continue to be processed under the provisions of the Road Transport Act 1932, as amended, or the notification system with reference to the Transport Act 1958, as appropriate.

Cycle Facilities.

270. **Deputy Mary Upton** asked the Minister for Transport if, in view of the positive benefits of cycling in terms of grid-lock and CO₂ emissions, he will lobby to have the purchase of bicycles and electric pedelec bicycles included in the tax saver commuter scheme; and if he will make a statement on the matter. [26208/07]

Minister for Transport (Deputy Noel Dempsey): I recognise the positive benefits of cycling and I am committed to increasing the use of cycling as a mode of transport. My Department is 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, including fiscal measures, to be adopted in relation to cycling and other issues.

Public Transport.

271. **Deputy Michael McGrath** asked the Minister for Transport the number of new buses it is planned to provide to Bus Éireann for services in Cork City and county in the next twelve months as part of Transport 21. [26236/07]

Minister for Transport (Deputy Noel Dempsey): In September 2006 my predecessor announced expenditure of €50 million on 160 (69 additional and 91 replacement) buses for Bus Éireann as part of Transport 21. Another €23 million was approved earlier this year for the purchase of a further 75 replacement buses in 2008. The deployment of buses to particular areas is a matter for the company and one in which I have no function.

Road Safety.

272. **Deputy Thomas P. Broughan** asked the Minister for Transport if it is his intention to make the maximum permitted blood alcohol content 0.5 mg/ml in all Member States as per the European Commission recommendation of 17

January 2001 on the maximum permitted blood alcohol content for drivers of motorised vehicles and subsequent declarations made during EU level meetings of road safety experts by the Governments of Ireland and Luxembourg that they intend to join the countries which already have this 0.5 mg/ml limit; and if he will make a statement on the matter. [26297/07]

Minister for Transport (Deputy Noel Dempsey): The new Road Safety Strategy for the period 2007 — 2012, which was prepared by the Road Safety Authority (RSA) and published last week, identifies the need to legislate for and introduce a reduction in the legal Blood Alcohol concentration for drivers. The Government has accepted that recommendation.

The decision on the specific level to which the BAC will be lowered will follow consideration of the outcome of research being carried out by the RSA.

The target completion date in the Strategy for the reduction in the legal BAC is second quarter 2009, to allow for enactment of legislation, adaptation of enforcement technology etc. It is my intention, however, to complete the implementation of this measure earlier than that date if possible.

Public Private Partnerships.

273. **Deputy Thomas P. Broughan** asked the Minister for Transport the annual cost and termination year of each public private partnership and private finance initiative contract with his Department and its agencies; and if he will make a statement on the matter. [26339/07]

Minister for Transport (Deputy Noel Dempsey): As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. As the Deputy is aware, 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 local authorities concerned.

Also, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads, is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

Airport Security.

274. **Deputy Thomas P. Broughan** asked the Minister for Transport the recent assessment he has carried out into the length of delays at airports here as a result of changes to security measures introduced in 2006; and if he will make a statement on the matter. [26340/07]

Minister for Transport (Deputy Noel Dempsey): Management of security practices and procedures at Irish airports is a day-to-day operational matter for the relevant airport authority. These practices and procedures are subject to monitoring by my Department's Aviation Security Division to ensure that they meet the requirements laid down in EU Regulations. Periodic reviews by international organisations, such as the EU Commission and the International Civil Aviation Organisation (ICAO) are also undertaken.

Regulation (EC) No. 2320/2002 of the European Parliament and of the Council establishing common rules in the field of civil aviation security has been in force since January 2003. This Regulation and a number of implementing regulations adopted subsequently, including the new security restrictions on liquids and gels introduced in November 2006, have been adopted into our National Civil Aviation Security Programme (NCASP).

A common position of the Transport Council on a Regulation to replace Regulation 2320/2002 was adopted on 11 December 2006. The proposed new Regulation sets out to clarify, simplify and further harmonise requirements in relation to civil aviation security with the objective of enhancing overall levels of security.

I am satisfied that the aviation security practices and procedures implemented at Irish airports conform to the highest standards set down in the European Union common rules.

Driving Licences.

275. **Deputy Thomas P. Broughan** asked the Minister for Transport the statistics for the years 2001 to 2006 for the number of driving licences issued for class A,B,C,D and E; and the number of provisional driving licences for cars only differentiating between first time provisional driving licences and second or subsequent provisional driving licences. [26345/07]

Minister for Transport (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 now responsibility for the issue of all classes of driving licences for the categories of vehicles A, B, C, D and E and all statistics in relation to these matters.

Marine Safety.

276. **Deputy Joanna Tuffy** asked the Minister for Transport the legally required ratio of passengers to crew on ferries sailing between the mainland and the islands. [26349/07]

277. **Deputy Joanna Tuffy** asked the Minister for Transport if his Department has received complaints detailing breaches of the legally

required ratio of passengers to crewmen on board ferries sailing between the mainland and the islands in the past twelve months; if so, the number of complaints received in this time period; the way they were investigated; the penalties that were imposed on those found guilty of breaches; and if he will make a statement on the matter. [26351/07]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 276 and 277 together.

The number of crew members required to be onboard passenger ships operating to the islands of the state takes account of the number required to ensure the safe navigation of the vessel to effectively deal with any emergency situation that may occur onboard. The type of safety equipment carried is also taken into account.

As vessels carrying similar numbers of passengers can differ significantly in terms of onboard equipment, there is no generic minimum crew requirement and each vessel is considered on an individual basis before it is issued with a Passenger Certificate. During the last twelve months the Department has received reports detailing allegations against 4 passenger ships. In each case the Department's marine surveyors have investigated the reports or have assisted the Gardaí in following up on such complaints.

The Department's investigations in respect of one of these vessels concluded that the vessel was manned in accordance with the requirements of the regulations and no further action was required. In the case of two passenger ships, the investigations revealed that the vessels had proceeded to sea with less than the stipulated manning, but that no passengers were onboard during the voyages concerned. Verbal warnings were issued to the operators of these vessels. The investigation regarding the fourth vessel is still ongoing.

Road Network.

278. **Deputy Joe Carey** asked the Minister for Transport if he will designate and identify the R352 road from Tulla, County Clare to Whitegate, County Clare to be a strategic route as it is the main arterial route through east Clare which provides access to Lough Derg; if he will allocate funding to upgrade the remaining section of the R352; and if he will make a statement on the matter. [26361/07]

Minister for Transport (Deputy Noel Dempsey): In accordance with Section 10 of the Roads Act 1993, public roads may be classified as national roads, regional roads or local roads. There is no statutory classification of strategic road or route. The improvement and maintenance of regional roads in its area is a statutory function of each road authority to be funded from its own resources supplemented by State road

grants. My Department provides grants to local authorities under a number of grant categories to assist them in discharging their functions in relation to the improvement and maintenance of non-national roads. In 2007, total grants for non-national roads allocated to Clare County Council were €22,144,959. This included a specific grant of €1 million for works on the R352 between Ennis and Portumna.

In August this year, local authorities were invited to submit applications for consideration for funding in 2008 under the Specific Improvements Grant Scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is solely a matter for local authorities. The only proposal submitted by Clare County Council in relation to the R352 relates to works between Ennis and Portumna. The 2008 non-national road grant allocations to local authorities will be announced early next year.

279. **Deputy Michael Creed** asked the Minister for Transport the allocation per kilometre for each local authority for non-national roads for each of the past five years. [26379/07]

Minister for Transport (Deputy Noel Dempsey): The total grant allocated to each local authority in each of the years 2003 to 2007 for non-national roads is set out in Table 1 below.

The only grant categories which are calculated by reference to length of road are the discretionary improvement and maintenance and restoration maintenance categories. The grants allocated per kilometre to each county council under these categories are set out in Table 2 below. Separate grants are allocated to urban authorities, none of which is calculated by reference to length of roads in their areas.

Table 1: Non-National Road Grant Initial Allocations 2003-2007

Local Authority	2003 Allocation	2004 Allocation	2005 Allocation	2006 Allocation	2007 Allocation
	€	€	€	€	€
Carlow County Council	4,208,389	3,969,741	6,102,486	7,178,227	7,667,071
Cavan County Council	15,439,921	15,659,376	15,918,634	17,564,357	18,853,428
Clare County Council	15,718,621	16,799,620	17,771,307	20,776,281	22,144,959
Cork County Council	36,554,163	38,510,640	41,933,282	52,825,361	60,726,347
Donegal County Council	27,173,437	27,901,208	28,298,562	39,005,923	44,595,166
Dún Laoghaire-Rathdown County Council	9,007,366	9,166,000	8,901,296	9,205,000	14,841,650
Fingal County Council	9,288,000	12,821,954	9,433,138	7,345,389	7,119,239
Galway County Council	24,940,326	24,959,334	25,284,849	30,767,341	33,623,386
Kerry County Council	18,145,534	18,496,892	19,055,022	23,161,906	25,250,677
Kildare County Council	15,207,097	18,486,215	27,765,517	27,083,874	23,685,337
Kilkenny County Council	10,536,092	10,604,497	11,056,629	13,414,112	15,131,887
Laois County Council	7,788,303	7,954,332	8,626,569	10,622,428	12,935,313
Leitrim County Council	9,998,862	10,117,491	10,609,518	12,606,066	13,375,901
Limerick County Council	16,224,892	16,880,350	15,668,823	17,613,559	18,666,457
Longford County Council	7,056,879	7,234,891	7,467,448	8,628,741	9,444,621
Louth County Council	6,337,859	6,199,055	6,767,287	7,718,475	8,874,488
Mayo County Council	19,918,068	22,829,132	22,033,841	28,062,577	31,625,821
Meath County Council	21,224,098	23,289,825	29,513,483	29,913,888	29,653,934
Monaghan County Council	13,674,097	13,787,629	14,008,038	15,804,200	17,006,610
North Tipperary County Council	9,098,072	9,407,733	9,747,139	11,506,830	12,775,794
Offaly County Council	7,448,621	7,876,394	8,610,161	14,322,051	11,563,685
Roscommon County Council	12,723,076	13,031,804	13,361,089	16,002,409	17,938,263
Sligo County Council	9,956,755	10,154,111	11,111,773	13,385,596	15,371,958
South Dublin County Council	14,498,904	20,667,760	14,170,464	10,290,069	12,594,380
South Tipperary County Council	9,432,748	9,756,443	10,660,265	13,187,054	14,662,008
Waterford County Council	9,650,734	10,500,595	10,398,222	12,805,364	16,189,769
Westmeath County Council	7,319,835	7,617,161	8,399,789	10,431,125	16,148,885
Wexford County Council	12,900,392	12,714,613	14,445,997	16,733,657	17,576,319
Wicklow County Council	10,302,118	10,879,317	12,593,413	18,378,522	20,147,558
Cork City Council	6,034,695	8,016,208	6,570,037	7,360,000	7,797,795
Dublin City Council	14,929,000	11,547,837	14,442,957	14,523,816	14,727,000
Galway City Council	2,758,015	1,822,000	2,083,155	2,203,000	2,795,000

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Local Authority	2003 Allocation	2004 Allocation	2005 Allocation	2006 Allocation	2007 Allocation
	€	€	€	€	€
Limerick City Council	3,735,000	4,269,668	4,258,846	4,220,122	5,590,655
Waterford City Council	6,707,000	10,637,072	9,268,688	3,773,142	6,060,859
Clonmel Borough Council	508,000	775,000	970,000	583,000	707,000
Drogheda Borough Council	568,500	570,000	621,000	647,000	676,200
Kilkenny Borough Council	525,000	552,000	566,000	607,000	625,000
Sligo Borough Council	1,150,000	1,105,000	1,146,000	1,277,000	3,565,000
Wexford Borough Council	508,000	530,000	545,000	583,000	673,250
Arklow Town Council	240,000	253,000	260,000	279,000	287,000
Athlone Town Council	488,000	510,000	525,000	563,000	581,000
Athy Town Council	240,000	253,000	260,000	279,000	287,000
Ballina Town Council	240,000	253,000	260,000	279,000	287,000
Ballinasloe Town Council	240,000	253,000	260,000	279,000	287,000
Birr Town Council	240,000	253,000	260,000	279,000	287,000
Bray Town Council	522,000	550,000	565,000	606,000	624,000
Buncrana Town Council	240,000	253,000	260,000	279,000	287,000
Bundoran Town Council	169,000	178,000	183,000	197,000	204,000
Carlow Town Council	240,000	532,000	546,000	587,000	605,000
Carrickmacross Town Council	169,000	178,000	183,000	197,000	204,000
Carrick-on-Suir Town Council	240,000	253,000	260,000	279,000	287,000
Cashel Town Council	169,000	178,000	183,000	197,000	204,000
Castlebar Town Council	340,000	503,000	460,000	379,000	287,000
Castleblaney Town Council	169,000	178,000	183,000	197,000	204,000
Cavan Town Council	240,000	253,000	260,000	279,000	287,000
Clonakilty Town Council	169,000	178,000	183,000	197,000	204,000
Clones Town Council	169,000	178,000	183,000	197,000	204,000
Cobh Town Council	240,000	253,000	260,000	279,000	287,000
Dundalk Town Council	522,000	550,000	565,000	606,000	624,000
Dungarvan Town Council	240,000	253,000	260,000	279,000	287,000
Ennis Town Council	488,000	532,000	546,000	587,000	605,000
Enniscorthy Town Council	240,000	253,000	260,000	279,000	287,000
Fermoy Town Council	240,000	253,000	260,000	279,000	287,000
Kells Town Council	169,000	253,000	260,000	279,000	287,000
Killarney Town Council	240,000	253,000	260,000	279,000	287,000
Kilrush Town Council	169,000	178,000	183,000	197,000	204,000
Kinsale Town Council	169,000	178,000	183,000	197,000	204,000
Letterkenny Town Council	240,000	510,000	525,000	563,000	581,000
Listowel Town Council	189,000	178,000	183,000	197,000	204,000
Longford Town Council	240,000	253,000	260,000	279,000	287,000
Macroom Town Council	169,000	178,000	183,000	197,000	204,000
Mallow Town Council	240,000	253,000	260,000	279,000	287,000
Midleton Town Council	240,000	253,000	260,000	279,000	287,000
Monaghan Town Council	240,000	253,000	260,000	279,000	287,000
Naas Town Council	240,000	532,000	546,000	587,000	605,000
Navan Town Council	240,000	532,000	546,000	587,000	605,000
Nenagh Town Council	240,000	253,000	260,000	279,000	287,000
New Ross Town Council	240,000	253,000	260,000	279,000	287,000
Skibbereen Town Council	169,000	178,000	183,000	197,000	204,000
Templemore Town Council	169,000	178,000	183,000	197,000	204,000
Thurles Town Council	240,000	253,000	260,000	279,000	287,000
Tipperary Town Council	240,000	253,000	260,000	279,000	287,000

Local Authority	2003 Allocation	2004 Allocation	2005 Allocation	2006 Allocation	2007 Allocation
	€	€	€	€	€
Tralee Town Council	780,000	789,500	821,000	587,000	605,000
Trim Town Council	240,000	253,000	260,000	279,000	287,000
Tullamore Town Council	240,000	253,000	260,000	279,000	287,000
Westport Town Council	240,000	253,000	260,000	279,000	287,000
Wicklow Town Council	240,000	253,000	260,000	279,000	287,000
Youghal Town Council	240,000	253,000	260,000	279,000	287,000

Table 2: Allocation per km under discretionary improvement and maintenance and restoration maintenance 2003-2007

Local Authority	2003 Allocation	2004 Allocation	2005 Allocation	2006 Allocation	2007 Allocation
	€	€	€	€	€
Carlow County Council	1,045	1,156	1,230	1,438	1,523
Cavan County Council	1,083	1,156	1,229	1,438	1,523
Clare County Council	1,080	1,156	1,229	1,438	1,523
Cork County Council	1,090	1,156	1,229	1,438	1,523
Donegal County Council	1,085	1,156	1,229	1,438	1,523
Dún Laoghaire-Rathdown County Council	1,994	2,311	2,457	2,873	3,044
Fingal County Council	1,525	1,735	1,844	2,157	2,285
Galway County Council	1,086	1,156	1,230	1,438	1,523
Kerry County Council	1,088	1,156	1,230	1,438	1,523
Kildare County Council	1,087	1,157	1,230	1,438	1,523
Kilkenny County Council	1,089	1,156	1,229	1,438	1,522
Laois County Council	1,074	1,156	1,229	1,437	1,523
Leitrim County Council	1,119	1,157	1,230	1,438	1,524
Limerick County Council	1,085	1,156	1,230	1,438	1,523
Longford County Council	1,057	1,156	1,229	1,438	1,523
Louth County Council	1,089	1,156	1,229	1,438	1,523
Mayo County Council	1,069	1,156	1,230	1,438	1,523
Meath County Council	1,082	1,157	1,230	1,438	1,523
Monaghan County Council	1,086	1,156	1,229	1,437	1,523
North Tipperary County Council	1,100	1,156	1,230	1,438	1,523
Offaly County Council	1,030	1,156	1,230	1,437	1,523
Roscommon County Council	1,171	1,157	1,230	1,438	1,523
Sligo County Council	1,111	1,156	1,230	1,438	1,523
South Dublin County Council	1,461	1,735	1,843	2,157	2,284
South Tipperary County Council	1,075	1,156	1,230	1,438	1,523
Waterford County Council	1,100	1,156	1,230	1,438	1,523
Westmeath County Council	1,085	1,156	1,230	1,437	1,522
Wexford County Council	1,093	1,156	1,230	1,438	1,523
Wicklow County Council	1,078	1,156	1,229	1,438	1,523

Air Services.

280. **Deputy Pat Breen** asked the Minister for Transport the reason his Department did not inform the Shannon Airport Authority as a statutory body formed under the State Airports Act 2004 of the Aer Lingus intention to end the Shannon Heathrow route when they informed the Dublin Airport Authority; and if he will make a statement on the matter. [26380/07]

Minister for Transport (Deputy Noel Dempsey): An official of my Department had contact with the Dublin Airport Authority on 13 June 2007 in order to determine the performance, in terms of passenger numbers and load factors, of the Shannon Heathrow route. The approach was made in the context of separate contacts between the Department and Aer Lingus concerning the media coverage of a possible Belfast base. The discussion with the DAA was on a con-

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fidential basis since it concerned commercially sensitive information about Aer Lingus.

Freedom of Information.

281. **Deputy Fergus O'Dowd** asked the Minister for Transport if the Freedom of Information Act 1997 will be extended to cover the Dublin Airport Authority, Shannon Airport Authority and Cork Airport Authority; and if he will make a statement on the matter. [26381/07]

Minister for Transport (Deputy Noel Dempsey): Responsibility for the Freedom of Information (FOI) Act 1997 rests with the Minister for Finance. However, I can inform the Deputy that my Department recently expressed the view, in reply to a query from Department of Finance, that it would not be considered appropriate for the Dublin Airport Authority, Cork Airport Authority and Shannon Airport Authority to be subject to the FOI Acts, in view of the fact that they are commercial State bodies.

Air Services.

282. **Deputy Fergus O'Dowd** asked the Minister for Transport if his attention was drawn by the Taoiseach's Department media monitoring unit or his own Departments media unit to the decision of Aer Lingus; if so, when; and if he will make a statement on the matter. [26462/07]

Minister for Transport (Deputy Noel Dempsey): The circumstances in which I was informed of Aer Lingus's decision on the Belfast hub and its implications for Shannon are already on the record of the House and are set out in the report completed by the Secretary General of my Department and published on the Department's website on 25 October 2007.

283. **Deputy Fergus O'Dowd** asked the Minister for Transport if he had discussions or meetings with the former executive chairman of the Shannon Airport Authority regarding the decision of Aer Lingus to cease the Shannon Heathrow service; the details of such discussions; and if he will make a statement on the matter. [26484/07]

Minister for Transport (Deputy Noel Dempsey): As soon as I became aware of the decision of Aer Lingus to discontinue its Shannon Heathrow service, I had discussions with the former executive chairman of the Shannon Airport Authority. I expressed my deep disappointment with the decision, I indicated that the Government would assist the Authority in any way it legally could and I encouraged the Authority in its efforts to attract new business. Contact with the Authority is ongoing with a view to help-

ing in any way possible the Airport to secure a replacement service for the Aer Lingus Shannon Heathrow service.

Road Safety.

284. **Deputy Damien English** asked the Minister for Transport his views on introducing on to his Department's website an interactive rules of the road section. [26552/07]

Minister for Transport (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 (RSA) the publication and distribution of the Rules of the Road is a matter that is being dealt with by the Road Safety Authority. The Rules are available on the Authority's website — www.rsa.ie and via a link from my Department's website, www.transport.ie. Consideration of the electronic publication of the Rules in any alternative interactive format is a matter for the Authority. My Department has no proposal to pursue the development and publication of an interactive format of the Rules of the Road on the Department's website.

Public Transport.

285. **Deputy Michael McGrath** asked the Minister for Transport the funding allocated towards the roll-out of green routes and quality bus corridors (details supplied) in County Cork. [26567/07]

Minister for Transport (Deputy Noel Dempsey): My Department has been providing funding for a number of Green Routes (bus priority routes) in Cork over the past number of years. The Carrickaline/Ringaskiddy Route, which includes a Donnybrook Hill spur, is situated partly in the City Council and partly in the County Council area. The two Councils have agreed that for such Green Routes the City Council will undertake the actual works on both sides of the administrative boundary. For this reason, all of my Department's funding for this Green Route goes to the City Council.

In the current year, my Department allocated €2.4 million for Phase 1 of the Carrickaline/Ringaskiddy Green Route. This Phase covers approximately 40% of the full intended Route, including all of the City Council area section and a part of the County Council section, including the Donnybrook Hill spur. I understand that the County Council hopes to finalise the Part VIII planning process before the end of the year, and that work on the County Council part of the Route will begin some time in the new year.

286. **Deputy Michael McGrath** asked the Minister for Transport the details of a licence issued by his Department to Bus Éireann for a planned new bus route (details supplied) in County Cork including number of services per day and details of the commencement of the service. [26568/07]

Minister for Transport (Deputy Noel Dempsey): Bus Éireann is not subject to licensing in accordance with the provisions of the 1932 Road Transport Act, as amended. However, the initiation or alteration of a bus service by the Company is subject to compliance with the necessary regulatory requirement of giving 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.

On 4th May 2007, Bus Éireann notified my Department of its proposal to introduce a new Cork City Route 16 to operate between Cork City Centre and Mount Oval. On the 14th May, 2007, my Department requested further clarification from the Company in order to consider the proposal. This was not received. My Department contacted Bus Éireann again on 24th August, 2007 and to date no clarification has been received. The introduction of services once noted by my Department would be an operational matter for Bus Éireann.

Departmental Expenditure.

287. **Deputy Damien English** asked the Minister for Transport the amount that was spent by his Department on official hospitality in the past 12 months. [26582/07]

Minister for Transport (Deputy Noel Dempsey): The total amount spent by my Department on official entertainment and catering costs in the past 12 months has been €136,612. This amount covers such items as catering costs in relation to staff meetings and training, as well as entertainment and catering costs relating to staff and visitors on official business.

Air Services.

288. **Deputy Martin Ferris** asked the Minister for Transport if he will confirm that the airport coordinator, as defined by Council Regulation 95/93 and amended by EC 793/2004, has a veto on transferring routes to second airports. [26587/07]

289. **Deputy Martin Ferris** asked the Minister for Transport if the airport coordinator can reject a route change on the basis that the proposed change would be detrimental to the vital interests of the region from which the route would be transferred. [26588/07]

290. **Deputy Martin Ferris** asked the Minister for Transport if the airport coordinator or Aer Lingus is required to carry out an impact study on the Shannon region to assess the affects of the proposed transfer. [26589/07]

291. **Deputy Martin Ferris** asked the Minister for Transport if grandfather rights adhere to the airline or the route in view of the fact that Regulation 790/2004 states that the system provides for the reallocation of slots with established precedence to incumbent carriers. [26590/07]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 288 to 291, inclusive, together.

The EU regulation to which the Deputy refers is of no relevance to the decision of Aer Lingus to discontinue its Shannon to Heathrow service. The regulation in question is Council Regulation (EEC) No. 95/93, as amended, on common rules for the allocation of slots at community airports.

This regulation lays down common EU rules for the allocation of slots to air carriers at airports in the community. Essentially the regulation took responsibility for the slot allocation process out of the hands of airport authorities at congested airports and made it the responsibility of slot coordinators who are designated by the member states. The Commission for Aviation Regulation has been designated as the competent authority for the regulation in Ireland.

Under the regulation, airports in the community are either co-ordinated or schedules facilitated. Generally, congested airports will be designated as co-ordinated airports by the relevant authority in the member state concerned which means that a carrier cannot operate a landing or a take-off at such an airport without being allocated a slot. A more flexible regime can be operated at schedules facilitated airports where capacity is not so constrained.

The application of Regulation 95/93 in Ireland is concerned only with the allocation of slots at Irish airports and Dublin airport is the only airport in the State that has been designated as a co-ordinated airport by the Commission for Aviation Regulation. The slot allocation process at London Heathrow is entirely a matter for the UK authorities.

School Transport.

292. **Deputy John Perry** asked the Minister for Transport if he will provide clarification on the new regulations within the school transport scheme that may come into effect from September 2008, in relation to the pull test; if it will result in prohibitive costs; the details in relation to the guidelines for the pull test for all school bus providers; if this is a DOE require-

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ment; and if he will make a statement on the matter. [26591/07]

Minister for Transport (Deputy Noel Dempsey): In June 2006, as part of public policy to enhance the safety of bus occupants, changes to the compulsory annual roadworthiness test for vehicles with more than 8 passenger seats fitted with safety belts were approved.

These changes provided that, from September 2008, the grant of a Certificate of Roadworthiness for a bus fitted with safety belts would be contingent on the presentation to the test centre of appropriate certification concerning the standard of installation of the safety belts. These standards would require that the vehicle has EU type-approval certification in respect of the safety belt installation or that the safety belt installation had met a defined pull test standard which equates to the type-approval requirements. This matter is now being progressed by the Road Safety Authority, which has responsibility for vehicle standards including the issue of safety belts on motor vehicles under the Road Safety Authority, Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006).

Departmental Facilities.

293. **Deputy Damien English** asked the Minister for Transport the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26617/07]

Minister for Transport (Deputy Noel Dempsey): The information sought by the Deputy is as follows:

Building Location	Transport House, 44 Kildare Street, Dublin 2.			
Meat	Beef	Pork	Chicken	Lamb
Country of Origin	Irish	Irish	Irish	Irish

Referendum Commission.

294. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will set up a referendum commission soon with time and resources to inform citizens about the new European Union Treaty. [25802/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Government will shortly be seeking legal advice from the Attorney General on whether ratification of the EU Reform Treaty requires an amendment to the Constitution. If it is the view of the Attorney General that a referendum is required, in accordance with established

procedures a Referendum Commission will be created to inform the public about the Treaty and to encourage citizens to exercise their right to vote. As was the case with the previous EU referendum in 2002, the Referendum Commission will be properly resourced to enable it to carry out its role in an effective manner.

Diplomatic Representation.

295. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position in relation to a person (details supplied); if he will facilitate same; and if he will make a statement on the matter. [25971/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The next of kin of a deceased person may request that the person's remains be exhumed. However, as the Deputy will appreciate, a number of legal and logistical issues arise in such situations, particularly where the death occurred many years ago.

I asked our Embassy in London to make some preliminary enquiries regarding the request referred to by the Deputy. The Embassy has been informed that the family of the person mentioned does not own the grave and, therefore, must first obtain the permission of the present owners to have the ownership of the grave transferred into their name before the process of exhuming the body can begin. If this is agreed, I understand that the caretakers of St Pancras and Islington cemetery will then require written proof of an airline's willingness to transport the remains to Ireland. A cemetery in Ireland will also have to provide a statement of willingness to accept the person's remains.

The Embassy, (Consular Section, telephone 00 44 207 235 2171), would be pleased to provide a list of undertakers and lawyers who could assist the person concerned in taking the matter forward.

Military Neutrality.

296. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will ensure that Ireland retains its impartial, independent and neutral status at UN and EU level; and if changes are planned in the new treaty. [26031/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): Nothing in the Reform Treaty will affect Ireland's traditional policy of military neutrality, nor our capacity to pursue our foreign policy. Under the Treaty, as under previous Treaties, Ireland will continue to participate actively in the formulation of the European Union's Common Foreign and Security Policy (CFSP). Unanimity will remain the rule for substantive decisions in the area of the CFSP, which ensures that the

views of all member states must be taken into account in agreeing common EU approaches.

Overseas Development Aid.

297. **Deputy John Deasy** asked the Minister for Foreign Affairs the measures in place to ensure that money allocated to overseas aid is not misappropriated through corruption in recipient countries; if he is satisfied that those measures are fully effective; and if he will make a statement on the matter. [26353/07]

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): Irish Aid works in some of the poorest countries in the world. It is a reality that in some of these countries, there are concerns surrounding governance issues, including corruption. It is for this reason that accountability and good governance are central components of our programme strategies. We support the building of capacity, including audit capacity, in our programmes. In this way Irish Aid is fostering the conditions for sustainable development.

In addition, programme strategies include monitoring and oversight frameworks to ensure that our assistance is implemented for the benefit of those for whom it is intended. Irish Aid has in place rigorous accounting and audit controls which are essential to ensuring a transparent, effective and high quality programme. Irish Aid programmes are regularly audited and evaluated by independent audit firms, by Irish Aid's Evaluation and Audit Unit and by the independent Audit Committee of the Department. Programmes are evaluated to ensure that funds are used for the purposes intended and in respect of outcomes and value for money. I am satisfied that the programme strategies of Irish Aid, combined with its audit and evaluation systems, are effective, efficient and in accordance with the highest standards.

Departmental Expenditure.

298. **Deputy Damien English** asked the Minister for Foreign Affairs the amount that was spent by his Department on official hospitality in the past 12 months. [26580/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): In the past 12 months, costs of €757,417 were accrued by my Department in respect of official hospitality provided in Ireland. The purpose of this hospitality is to promote bilateral relations with other states in the context of visits by Heads of State, Heads of Government, Foreign Ministers and other high-level guests.

Departmental Facilities.

299. **Deputy Damien English** asked the Mini-

ster for Foreign Affairs the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26612/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): While all buildings used by my Department in Dublin, Cork, Limerick and Balbriggan have kitchen facilities, none of them provide a hot food service for staff.

Genetically Modified Organisms.

300. **Deputy Michael Creed** asked the Minister for Enterprise, Trade and Employment if he has sought the views of the Government's chief scientific adviser on the issue of genetically modified feed; and if he will make a statement on the matter. [25878/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Chief Scientific Adviser to Government, Professor Patrick Cunningham, has examined the scientific aspects of Genetically Modified Foods and Feeds and, arising from his role in providing advice to Government on relevant scientific issues, provided a paper on this topic in September 2007. I circulated this to all members of the Cabinet Subcommittee on Science, Technology and Innovation for information and consideration.

Employment Support Services.

301. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of employees that remained in employment as a result of the employee retention grant scheme for each of the years 2004, 2005, 2006 and to date in 2007 in tabular readable form. [26559/07]

302. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of employers that have availed of the employee retention grant scheme for each of the years 2004, 2005, 2006 and to date in 2007; and the cost of this scheme to the Exchequer for each of these years in tabular readable form. [26594/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 301 and 302 together.

The purpose of the Employee Retention Grant Scheme is to assist employers to retain employees who acquire an illness, condition or impairment which impacts on their ability to work. The scheme is open to all companies in the private

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sector. Funding is available to support the retention of any existing employee, at any level or occupation within the company. FÁS does not have readily available data on the number of employers or employees availing of the Employee Retention Grant Scheme over the years in question. Equally, FÁS does not have

information on those retained in employment. This information is being assembled by FAS and will be provided directly to the Deputy at the very earliest possible opportunity. The annual budgets and expenditures on the Employee Retention Grant Scheme from 2004 to date are in the attached tabular statement.

2007		2006		2005		2004	
Yearly Budget	Year to Date (Aug)	Yearly Budget	Budget Spent	Yearly Budget	Budget Spent	Yearly Budget	Budget Spent
€122,000	€5,000	€228,000	€15,000	€250,000	€8,000	€175,000	€4,000

Note: Budget figures are based on FÁS Board reports, Actuals are based on published FÁS Annual Reports up to 2006, YTD August 2007 is based on August 2007 FÁS Board Report.

Job Losses.

303. **Deputy Niall Blaney** asked the Minister for Enterprise, Trade and Employment the position in relation to the loss of jobs (details supplied) in County Donegal; the measures that have been or will be put in place for those that are laid off in relation to redundancy plans or training opportunities; and if he will make a statement on the matter. [25979/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I understand from IDA Ireland that Boston Scientific recently announced a head count and expense reduction plan which is part of the company's overall plan to bring expenses in line with revenues and restore competitiveness.

The company confirmed that the vast majority of the cuts announced will be in non-manufacturing jobs in the United States. The process of deciding the exact rationalisation plans in each Boston Scientific plant worldwide has only just commenced.

Donegal is a key target location for IDA and the County is now competing for a different type of business to labour intensive manufacturing, on which it relied so heavily in the past. Investors are, in the main, seeking a large urban base with third level education facilities, well developed infrastructure as well as top quality business services that are international in focus. In line with this, IDA Ireland has adopted a focused approach in the County with Letterkenny as the main location for IDA development efforts.

The IDA strategy fits with the National Spatial Strategy, which sets out a framework for use in planning and investment in the public and private sectors. The Strategy seeks to enhance the performance of strategically placed 'Gateways', in Donegal's case the linked gateway of Letterkenny and Derry. This Gateway will create the conditions necessary to drive economic growth and will be at the heart of extending balanced regional development to the region.

Progress has been made by IDA in securing new investments from Pacificare, Pramerica, SITA and Abbott Diabetes with approximately 1,200 new jobs being added in the County by overseas firms over the last five years. These companies continue to recruit and are actively seeking new staff.

I can assure the Deputy that enterprise development in County Donegal is, and will remain, a priority for the State development agencies under the auspices of my Department.

Job Creation.

304. **Deputy Joe McHugh** asked the Minister for Enterprise, Trade and Employment the number of meetings he has had with the IDA in relation to creating employment in County Donegal; and if he will make a statement on the matter. [26005/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Since my initial appointment as Minister for Enterprise, Trade and Employment in September 2004, I have had many meetings and briefings with and from the IDA as well as Enterprise Ireland, FÁS and the County Enterprise Board. I have also visited County Donegal on a number of occasions since my initial appointment and met with local business and representative organisations in towns and villages such as Letterkenny, Bunrana, Merville, Donegal, Ballybofey and Stranorlar, Lifford, Killybegs and Ballyshannon.

Donegal is a key target location for IDA and the County is now competing for a different type of business to labour intensive manufacturing, on which it relied so heavily in the past. Investors are, in the main, seeking a large urban base with third level education facilities, well developed infrastructure, as well as top quality business services that are international in focus. In line with this, IDA Ireland has adopted a focused approach in the County with Letterkenny as the main location for IDA development efforts.

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Progress has been made by IDA in securing new investments from Pacificare, Pramerica, SITA and Abbott Diabetes with approximately 1,200 new jobs being added in the County by overseas firms over the last five years. These companies continue to recruit and are actively seeking new staff.

I can assure the Deputy that enterprise development in County Donegal is, and will remain, a priority for the State development agencies under the auspices of my Department.

305. **Deputy Fergus O’Dowd** asked the Minister for Enterprise, Trade and Employment the number of jobs created by the IDA, by location in County Louth for each year since 2000 to date in 2007; the investment in each case; the jobs lost by location for each such year; and if he will make a statement on the matter. [26221/07]

306. **Deputy Fergus O’Dowd** asked the Minister for Enterprise, Trade and Employment the number of visits made by IDA clients by location in County Louth for each year since 2000 to date in 2007 for the purpose of job creation; the priority allocated by the IDA to each such area; the land bank held in each area; the cost of same; if the land bank has been serviced the cost of same; and if he will make a statement on the matter. [26222/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 305 and 306 together.

The management of IDA Ireland’s industrial property portfolio is a day-to-day operational matters for the agency and not a matter in which I have a function.

The Forfás Annual Employment Survey reports on job gains and losses in companies that

are clients of the industrial development agencies. Information is aggregated at county level. 2006 is the latest year for which such figures are available. The number of jobs created and lost in IDA supported companies in County Louth in each of the years from 2000 to 2006 is set out in the tabular statement below.

The Forfás Annual Employment Survey of 2006 also reveals that County Louth has the largest concentration of IDA supported companies with 2,060 permanent employees in 19 companies. In relation to data on investment, IDA can only provide this data on projects announced, providing the data has been disclosed by the company.

I have been informed by IDA Ireland that, in the period from the beginning of 2000 to date in 2007, a total of 224 site visits have been paid by potential clients to towns in County Louth. Details of these site visits are set out in the tabular statement below.

I have also been informed that IDA Ireland owns a total of 204.16 hectares of land in County Louth (including the Drogheda Business and Technology Park.). Details of the location of these parks are set out in the tabular statement below. The historic cost of the acquisition of these lands was €16,738,682. The lands have been serviced at a cost of €23,768,183.

IDA Ireland is actively marketing County Louth for new inward investment and, in line with the National Spatial Strategy, the gateway town of Dundalk has been designated a primary development centre. Dundalk is being targeted by IDA for new investment in the pharmaceutical ICT, Financial Services and Internationally Traded Services sectors.

In March 2006 IDA Ireland completed a five million euro development at Finnabair Business Park in Dundalk. In addition the Agency has developed a major land bank at Mullagharlin to the south of the town. This extends to approximately 60 hectares in two parcels of 44 hectares and 16 hectares respectively and is particularly targeted at Bio Pharma type activities, for which the town is being actively marketed. A €10m investment programme is under way to develop the sites at Mullagharlin. This includes the connection of the sites to the M1. The contract will be completed by end of 2007.

(i) Table showing the number of IDA supported jobs created and lost in County Louth in each year from 2000 to 2006

Year	2000	2001	2002	2003	2004	2005	2006
Jobs gained	1,012	155	179	39	101	110	228
Jobs Lost	759	1,305	276	410	117	128	287

[Deputy Micheál Martin.]

(ii) Table showing Number of Site Visits paid to towns in County Louth in each of the years 2000 to 2007

Year	Dundalk	Drogheda	Ardee
2000	6	2	2
2001	10	5	
2002	17	10	1
2003	17	13	
2004	18	6	
2005	29	18	
2006	28	19	
2007 (to date)	16	7	

(iii) Table showing historic cost of land acquisition and development in County Louth

Holding	Land Cost	Site Development Cost	Total Area (Hectares)
	€	€	
Greenore	8,855	—	3.08
Finnabair, Dundalk	879,854	5,945,364	42.68
Mullagharlin, Dundalk	8,911,561	9,532,920	60.3
Drogheda, Rathmullan	767,844	378,182	43.48
Ardee	1,339,623	43,662	27.39
Drogheda, Business & Technology Park*	4,830,945	7,868,055	27.26

*This Business Park is in County Meath.

Work Permits.

307. **Deputy Michael Ring** asked the Minister for Enterprise, Trade and Employment when a work permit will be approved for a person (details supplied) in County Mayo. [26249/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department has informed me that a work permit application was received in this case. This application was refused on the basis that her immigration status renders her ineligible to apply for a work permit while in this country.

The Employer was notified of this decision in writing, and has since lodged an appeal. This appeal will be heard within the next seven days.

Industrial Development.

308. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Employment the number and location of vacant IDA sites in Kildare; the number of these sites that have being placed on the open market for sale; the number that have been offered to the local authority for sale; if there has been any interest in the sites; if not, the plans the IDA has for them; if there will be advanced factories built on them; and if he will make a statement on the matter. [26364/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The management of IDA Ireland's industrial property portfolio is

a day-to-day operational matters for the agency and not a matter in which I have a function.

I have been informed by IDA Ireland that the Agency owns six individual landbanks in County Kildare — Naas, Athy, Monasterevin, Castledermot, Newbridge and Kildare Town. Of these sites, the lands at Kildare Town lands are the only ones which have been offered to the open market by public tender.

I understand that, in 2003, three sites — Kildare Town, Castledermot and Monasterevin were offered to Kildare County Council but an agreement was not reached on land valuation and the sale did not proceed. However, I understand that, at present, there are ongoing negotiations regarding site sales in Naas and Newbridge.

IDA has invested in excess of €1.4 million in associated site development and upgrade works across the respective sites in Kildare over the past twelve months. However, there are no immediate plans for the construction of buildings.

Trade Missions.

309. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Employment the number of trade missions that he and his Department have been involved in during the past year; the destination of these missions; if they included delegates from County Kildare; if he has satisfied himself with the number and destinations of these missions; and if he will make a statement on the matter. [26365/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The table below lists the Ministerial-led Trade Missions undertaken in the last 12 months.

In the case of the Trade Mission to the Gulf (Saudi Arabia and the United Arab Emirates) in January 2007, three of the companies who participated in that Mission were based in County Kildare. There were no other instances of Kildare addresses being given by participants, but it could be the case that some other companies based in

multiple locations, may also have operations in Kildare.

The selection of destinations for Trade Missions is undertaken in conjunction with Enterprise Ireland and is based on that Agency's assessment of the different markets at any given time. I am satisfied that the destinations selected over the last year were appropriate with a view to consolidating and expanding exports to our traditional markets and also developing new prospects in emerging locations.

Date	Destination	Minister
31 Oct., 2006	UK	Minister of State Ahern
2/3 Nov., 2006	UK	Minister Martin
23/24 Nov., 2006	Slovakia	Minister of State Ahern
14/19 January, 2007	Gulf region	Taoiseach & Minister Martin
8/15 March, 2007	Singapore/ Malaysia	Minister of State Ahern
26/28 March 2007	Croatia	Minister of State Ahern
2/5 April, 2007	Pakistan	Minister of State Ahern
25/27 April, 2007	Czech Republic/Hungary	Minister of State Ahern
1/4 Sept. 2007	Dubai	Minister of State McGuinness
20/22 Sept. 2007	France	Minister Martin
24/28 Sept., 2007	USA	Minister Martin
24/27 Sept., 2007	Russia	Minister of State McGuinness
11/12 Oct., 2007	UK	Minister Martin
21/24 Oct., 2007	Canada	Minister of State McGuinness

Industrial Development.

310. **Deputy Joe McHugh** asked the Minister for Enterprise, Trade and Employment the grant support or assistance available to a small to medium business, employing 18 people, manufacturing textiles, and exporting around the world; and if he will make a statement on the matter. [26434/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The provision of grant assistance for individual companies is a matter for the development agency or body concerned, and not one in which I have a direct function.

Enterprise Ireland has primary responsibility for indigenous companies in the manufacturing and internationally traded services sectors. Enterprise Ireland supports companies employing 10 or more people, and start-up companies which have the potential to employ 10 or more people and reach or exceed €1m in exports over three years.

Enterprise Ireland's range of supports for companies includes strategy development, production and operations, marketing, human resources development, finance and research and development. In addition, a wide range of support and knowledge services are provided by specialists in Enterprise Ireland through its Dublin and 34 offices worldwide.

This independent support involves a range of services including identifying new opportunities, providing technical "know how" and expertise and promoting clients both in Ireland and overseas.

Enterprise Ireland's Innovation Vouchers scheme is open to all small companies with less than 50 employees in the country. Companies can apply for a voucher worth €5,000 and if successful, the voucher can be exchanged for advice and expertise from accredited knowledge providers. The only exclusions are companies in the transportation and agricultural sectors in line with state aid guidelines. Details of services available from Enterprise Ireland are available on its website at www.enterprise-ireland.com

National Minimum Wage.

311. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of people employed in the State that work for the minimum wage as of 30 September for each of the years 2004 to 2007 inclusive in tabular readable form. [26537/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Specific data in the format requested by the Deputy are not available. However, since the introduction of the national minimum wage legislation in April, 2000, three surveys of firms have been carried on behalf of

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my Department by the Economic and Social Research Institute. The studies estimated, inter alia, how many employees were on the minimum wage.

The table below shows the number of employees on the minimum wage in private sector non agricultural firms at the time of the ESRI surveys.

It is planned to begin work on a further survey before end-2007.

Year	Number of employees on minimum wage	% of employees earning minimum wage
2000/1	55,000	4.3
2002	57,500	4.5
2005/6	70,000	5.2

Industrial Development.

312. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of new start up SMEs that have commenced trading in the State for each of the years 2004, 2005, 2006 and to date in 2007 with a breakdown on a county basis in tabular readable form. [26538/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): My Department does not compile specific annual statistics on the number of new start up SMEs that have commenced trading in the State nor their geographic basis. As an assistance to the Deputy, the closest approximation to the information sought may be derived from the number of new companies registered each year and the yearly number of VAT registrations. However these figures in themselves must be seen as indicative only, bearing in mind that SME start-ups may involve unincorporated entities e.g. sole traders and /or may not require immediate VAT registration. In addition, new companies registered would include large companies and companies not immediately trading. Similarly, VAT registrations would also include large companies.

The annual reports of the Companies Registration Office show the total of new companies registered each year since 2004 as follows:

Year	Number
2004	15,592
2005	17,234
2006	19,190
2007	n/a

The numbers of VAT registrations over the same period were:

Year	Number
2004	31,937
2005	35,842
2006	n/a
2007	n/a

As part of its process in producing thematic reports to assist policy-making, the Central Statistics Office (CSO) has recently published its first thematic report focused specifically on the importance of small business in Ireland. The publication of this CSO "Small Business In Ireland" Report (May 2007) followed on from a recommendation of the Small Business Forum for a publication of robust data on a range of indicators relevant to the small business sector. The CSO intends to compile and publish a similar report on an annual basis and will seek to improve the range of information made available.

Job Losses.

313. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of redundancies made in the State for each of the years 2004, 2005, 2006 and to date in 2007 in tabular readable form. [26539/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The actual redundancies for the years 2004, 2005, 2006 and year to date are laid out in tabular form below.

The Deputy should be aware that all of these figures are available on the Redundancy home page of the Departmental website-www.entemp.ie.

Actual Redundancies 2004-2007

Year	Number
2004	25,041
2005	23,156
2006	23,684
2007	19,218 (Jan-Sept)

Industrial Relations.

314. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of applications made to the Employment Appeals Tribunal for each of the years 2004, 2005, 2006 and to date in 2007 that secured a hearing; and the number of applications that did not receive a hearing; the number of outstanding applications in tabular readable form. [26540/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The information recorded by the

Tribunal is set out in the Tabular Statement below.

Year	2004	2005	2006	2007 (at 26 October)
Applications Received*	3,754	3,727	3,480	2,630
Applications Disposed of**	3,625	3,467	3,169	2,261
Sittings (Hearings)***	1,108	1,141	1,062	963
Outstanding Applications****	776	1,104	1,379	1,701

*Applications can be lodged under a number of legislative instruments — such applications are heard simultaneously.

**Applications disposed of may relate to applications lodged in previous year.

***A sitting may include more than one application.

****Outstanding includes new and part-heard applications.

Job Creation.

315. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of jobs created by State agencies under his Department's control for each of the years 2004, 2005, 2006 and to date in 2007 on a county basis in tabular readable form. [26541/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Employment data in respect of companies supported by the enterprise agencies (Enterprise Ireland, IDA Ireland and Shannon Development) is collated by Forfás on an annual basis and accordingly there is no data available for 2007. The attached tabular statements show the number of new full time jobs created in Enterprise Agency assisted companies for each of the years 2004, 2005 and 2006.

In addition to these new permanent full time jobs, over the same period the County Enterprise Boards have assisted in the creation of 630 net new jobs throughout the country.

Number of Permanent Full Time Jobs created by the Enterprise Development Agencies (Enterprise Ireland, IDA Ireland and Shannon Development) 2004-2006

	2004	2005	2006	Total
<i>South East</i>				
Carlow	196	205	251	652
Kilkenny	260	256	276	792
Tipp SR	247	295	362	904
Waterford	584	514	1,070	2,168
Wexford	511	484	339	1,334
<i>Border</i>				
Cavan	547	1,021	808	2,376
Donegal	408	705	537	1,650
Leitrim	177	62	70	309
Louth	620	578	662	1,860
Monaghan	348	540	425	1,313
Sligo	316	306	338	960
<i>Mid West</i>				
Clare	645	706	742	2,093
Limerick	1,025	1,173	1,649	3,847
Tipp NR	236	302	249	787

	2004	2005	2006	Total
<i>South West</i>				
Cork	3,027	2,716	3,588	9,331
Kerry	289	397	304	990
<i>Dublin</i>	9,482	10,308	9,210	29,000
<i>West</i>				
Galway	1,634	1,894	1,370	4,898
Mayo	329	485	331	1,145
Roscommon	189	187	92	468
<i>Mid East</i>				
Kildare	1,104	939	910	2,953
Meath	452	677	486	1,615
Wicklow	550	771	348	1,669
<i>Midlands</i>				
Laois	101	132	207	440
Longford	257	417	326	1,000
Offaly	358	261	425	1,044
Westmeath	520	571	456	1,547
Totals	24,412	26,902	25,831	77,145

Job Losses.

316. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of job losses from employment created by State agencies under his Department's control for each of the years 2004, 2005, 2006 and to date in 2007 on a county basis in tabular readable form. [26542/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Employment data in respect of companies supported by the enterprise agencies (Enterprise Ireland, IDA Ireland and Shannon Development) is collated by Forfás on an annual basis and accordingly there is no data available for 2007. The attached tabular statements show the number of full time jobs lost in Enterprise Agency assisted companies for each of the years 2004, 2005 and 2006.

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Number of Permanent Full Time Jobs lost in Enterprise Development Agencies (Enterprise Ireland, IDA Ireland and Shannon Development) assisted firms; 2004-2006

	2004	2005	2006	Total
<i>South East</i>				
Carlow	-479	-399	-258	-1,136
Kilkenny	-331	-88	-245	-664
Tipp SR	-261	-245	-347	-853
Waterford	-888	-1,140	-696	-2,724
Wexford	-418	-454	-283	-1,155
<i>Border</i>				
Cavan	-160	-357	-99	-616
Donegal	-650	-647	-901	-2,198
Leitrim	-89	-247	-190	-526
Louth	-552	-338	-537	-1,427
Monaghan	-572	-274	-266	-1,112
Sligo	-305	-221	-290	-816
<i>Mid West</i>				
Clare	-556	-893	-718	-2,167
Limerick	-1,102	-777	-891	-2,770
Tipp NR	-354	-264	-178	-796
<i>South West</i>				
Cork	-1,720	-2,271	-3,579	-7,570
Kerry	-539	-602	-523	-1,664
<i>Dublin</i>	-11,042	-9,829	-5,643	-26,514
<i>West</i>				
Galway	-1,005	-923	-1,182	-3,110
Mayo	-616	-393	-240	-1,249
Roscommon	-246	-135	-263	-644
<i>Mid East</i>				
Kildare	-812	-489	-714	-2,015
Meath	-420	-388	-610	-1,418
Wicklow	-1,018	-1,897	-463	-3,378
<i>Midlands</i>				
Laois	-260	-34	-121	-415
Longford	-141	-117	-343	-601
Offaly	-319	-78	-184	-581
Westmeath	-440	-180	-435	-1,055
Totals	-25,295	-23,680	-20,199	-69,174

Employment Rights.

317. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the plans he or his Department has to put in place legislation that will compel employers to grant bereavement leave to workers. [26546/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The Government is committed to

a two-pronged approach to achieving the goal of making workplaces more family friendly — the provision of statutory entitlements through legislative measures, and promoting a partnership approach at the level of the enterprise. Legislative measures which provide for statutory entitlements include maternity leave, adoptive leave, carer's leave and parental leave, along with all the other employment rights legislation. There is no general statutory entitlement to bereavement leave. Whether an employee is entitled to take time off in such circumstances depends on whether any provision exists in the employee's terms and conditions of employment providing for such leave.

Legislation is clearly important in terms of protecting workers and providing a base level of protection. However, in general, conditions of employment in excess of statutory entitlements are determined by negotiation and agreement between employers and employees or trade union acting on their behalf.

The challenge to achieving work life balance in individual enterprises is to establish policies that reflect the reality of the workplace and meet the many diverse needs of employees. It is considered that a partnership approach is the best method of addressing work life balance policies at this level in order to achieve tailor made solutions to the benefit of the workforce and the employer. Accordingly, I have no plans to introduce legislation to compel employers to grant bereavement leave to workers.

Youth Employment.

318. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of 15 to 18 year olds in full-time employment for each of the years 2004, 2005, 2006 and as of 31 September 2007 in tabular readable form. [26549/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Data in relation to the number of people in employment classified by age group is compiled by the Central Statistics Office and is available on the CSO website (www.cso.ie).

The data, covering the age group 15-19, and broken down between part-time and full-time, is set out below. The latest data in respect of 2007 is Quarter 2 (May 2007).

Number of persons aged 15-19 in employment

	Total '000	Full-time '000	Part-time '000
Nov 2004	69.1	37.7	31.4
Nov 2005	71.2	34.3	36.9
Nov 2006	70.0	37.0	33.0
May 2007	67.8	31.5	36.3

Departmental Expenditure.

319. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the amount that was spent by his Department on official hospitality in the past 12 months. [26577/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I am interpreting the Deputy's question as relating to expenditure on Official Entertainment, for lunches, dinners and receptions hosted for official delegations.

The total amount spent by my Department on Official Entertainment in the period 1 November 2006 to 30 October 2007 was €40,432.73. This sum includes expenditure incurred by the Office of the Director of Corporate Enforcement, the Labour Court, the National Employment Rights Authority, the National Consumer Agency, and the Companies Registration Office. My Department processes payments for those bodies.

Export Licences.

320. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of international import certificates, military licences, community general export authorisation, global dual-use export licences and individual dual-use export licences issued by his Department for each of the years 2004 to 2006 inclusive and to date in 2007 in tabular readable form. [26595/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): I am unable to supply the information sought by today's deadline. I am arranging to have it assembled and will forward it to the Deputy as soon as it is ready.

Job Creation.

321. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the counties and local authorities that have a skills register; his views on the introduction of a skills register for each county and local authority that currently does not have one in place; and if he will make a statement on the matter. [26597/07]

322. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the plans he has for the future use of skill registers in the State to aid job creation. [26598/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 321 and 322 together.

Several county and local authorities have taken initiatives to improve the information available on skills in their respective localities. Skills databases have been established in Laois, Meath and Carlow where residents can register their skills

and qualifications profile. Similarly both Waterford County Enterprise Board and North Cork Enterprise Board are currently advertising skills registers in their respective areas.

Other initiatives include the Fingal Skills Observatory. It brings together key education and skills stakeholders in the county and aims to better ensure that employer skills needs are met. Fingal County Development Board established the Observatory and Fingal County Council undertakes skills demand surveys of employers on its behalf. As part of the LookWest initiative, the Western Development Commission has also established a skills database for the region covering Donegal, Leitrim, Sligo, Mayo, Galway, Roscommon, and Clare. I am aware that other county and local authorities are considering the establishment of a skills register for their respective areas. However, I would encourage these bodies to develop a skills register for their respective areas.

On a national level the FÁS Skills and Labour Market Research Unit (SLMRU) is charged with acting as a central data gathering, analytical and research resource for the Expert Group on Future Skills Needs (EGFSN). The SLMRU maintains the National Skills Database containing all available statistics relating to skills and the labour market in Ireland. The National Skills Database has been designed to collate all available information about the supply and demand of skills in Ireland. As such, it provides a resource for analysis and forecasting of the labour market at skills level.

In addition, the Programme for Government provides for funding of Regional Skills Advisory Groups. These involve both firms and education and training providers cooperating to ensure that the needs of each region are adequately defined and catered for. The Regional Advisory Groups will provide information regarding the existing skills base of each region. This will allow State agencies to identify skill deficits and to respond with specifically targeted training programmes. They will also identify skills surpluses — information that can be effectively used to attract companies to establish a presence in the particular region.

In this general context I have requested the EGFSN to review processes currently in place for information exchange and transfer between enterprises and training providers at regional level and to advise me on the development of possible new mechanisms needed to ensure that the skills needs of each region are most effectively catered for. This work is currently underway and I expect the Expert Group's report to be finalised in the near future.

Small Business Forum.

323. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment, further to Parliamentary Questions Nos. 251 of

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28 March 2007 and 546 of 26 September 2007, if he is proposing to introduce additional measures to ensure that there is a supportive environment for small business here; and if he will make a statement on the matter. [26599/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The extent of the Government's commitment to the small business sector is already obvious from the substantial changes already implemented in response to the recommendations in the Small Business Forum Report.

The measures outlined in my reply to Parliamentary Question No. 546 of 26 September 2007 clearly ensure that there is a supportive environment for small business in Ireland. The implementation of the recommendations contained in the Small Business Forum Report, to the maximum extent possible, remains a priority for the Government. Work is continuing on the implementation of the remaining recommendations.

Departmental Agencies.

324. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the total budget and the estimated administrative costs of each State agency under the control of his Department. [26602/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The information sought by the Deputy is set out in the attached tabular statement. All figures quoted refer to 2007 and are in millions of euro.

InterTradeIreland, the all-island trade and business development body, is co-sponsored by the Department of Enterprise Trade and Investment in Northern Ireland and is funded in a ratio of 2:1 (South and North). The above figures assume an exchange rate of Sterling £1 = €0.701.

In respect of the County and City Enterprise Boards (CEBs) figures, the amounts quoted are the aggregate total budget and estimated administrative costs associated with the operation of the 35 Boards across the State.

Agency	Total budget	Estimated administrative costs
Science Foundation Ireland (SFI)	159.4	8.7
National Standards Authority of Ireland (NSAI)	21.2	21.2
Personal Injuries Assessment Board (PIAB)	14.5	11.0
FAS	1,067.4	161.9
Competition Authority	6.1	6.1
Forfás	35.6	35.6
IDA Ireland	314.5	47.9
Shannon Development (SFADCo)	40.7	26.5
Enterprise Ireland (EI)	313.0	110.0
InterTradeIreland (ITI)	14.8	4.1
City and County Enterprise Boards (CEBs)	34.2	13.6
Health and Safety Authority (HSA)	22.5	22.5
National Consumer Agency (NCA)	8.4	8.4
Irish Auditing and Accounting Supervisory Authority (IAASA)	2.5	2.5

Departmental Facilities.

325. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26609/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): My Department has only a small canteen in two of its buildings at Adelaide Road and Kildare Street. These canteens are run by outside caterers (who operate independently of my Department) and who have

indicated that all of the beef, pork, and lamb supplied in each canteen is Irish. Raw chicken fillets used by the caterers are Irish. Cooked chicken fillets used by the caterers are from an Irish supplier who has indicated that the raw chicken fillets are sourced from European countries and Brazil; these chicken fillets are cooked and packed in Belgium. It would be impractical to provide this information in tabular format.

Sports Recognition.

326. **Deputy Tony Gregory** asked the Minister for Arts, Sport and Tourism further to his reply to Parliamentary Question Nos. 102 and 103 of 11 October 2007; if the National Sports Council has received confirmation that the organisation in question is in fact affiliated to the relevant recog-

nised international sporting federation; and if their request for recognition as a sport will now be reconsidered. [26018/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): In my reply to Question No. 554 on 26th September, I informed the Deputy that the Irish Sports Council (ISC) eligibility committee had decided that the organisation's application did not comply with a number of essential eligibility criteria for recognition as a National Governing Body (NGB) of sport.

I am informed by the ISC that it received correspondence last week confirming that the organisation in question is affiliated to its international federation, one of the criteria required for recognition purposes.

My Department has no role in the assessment of applications for recognition as an NGB. That responsibility rests with the Irish Sports Council under its statutory remit. Therefore, the organisation is advised to liaise with the ISC in relation to any possible reconsideration of its application for NGB status.

Sports Capital Programme.

327. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he will make funding available for the provision of youth indoor facilities in Clane, County Kildare with particular reference to the need to provide off-street recreational facilities for young people; and if he will make a statement on the matter. [26244/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the sports capital programme, which is administered by my Department, grants are allocated to sporting and community organisations at local, regional and national level throughout the country for the provision of sports facilities, including indoor sports facilities.

The 2007 sports capital programme was advertised in the national press in October 2006. The closing date for receipt of completed applications was 24th November 2006. Over 1,530 applications were received for the programme and provisional allocations totalling €85 million were made to 935 projects on 5th April last.

While no date has been set for the 2008 programme, advertisements announcing the next round of the programme will be placed in the national press and application forms will be available at that stage. Applicants who feel that they have a project that meet the Guidelines, Terms and Conditions of the programme are free to apply at that stage.

Road Signage.

328. **Deputy Damien English** asked the Mini-

ster for Arts, Sport and Tourism if his Department has plans to undertake a survey of overseas visitors to Ireland in order to establish the effectiveness of road signage and their attitudes towards them on a practical level. [26558/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The provision of signage is an operational matter for the National Roads Authority or NRA, under the aegis of the Department of Transport, in relation to national roads, and for local authorities in relation to non-national (i.e. regional and local) roads.

Having said that, signposting is, of course, important in helping many visitors to make the most of their trips to Ireland. The report of the Tourism Policy Review Group, *New Horizons for Irish Tourism: An Agenda for Action*, published in September 2003, identified addressing and upgrading of signage and prioritising "major tourism routes in the National and Regional Road Signposting programmes..." (*New Horizons* p94), as a key action.

The Tourism Policy Implementation Group, which was set up by my predecessor to monitor implementation of the Action Plan contained in the *New Horizons* Report, met the senior management of both the Department of Transport and the Department of Environment, Heritage and Local Government, with whom it discussed signage amongst other things.

My Department does not carry out visitor surveys. This is the role of Fáilte Ireland. Fáilte Ireland's 'Survey of Overseas Travelers' monitors the attitudes of overseas visitors throughout the year and the results are publicly available on www.failteireland.ie. In 2006, 5% of overall visitors and 12% of visitors using a car while in Ireland said that signposting in Ireland was unsatisfactory or in need of improvement.

Following consultation with my Department and Fáilte Ireland, the National Roads Authority (NRA), this year published a "Policy on the Provision of Tourist and Leisure Signage on National Roads". I am advised that a Programme to upgrade tourist and leisure signage on national roads is being implemented, in line with the Programme set out for the upgrading of directional signage on national roads. This re-signage scheme includes both directional signs and white-on-brown tourist signs. I understand that appropriate consultations are taking place with Fáilte Ireland on the provision of tourist signage as part of this scheme, on a route-by-route basis.

Following completion of the programme noted above, I would hope that future traveller surveys will reflect increasing visitor satisfaction.

Swimming Pool Projects.

329. **Deputy Michael McGrath** asked the Minister for Arts, Sport and Tourism when he will re-

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open the local authority swimming pool programme; and if he will provide funding for a project (details supplied) in County Cork. [26560/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The construction of new or the refurbishment of existing public swimming pools is grant aided under the Local Authority Swimming Pool Programme which is administered by my Department. The current round of the programme closed to applications on 31 July 2000 and no application was made in respect of a public swimming pool in Douglas before that closing date. The priority since then has been to progress the 57 projects under the programme. To date, 28 have been completed, 14 are under construction and the remainder are at various stages in the Programme.

My Department is completing a Value for Money and Policy Review Report of the Local Authority Swimming Pool Programme at present. The Report is examining, among other things, how the programme has worked to date and what changes, if any, are required to ensure its effective and efficient delivery. Thereafter, following consideration of the recommendations in the Report, it is my intention to launch a new round of the Local Authority Swimming Pool Programme. When the programme is re-opened, it will be open to all local authorities, including Cork City Council on behalf of Douglas, to submit applications under the terms that will apply.

Departmental Expenditure.

330. **Deputy Damien English** asked the Minister for Arts, Sport and Tourism the amount that was spent by his Department on official hospitality in the past 12 months. [26572/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The amount spent by my Department on official hospitality in the past 12 months under its Administrative Budget is €36,322.

Departmental Facilities.

331. **Deputy Damien English** asked the Minister for Arts, Sport and Tourism the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26604/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The only building within my Department which has a canteen or hot food

service for staff is at Kildare Street. The responsibility for this service lies with the Department of Enterprise, Trade and Employment.

Programmes for Government.

332. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if the National Carer's Strategy will be published before the end of 2007 as promised in the social partnership agreement, Towards 2016, and the Agreed Programme for Government; and if he will make a statement on the matter. [26535/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Supporting and recognising carers in our society is, and has been, a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended.

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. I am aware that one of the recommendations of the Joint Oireachtas Committee on Social and Family Affairs "Report on the Position of Full Time Carers" which was published in 2003 was that such a strategy should be developed. I am pleased that we are now in a position to act on that recommendation.

The strategy will focus on supporting informal and family carers in the community. While social welfare supports 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. For that reason all relevant departments and agencies will be involved in the strategy and there will be appropriate consultation with the social partners.

My officials have been in discussions with their colleagues in other relevant Departments in order to decide on the best approach to the development of the strategy.

In view of the need to ensure that appropriate arrangements and structures are in place to support its development, it will not be possible to complete the strategy by the end of this year as had been intended originally.

An inter-Departmental working group, chaired by the Department of the Taoiseach, will be established in the coming weeks to draw up the strategy and I expect it to be completed by summer of 2008.

The recent improvements in the income supports available from my own Department together with improvements in home care and related services provided by the Minister for Health and Children, represent major improvements in the services and supports available to carers in the community. The development of a national carer's strategy provides us with an opportunity to build further on these improvements and to consider other areas where progress can be made.

Pension Provisions.

333. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the timescale envisaged for the completion of the Green Paper and consultation phases on pension reform. [26627/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Green Paper on pensions policy was published on the 17th October and a major consultation process is now underway. Following the completion of the consultation process the Government is to respond to the views expressed by publishing a framework for future policy.

Pensions is one of the major issues the country must tackle for the future and any decision taken at this stage will impact on society for decades to come. Given the importance of the issue, I am anxious to ensure that the consultation process is as inclusive as possible and that people have ample time to study the Green Paper and to formulate their ideas and comments. Therefore, I intend to leave it open until mid-2008.

Once the consultation process, is completed work on developing the framework for future policy will commence. At this stage, it would be my intention to see this work completed and proposals submitted to the Government for consideration by the end of 2008.

Social Welfare Benefits.

334. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs the reason rent allowance and other benefits have been withdrawn from a person (details supplied) in County Cork. [25942/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of my Department by the Health Service Executive. It provides for the payment of a weekly or monthly supplement in respect of rent to eligible persons in the State whose means are insufficient to meet their accommodation needs. In general people engaged in full-time employment are not entitled to receive rent supplement. For these purposes,

full-time employment means working in excess of 30 hours per week. However, since June of this year recipients of rent supplement who are accepted by local authorities as eligible for the Rental Accommodation Scheme (RAS) may take up full-time employment and still continue to receive rent supplement subject to their satisfying the standard means test.

The Health Service Executive has advised that payment of rent supplement has been terminated in this case as the person concerned is in full-time employment. The Executive has further advised that a letter has issued on 25th October 2007 to the person concerned advising her of the reason for termination of rent supplement and advising of her right to appeal.

335. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if elderly people living in boarded out accommodation can be allowed to retain their fuel allowance. [26035/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The aim of the national fuel scheme is to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are not intended to meet the full cost of heating.

The main conditions that applies to the scheme are that a person must be in receipt of a qualifying payment, satisfy a means test and must either be living alone or only with:

- a dependent spouse or partner
- a dependent child
- a person who gives full-time care and attention where the applicant requires constant care and attention
- a person who is in receipt of a qualifying payment from the Department
- a person in receipt of a short-term unemployment assistance payment
- a person in receipt of a carer's allowance

The purpose of the household composition and means test rules for fuel allowance scheme qualifying purposes is to ascertain the ability of applicant households to meet their normal heating requirements out of their own resources. A fuel allowance is unlikely to be payable where there is a working adult residing in the applicant household, unless that person is in one of the above categories. People in boarded out accommodation will not qualify for a fuel allowance, or will not retain their fuel allowance, unless they satisfy the scheme criteria as outlined above.

Any changes in the rules for the scheme, such as including people in boarded out accom-

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modation would have cost implications and would have to be considered in the context of the Budget and in the light of the resources available to me for improvements in social welfare generally.

336. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs if he will review the disability allowance awarded to a person (details supplied) in County Meath; and if he will make a statement with regard to the payment of disability allowance to Irish citizens who are involuntarily moved to residential care in Northern Ireland. [26113/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): One of the qualifying conditions for entitlement to Disability Allowance is that an applicant must be resident in the State. Section 249 6(a) of the Social Welfare Consolidation Act 2005, states “a person shall be disqualified for receipt of jobseeker’s allowance, pre-retirement allowance, disability allowance or farm assist while he or she is—

(a) resident, whether temporarily or permanently, outside the State.”

The person concerned was awarded disability allowance in May 2001 which was stopped in 2004 when he was admitted to residential care in Northern Ireland. He was subsequently awarded disability allowance from 24 May 2006 when he returned to the State. His request that his Disability Allowance be awarded for the period 6 October 2004 to 23 May 2006 when he was in residential care in Northern Ireland was refused on grounds that he was absent from the State.

I am satisfied with the current arrangements regarding payment of Disability Allowance as it is preferable that the income needs of people outside the State are met by authorities in the relevant jurisdiction. In that regard, a person concerned, while resident in Northern Ireland, may apply for Incapacity Benefit under United Kingdom legislation.

337. **Deputy Mary O’Rourke** asked the Minister for Social and Family Affairs the reason rent subsidy is being refused to a person (details supplied) in County Westmeath. [26141/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Rent supplement is subject to a limit on the amount of rent that an applicant for rent supplement may incur. These limits take household size into account. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation.

The Health Service Executive which administers the scheme on behalf of my Department has advised that the person concerned was in receipt

of rent supplement from 8th January 2007 to 31 July 2007. His rent supplement was terminated on the grounds that the rent payable was in excess of the prescribed limits for a person in his circumstances. The current rent limit applying in County Westmeath for a household comprising one parent with one child is €140 per week or €606.67 per month. The Executive advises that the person concerned was in private rented accommodation with rent of €750 per month.

The Executive further advises that the person concerned was initially granted rent supplement from January 2007 on an interim basis to afford him time to seek alternative rented accommodation within the rent limits applying to his circumstances.

338. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo will qualify for the Christmas bonus payment. [26165/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): A special Christmas Bonus payment was first introduced in December, 1980, for social welfare pensioners and people who depend solely on their social welfare payments for income support. I will make an announcement in relation to the special Christmas Bonus payment for 2007 shortly.

The person concerned is not currently in receipt of any income support from the Department of Social and Family Affairs. However, should she apply and become entitled to a social welfare payment her entitlement to a Christmas bonus will be considered in light of the criteria applying to the bonus this year.

School Meals Programme.

339. **Deputy Beverley Flynn** asked the Minister for Social and Family Affairs when moneys which were promised by 1 October 2007 for a school (details supplied) in County Mayo to subsidise a lunch club will be awarded. [26356/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The school meals programme operated by my Department gives funding towards provision of food services for disadvantaged school children through two schemes. The first is the long-standing statutory urban school meals scheme, currently operated by 36 local authorities. The second is the school meals community (local projects) scheme through which funding is provided by my Department to participating schools and voluntary community groups in both urban and rural areas who are running specific school meals projects, including breakfast clubs.

An application for funding under the school meals local projects scheme for the school year

2007/2008 from the school concerned has now been processed and payment will issue shortly.

Pension Provisions.

340. **Deputy Seymour Crawford** asked the Minister for Social and Family Affairs when a person (details supplied) who applied for an Irish pension in July 2006 can expect a decision on their application; and if he will make a statement on the matter. [26392/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): According to my Department's records, the person concerned has a total of 72 Irish insurance contributions paid over the 48 year period from 1953 to 2001. This gives a yearly average of 2, which is not sufficient to qualify the person concerned for a standard State Pension Contributory. A minimum yearly average of 10 is required to entitle a person to a State Pension Contributory.

As the person concerned was employed in the UK, his Irish and UK contributions can, under European Union regulations, be combined to establish entitlement to a proportional or pro-rata pension. Details of his UK insurance record has been requested from the Department of Social Security and a decision on his entitlement to a pro-rata pension will be made as soon as this information is received.

Disadvantaged Status.

341. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if all schools that come within the CLÁR area and have the disadvantaged status are receiving the school meals scheme. [26444/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The school meals programme operated by my Department gives funding towards provision of food services for disadvantaged school children through two schemes. The first is the long-standing statutory urban school meals scheme, currently operated by 36 local authorities. The second is the school meals community (local projects) programme through which funding is provided by my Department to participating schools and voluntary community groups in both urban and rural areas who are running specific school meals projects, including breakfast clubs.

The Department of Education and Science has identified a total of 875 disadvantaged schools under its 'Delivering Equality of Opportunity in Schools' (DEIS) action plan. To date, a total of 668 DEIS schools are participating in the school meals scheme. Priority is being given to DEIS schools, regardless of whether they are located in CLÁR areas or not.

The focus of the school meals scheme will remain on disadvantaged children and the inclusion of all eligible DEIS schools in the scheme will continue to be my Department's main priority.

Social Insurance.

342. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the way, under current rules, the taking of parental leave affects a worker's PRSI contribution record. [26445/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Parental Leave Act, 1998, allows fathers and mothers to take unpaid leave to look after young children. It may be taken either as a continuous block of 14 weeks or, with an employer's agreement, broken up over a period of time. The Act also allows limited paid leave, known as force majeure leave, of up to 3 days in any 12 months, or up to 5 days in any 36 months, to deal with emergencies resulting from a family member's injury or illness.

There is no provision for a social insurance based payment for periods of parental leave but employees may be entitled to credited contributions to maintain their social insurance record for the period. In these cases, employers should write to the Records Update Section in My Department confirming the number of weeks and the exact dates of the parental leave so that the appropriate number of credits can be awarded.

The necessity for the award of a credit will depend on the way the parental leave is structured. For example, if an employee works for part of a week it is likely that they will meet the €38 minimum earnings threshold and thereby make a PRSI contribution in the normal way. If, however, they take a full week of leave or fail to meet the threshold, a statement from their employer and subsequent award of a credit will be required. The PRSI Policy Section in my Department can provide the deputy with any further information she requires on this matter.

Departmental Expenditure.

343. **Deputy Damien English** asked the Minister for Social and Family Affairs the amount that was spent by his Department on official hospitality in the past 12 months. [26583/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department spent €39,168.38 on official hospitality in the 12 month period to the end of September 2007.

Departmental Facilities.

344. **Deputy Damien English** asked the Minister for Social and Family Affairs the number of buildings within his Department that have a can-

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teen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26615/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department provides facilities for a canteen service for staff in a number of locations i.e. in Longford, Sligo, Letterkenny, Áras Mhic Dhiarmada and Kilmainham. However, it is not directly involved in the provision of meals or in the running of these facilities. Arrangements for the provision of services in these facilities are put in place by voluntary committees of staff in the locations in question. As a rule this involves the appointment of a commercial company to provide the service under the committee's general supervision.

The procurement arrangements of these companies are not subject to direction by my Department and, accordingly, details of the food sources are not available.

Questions Nos. 345 and 346 answered with Question No. 128.

Questions Nos. 347 and 348 answered with Question No. 85.

Social Insurance.

349. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the extent to which carers qualify for social insurance credits; his intentions to improve the situation; and if he will make a statement on the matter. [26645/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Credited contributions, or 'credits' as they are termed, are intended to protect the entitlements, particularly the pension rights, of employees and other persons participating in the social insurance system when they are ill or unemployed. A person who is providing full time care and attention as a carer is awarded credits on the same basis as if they were out of the workforce due to illness or unemployment.

Under the current statutory provisions governing the award of credited contributions, recipients of the carer's allowance may be awarded credits if they switched to that payment from another credit-bearing payment such as jobseeker's allowance. From April 1999, formal provision was made for the award of credits to claimants of carer's allowance who have left insurable employment to engage in caring duties. People in receipt of carer's benefit or on carer's leave are awarded credits at the same rate as their last paid contribution.

Recipients of carer's allowance, who are not entitled to credits, may be eligible for homemaker's disregards which preserve the carer's entitlement for contributory pension purposes. The homemaker scheme provides that years spent working in the home while caring on a full-time basis for a child up to 12 years of age or an incapacitated person will be disregarded in calculating a person's yearly average number of contributions for State Pension (contributory) purposes. The provisions apply from the contribution year commencing on 6 April 1994 and up to 20 contribution years may be disregarded.

The award of credits is subject to certain conditions. For example, when a person has not paid or credited contributions for a period of two years, they cannot be awarded further credits until a further 26 contributions are paid. In recognition of their caring role, this rule is waived where claimants of carer's allowance were eligible for homemakers disregards immediately prior to claiming carer's allowance.

This, in effect, means that credits will be awarded where a person who has a gap of two years in their paid or credited contributions was eligible for homemakers disregards before claiming carer's allowance. This will protect the position of people who did not give up work to become carers but may have qualified for homemakers disregards due to child-minding duties and who subsequently became carers after a two year period had expired.

From June 2006, the number of hours a person can engage in employment, self employment, education or training outside the home and still be eligible for carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week. Where a carer remains in employment, he or she will continue to pay the appropriate social insurance contribution. All aspects of the carer's allowance scheme and supports for carers are kept under review and ways of increasing and expanding services for carers will continue to be examined.

350. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs his views on offering social insurance credits to all carers providing full-time care; and if he will make a statement on the matter. [26646/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The social welfare pension rights of those who take time out of the workforce for caring duties are protected by the homemaker's scheme which was introduced in and took effect from 1994. The scheme allows up to 20 years spent caring for children or incapacitated adults to be disregarded when a person's social insurance record is being averaged for pension purposes. However, the scheme will not of itself qualify a person for a pension.

The standard qualifying conditions, which require a person to enter insurance 10 years before pension age, pay a minimum of 260 contributions at the correct rate and achieve a yearly average of at least 10 contributions on their record from the time they enter insurance until they reach pension age, must also be satisfied. The minimum paid contributions will increase to 520 in 2012. These conditions are designed to ensure that those qualifying for pensions have had an adequate and sustained commitment to the social insurance system as well as to uphold the contributory principle that underpins the qualifying conditions for all social insurance payments.

While there are no plans to alter these arrangements in the immediate term, the operation of this scheme is subject to review in the context of the Green Paper on Pensions, with particular regard being paid to the operative date of the scheme and the use of credits for pension purposes rather than the current system of disregards.

International Agreements.

351. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the degree to which bilateral social welfare arrangements are in place with other jurisdictions; the extent of which expeditious process has been achieved; if it is intended to address particular areas which have not achieved the desired response levels; and if he will make a statement on the matter. [26647/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Ireland has social security agreements with Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. These agreements came into effect between 1989 and 1999, except for that with the UK which covers the Isle of Man and Channel Islands and came into effect on 1st October 2007. Ireland also has a bilateral understanding with Quebec since 1 October 1994. In the cases of Austria and Switzerland the bilateral agreements have limited application as the EU Regulations normally apply in these cases. Arrangements have been made for the signature today of an Agreement with the Republic of Korea and it is hoped to complete the necessary steps to bring it into effect before the end of next year.

All of these agreements are currently in operation and are generally working satisfactorily. The main purpose of the agreements is to protect the social security pension rights of workers who have worked both in Ireland and the other country to which the agreement applies. For all schemes, the time taken to process claims that fall to be examined under bilateral agreements is longer than that for standard Irish entitlements, reflecting the added complexity that arises in

determining entitlements under these agreements. For instance, entitlement under the Irish contributions alone will be examined before recourse is made to the bilateral agreement.

Liaison procedures to ensure the secure transfer of personal data have been established with each country and are kept under constant review. Regular contact is made with the appropriate agencies to ensure the accuracy, completeness and timeliness of transfer of the information required to decide on claims. Where particular delays occur in the exchange of information, every effort is made to minimise processing times, while the overriding objective in dealing with these claims is to ensure that people receive their full and correct entitlements. Delays in processing applications do not ultimately result in any losses to pensioners in that those who qualify for payment have their claims backdated fully in accordance with the normal regulations for backdating pension claims.

Social Welfare Benefits.

352. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he proposes to ease the qualifications for the back to education allowance in the coming year; and if he will make a statement on the matter. [26648/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department provides a wide range of second chance education opportunities to facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

The back to education allowance (BTEA) is one of these second chance education opportunities schemes. It is paid at a standard weekly rate equivalent to the maximum rate of the relevant social welfare payment that qualifies the applicant for participation in the scheme. It essentially replaces their existing social welfare income and in addition an annual €400 cost of education allowance is payable.

To qualify for participation an applicant must, inter alia, be in receipt of a relevant social welfare payment for a period of time and be at least 21 years of age prior to commencing an approved course of study. Persons in receipt of disability related payments may access the scheme at 18 years of age. Similarly, lone parents and persons in receipt of unemployment payments can qualify at 18 years of age provided they are out of formal education for at least 2 years.

As part of the Government's Expenditure Review Programme, a working group chaired by my Department reviewed the back to education allowance scheme in 2005. The group comprised representatives of the Departments of Social & Family Affairs, Enterprise, Trade and Employ-

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ment, Education and Science, Finance and FÁS. The working group made nine recommendations, some of which have already been implemented.

These include earlier access to the allowance for participants of the National Employment Action Plan (NEAP). Access is now available to the third level option for qualified participants who have been in receipt of Jobseekers Allowance for nine months as opposed to the standard requirement of twelve months. Additionally the scheme has been extended to include all those of working age in receipt of a Social Welfare payment.

Recent Budgets have also provided for improvements to the back to education scheme. The 2006 Budget provided that time spent in receipt of supplementary welfare allowance from the Health Services Executive or in the direct provision system operated by the Department of Justice, Equality and Law Reform can count towards the qualifying period in circumstances where the person establishes an entitlement to a relevant social welfare payment prior to commencing an approved course of study. This provision came into effect from 1 September 2006.

In Budget 2007 it was provided that people who are awarded Statutory Redundancy may access the scheme immediately provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study. In addition the qualifying period for illness benefit recipients was reduced from three to two years. These further improvements to the back to education scheme came into effect from the beginning of the current academic year i.e. 1 September 2007.

The operation of my Department's employment support measures, in the context of current labour market conditions, is continually monitored to ensure that it continues to support those people who are the most distant from the labour market and whose needs are greatest. At present it not proposed to make any further changes in qualifying criteria.

Social Welfare Code.

353. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he proposes to ease the habitual residency clause; and if he will make a statement on the matter. [26649/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1st of May 2004. The basis for the restriction is the applicant's habitual residence. The restriction is not based on citizenship, nationality or any other

factor. The question of what is a person's "habitual residence" is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims.

Each case received for a determination on the Habitual Residence Condition is dealt with in its own right and a decision is based on application of the guidelines to the particular individual circumstances of each case. Any applicant who disagrees with the decision of a Deciding Officer has the right to appeal to the Social Welfare Appeals Office.

Nationals of the European Economic Area (EEA) who take up employment in the State are protected under the EU Regulations governing social security for migrant workers. Migrant workers from outside the EEA qualify for social insurance benefits in respect of the unexpired part of their work permits if they satisfy the normal qualifying conditions. The habitual residence condition does not apply in these cases. Such workers may also satisfy the habitual residence condition for receipt of social assistance payments and child benefit.

The habitual residence condition is being operated in a careful manner to ensure that Ireland's social welfare system is protected, while at the same time ensuring that people whose cases are appropriate to the system have access to it when they need it. The reason for the introduction of the habitual residence condition in May 2004 was to ensure that persons who have not worked in Ireland or who have not established habitual residence in Ireland should not avail of assistance schemes or child benefit.

The operation of the condition was reviewed by my Department in 2006 and the report of the Review was published on 1st February 2007. The full content of the Review may be accessed on the Department's website, www.welfare.ie. It is not proposed to introduce any changes to the current policy in this regard as the original reason for the policy is still valid.

Question No. 354 answered with Question No. 96.

Ferry Services.

355. **Deputy Joanna Tuffy** asked the Minister for Community, Rural and Gaeltacht Affairs the reason his Department has not put out a tender for the contract to provide a ferry service from Baltimore to Sherkin Island in County Cork in view of the fact that the current five year contract runs out at the end of October 2007; and if he will make a statement on the matter. [26350/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I can confirm that the Department are committed to the maintenance of a subsidised ferry service on this route.

My Department has a three-year contract in place for the period 1 November 2004 to 31 October 2007 for the provision of a passenger ferry service between Sherkin Island and the mainland.

Officials of my Department are currently in discussion with the operating company, Carbery Isle Ferries Ltd, regarding an extension of the contract for the provision of this service. The decision to open these discussions was taken with a view to securing administrative efficiencies and in the context of the limited number of service providers available in this sector. It should be noted that only one tender was received in response to the previous tender competition for this particular service.

Rural Development.

356. **Deputy Ulick Burke** asked the Minister for Community, Rural and Gaeltacht Affairs when the guidelines for the new LEADER programme 2007 to 2013 will be published; the reason for the delay in issuing the guidelines in view of the many projects awaiting sanction and approval for funding; and if he will make a statement on the matter. [26402/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The new Rural Development Programme for Ireland for the 2007-13 period was approved by the European Commission on July 24th this year and is available on my Department's website at *www.pobail.ie*. The selection process for the Local Action Groups (LAGs) to deliver the Programme will commence shortly. In this context, the Deputy should note that my Department has appointed an independent advisor to make recommendations on the selection of the LAGs.

Coistí Ranna.

357. D'fhiafraigh **Deputy Brian O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta maidir le cur i bhfeidhm mholtaí an Ráitis ar an nGaeilge ó d'fhoilsigh an Rialtas é ar an 20 Nollaig 2006, an mó cruinniú den Choiste Feidhmiúcháin a bhí ann ó shin; agus an ndéanfaidh sé ráiteas ina thaobh. [26441/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Mar is eol don Teachta, seoladh Ráiteas an Rialtais i leith na Gaeilge 2006 ag ócáid i dTeach bhFarmleigh an-raidh. Is é an príomh-chinneadh a fógraíodh mar chuid den Ráiteas sin ná go n-ullmhófar Straitéis 20 Bliain don Ghaeilge. Ag cruinniú a bhí agam le Fóram na Gaeilge ar 5 Márta 2007, aontaíodh go mbunófaí fo-choiste den bhFóram a d'fheidhmeodh mar nasc idir an Fóram agus mo Roinnse ó thaobh ullmhú na Straitéise de.

Bhí cruinniú ag an bhfo-choiste i mí na Bealtaine 2007 chun, i measc nithe eile, plé a dhéanamh ar fhostú comhairleoirí chun cuidiú le mo Roinnse an Straitéis a ullmhú. Tá mo Roinn ag plé ó shin leis an bpróiseas — soláthar tairiscintí san áireamh — i ndáil le fostú comhairleoirí dá leithéid. Tá cruinniú eile den bhfo-choiste socraithe i dtaca leis an bpróiseas seo don Aoine seo chugainn, 2 Samhain 2007.

Ní miste dom a lua go bhfuil i gceist go rachfar i gcomhairle leis an bpobal mar dhlúth-chuid den phróiseas chun an Straitéis a ullmhú agus go reachtálfar sraith cruinnithe poiblí i gcodanna éagsúla den tír. Meastar go dtógfaidh sé dhá bhliain nó mar sin sula mbeidh ball críche curtha leis an Straitéis.

Local Development Companies.

358. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the procedure in selecting the organisation that would be a nominating body for position on partnership boards in Ballyfermot and elsewhere; and if he will make a statement on the matter. [26487/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): This is primarily a matter for the Boards concerned. Model procedures for the nomination and appointment of members to the Boards of Local Development Companies and Urban Partnerships are set out in the Guidelines on the Governance of Integrated Local Development Companies and Urban Based Partnerships issued by my Department on 1st October last. These are available on my Department's Website at *www.pobail.ie*. Copies of these guidelines were provided to all members of the Oireachtas in recent weeks and have also been placed in the Dáil Library.

Community Development.

359. **Deputy Michael McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs if a person (details supplied) in County Cork is participating in a community services programme; and if there are opportunities for them to transfer to a different scheme. [26561/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department is not the employer of any of the persons participating in the Community Services Programme and does not have details of individual participants in local projects. The Deputy should raise this matter with the project concerned.

Departmental Expenditure.

360. **Deputy Damien English** asked the Minister for Community, Rural and Gaeltacht Affairs

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the amount that was spent by his Department on official hospitality in the past 12 months.

[26574/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Expenditure on official hospitality is included under subhead A.3.1 (Entertainment) of my Department's Vote which was approved by the Oireachtas Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs. The total outturn for that subhead in 2006 was €56,082 and expenditure to date in 2007 is €23,354.

Departmental Facilities.

361. **Deputy Damien English** asked the Minister for Community, Rural and Gaeltacht Affairs the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26606/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department has no canteen or hot food service for staff.

Industrial Development.

362. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the development of a business park in the Ardara area of County Donegal. [26620/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I refer the Deputy to my reply to Parliamentary Question No 1296 of 31 Eanáir 2007. I understand from Údarás na Gaeltachta that a consultant has been engaged to carry out a feasibility study which is exploring various ways to develop the 2.2 hectares site purchased by it for industrial development in Mín na Coilleadh, close to Mín an Bhealaigh, Ard an Rátha, Co Donegal. The study is expected to be completed by the end of the year.

Íochaíochtaí Deontaisí.

363. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé i gceist deontais a chur ar fáil do bhóthar áise i gContae Dhún na nGall i mbliana; agus an ndéanfaidh sé ráiteas ina thaobh. [26621/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá deontais de €127,995 san iomlán ceadaithe ag mo Roinn i mbliana chun bóithre áise i nGaeltacht Dhún na

nGall (na hoileáin Ghaeltachta san áireamh) a fheabhsú.

Gréasán Bóithre.

364. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta, mar gheall ar an droch-chaoi atá ar an mbóthar réigiúnach ó Chroithlí go hAerfort Dhún na nGall, an féidir breis airgid a chur ar fáil le haghaidh plean eile chun an bóthar seo a fheabhsú; agus an ndéanfaidh sé ráiteas ina thaobh. [26622/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá an príomh fhreagracht maidir leis an mbóthar seo ar Chomhairle Contae Dhún na nGall. Cheadaigh mo Roinn deontas de €200,000, áfach, níos luaithe i mbliana chun 500m den bhóthar seo, a áirítear mar bhóthar straitéiseach Gaeltachta, a fheabhsú. Ciallaíonn sé seo go bhfuil os cionn €2 mhilliún ceadaithe ag mo Roinnse i gcomhar an bhóthair seo le trí bliana anuas.

Tuigim gur bóthar tábhachtach é seo do cheantar Gaeltachta Iarthuaisceart Dhún na nGall go ginearálta agus d'Aerfort Idirnáisiúnta Dhún na nGall ach go háirithe agus mar is léir, tá tosaíocht ard dá réir tugtha ag mo Roinn dá fheabhsú. Déanfar aon iarratas breise ar chúnamh ina leith a mheas i gcomhthéacs riachtanais na hoibre, éileamh eile ar láimh agus an tsoláthair airgid atá ar fáil do mo Roinn chun caitheamh ar oibreacha den chineál seo.

Harbours and Piers.

365. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if she has plans to invest in infrastructure for a pier (details supplied); and if she will make a statement on the matter. [26155/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Dept. of Agriculture, Fisheries and Food runs an annual Harbour Development Programme. Each year invitations are sent to all coastal Local Authorities to submit priority funding proposals for works at Fishery Harbours owned by the Local Authorities. Projects are allocated grand-aid based on Exchequer funding and overall national priorities going forward. In the case of Leenan Pier, Urris Co. Donegal, no funding provision is possible as the pier is privately owned and as a result does not qualify under the aforementioned Programme.

Aquaculture Development.

366. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the aquaculture grants that were awarded in Mayo in 2006;

the persons to whom they were awarded; and the precise purpose for which they were awarded. [26357/07]

were paid through an Bord Iascaigh Mhara during 2006:

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The following grants

Beneficiary	Exch. Grant	EU Grant	Total Grant
	€	€	€
1. <i>Blackshell Farm Ltd</i> Purpose: Conversion of rope mussel growing system to continuous rope system; replacement of barrels with environmentally friendly floats.	73,114.00	—	73,114.00
2. <i>William Budd</i> Purpose: Development of technology for cleaning salmon nets.	8,188.34	—	8,188.34
3. <i>Clew Bay Marine Forum</i> Purpose: Development of an integrated approach to coastal zone management in Clew Bay.	30,744.00	—	30,744.00
4. <i>Carraun Blue Limited</i> Purpose: Investigating the strain, environmental conditions, feed and potential of growing sea reared rainbow trout at a location that previously held low numbers of fish.	44,282.25	—	44,282.25
5. <i>Eirshell Ltd</i> Purpose: Trial to investigate the holding and feeding of native clawed lobster to achieve greater size for market.	46,874.00	—	46,874.00
6. <i>Gerard & Martin McNulty</i> Purpose: Expansion of oyster project in Clew Bay.	3,729.01	—	3,729.01
7. <i>P. Mulloy Shellfish Ltd</i> Purpose: Extension of existing foreshore shellfish holding tank wall to include a ramp.	4,629.00	—	4,629.00
8. <i>Shannon Estuary Oysters</i> Purpose: Investigation of the feasibility of a new nursery system for the cultivation of pacific oysters in Clew Bay.	13,290.00	—	13,290.00
9. <i>Feirm Farrraige Oilean Chliara</i> Purpose: Improvement of environmental impact and modernisation of a salmon farm in Clew Bay.	78,486.00	338,409.00	416,895.00
Totals	303,336.60	338,409.00	641,745.60

The following grants were paid through Udaras na Gaeltachta during 2006:

	€	€	€
1. <i>Ezo Teo</i> Purpose: Abalone Farm development.	121,891.00	426,617.00	548,508.00

Foreshore Licences.

367. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food if she is required to provide Ministerial consent under Section 10(1) of the Foreshore Act 1933 for a marina development. [26477/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In accordance with the Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 responsibility for the Foreshore Acts 1933 to 2005 and the associated functions has been transferred to my Department. However, it should be noted that

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some of the foreshore functions being transferred to my Department are being transferred only pending their further transfer to the Minister for Department of Environment, Heritage and Local Government.

The Government decided on 2 October 2007 that responsibility for foreshore licensing functions under the Foreshore Act 1933 in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade, and for all energy developments (including oil, gas, wave, wind and tidal energy) and aggregate and mineral extraction developments on the foreshore would transfer to the Department of the Environment, Heritage and Local Government.

My Department is currently putting in place the necessary arrangements to ensure the efficient and effective transfer of the appropriate legislation and associated functions. When the order transferring those functions appropriate to the Department of Environment, Heritage and Local Government comes into effect, as set out in paragraph 3 above, my Department will process the Foreshore License/Lease application for the Marina development unless it is located within an area governed by port companies and harbour authorities specified in the Harbours Acts 1946, 1996 and 2000, in which case the Department of Environment, Heritage and Local Government will process the application.

Animal Diseases.

368. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the fact that hay is being imported from continental Europe as fodder, mainly for horses, and this could possibly transfer the Bluetongue disease to Ireland; if her Department has monitored the origin of this importation; her views on whether this could be a danger to animal health here; and if she will make a statement on the matter. [25946/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As part of my Department's contingency arrangements, several potential risks for the introduction of bluetongue to Ireland have been considered and these include the possibility that it might be introduced in hay or straw. The two principal potential routes for the introduction of the disease are through infected live animals or through infected wind-blown midges. The importation of live susceptible animals from bluetongue-affected areas is currently not permitted. However, EU rules dealing with the movement of animals and animal products from such areas under defined conditions come into effect 1 November. My Department is

continuing to assess the risk of the introduction of the disease and should such an assessment conclude that further control measures are appropriate, I will have no hesitation in introducing them.

Grant Payments.

369. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive the disadvantaged area scheme payment. [25947/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme / Disadvantaged Area Scheme was received from the person named on 16 April 2007. Payments under the Disadvantaged Areas Scheme commenced on 20 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as further cases subsequently become clear. The application of the person named has now been fully processed and the person named was paid €4,456.75 on 25 October 2007, directly to his bank account.

Animal Welfare.

370. **Deputy Tony Gregory** asked the Minister for Agriculture, Fisheries and Food the number of mink, arctic foxes, silver foxes and other animals that were killed on fur farms here in 2006 and 2007; the methods used for killing; and the number of animals that were killed under the direct supervision of her Department's veterinarian. [26015/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In 2006, approximately 170,000 mink and approximately 300 foxes were slaughtered in Ireland. Statistics for 2007 are not yet available. Licensed fur farms may only utilise slaughter methods permitted under the Sixth Schedule of the European Communities (Protection of Animals at Time of Slaughter) Regulations, 1995. The methods used in Ireland included gassing and electrocution. Inspections by veterinary officers of my Department have confirmed that the methods used by Irish fur farms are in compliance with the aforementioned legislation. While slaughtering of mink and foxes was supervised during these inspections, the number of animals slaughtered in the presence of a Department veterinarian was not recorded.

371. **Deputy Tony Gregory** asked the Minister for Agriculture, Fisheries and Food if she has plans to prohibit the usage of a method (details supplied) for the killing of foxes on fur farms here; and if her attention has been drawn to the

public concern regarding this method of killing. [26016/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am aware of public concern regarding the method of killing foxes referred to by the Deputy. Such slaughter method is permitted under the Sixth Schedule of the European Communities (Protection of Animals at Time of Slaughter) Regulations, 1995 and I have no plans to prohibit it.

372. **Deputy Tony Gregory** asked the Minister for Agriculture, Fisheries and Food the number of licensed mink farms operating here at present; the number of fur farms with foxes; and the value of mink and fox pelts produced from these farms in 2006 and 2007. [26017/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the Musk Rats Act, 1933 (Application to Mink) Order 1965, the keeping of mink is prohibited except under licence, obtained from my Department. There are currently 5 licensed fur farms in Ireland. There is no legislation requiring the licensing of fox farms. There is one known fox farm, which is operated in conjunction with a mink farm. CSO figures indicate that the value of mink and fox pelts produced in 2006 was €3.6 million. Statistics for 2007 are not yet available.

Grant Payments.

373. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when persons (details supplied) in County Mayo will receive their DAS payment. [26070/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the Single Payment Scheme / Disadvantaged Areas Scheme was received from the person named on 2 May 2007. With regard to the Disadvantaged Areas Scheme, one of the primary requirements of the Scheme require, inter alia, that applicants maintain a minimum stocking density on their holding of 0.15 livestock units per forage hectare declared for at least three consecutive months. However, where the holding of an applicant is identified as not meeting this minimum requirement, the person in question is invited to submit evidence of satisfactory stocking i.e. Flock Register, Horse Passports, or details of a REPS or Commonage Framework Plan, which provides for a lower stocking level. The person named was written to and invited to submit appropriate evidence of the number of sheep maintained on the farm. On receipt of a satisfactory response from the person named, the application will be further processed with a view to payment at an early date.

Food Labelling.

374. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food her plans to introduce country of origin for the labelling of pig meat; the measures she is taking at EU level to address the issue of substantial transformation; and if she will make a statement on the matter. [26074/07]

380. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the plans she has to introduce country of origin for the labelling of pig meat; the measures she is taking at EU level to address the issue of substantial transformation; and if she will make a statement on the matter. [26114/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 374 and 380 together.

Draft regulations requiring the origin labelling of pigmeat, poultrymeat and sheepmeat were prepared in my Department and forwarded to the Department of Health and Children as the Regulations will be made under the Health Act 1947. A public consultation on the proposed regulations took place during the past month via the website of the Food Safety Authority of Ireland. The consultation period has now passed and comments will be examined and the proposed legislation will be reviewed in the light of these comments. This process will take approximately three weeks. Thereafter the draft legislation will have to be forwarded to the European Commission for approval. The commencement date for the legislation will depend on the Commission's response and possibly that of other Member States.

In the proposed legislation 'origin' will be defined as the country where the animal was reared and, if different, the country of slaughter. This will have to be indicated on meat and meat products containing over 70% meat. Regardless of the nature, extent or location of processing or packaging that has gone into the manufacture of the product the requirement to show actual country of rearing and slaughter of the animal will remain in place and this will not be superseded by any 'substantial transformation'.

The concept of substantial transformation is the basis used throughout the EU and elsewhere to define the origin of goods as being from the country where the last substantial economic change was made to them. In my view it should not be used to disguise the origin of certain products or to mislead the consumer as to the origin of raw materials. Last year, the Health and Consumer Protection Directorate of the European Commission undertook a consultative process with a view to reviewing food labelling legislation. In its submission to the Commission, Ireland recommended that the term "substantial

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transformation” should be strictly interpreted. It is essential that this process should not be used to hide the true origin of products and that labelling systems be adapted to ensure that consumers are not misled as regards the true provenance of food. The EU Commission is expected to present a proposal on labelling in December. I will continue to press for provisions that ensure full transparency for the consumer.

Proposed Legislation.

375. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps which she will take via Teagasc and secondary legislation to promote the use of organic manure as a preferential fertiliser source; and if she will make a statement on the matter. [26075/07]

381. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the steps which she will take via Teagasc and secondary legislation to promote the use of organic manure as a preferential fertiliser source; and if she will make a statement on the matter. [26115/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 375 and 381 together.

Legislative requirements covering the storage and management of animal manures, fertiliser limits and the timing and method of application of fertilisers are contained in the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, made by the Minister for the Environment, Heritage and Local Government.

It is normal agricultural practice to apply animal manures produced on the holding to the land as fertiliser, subject to the conditions laid down in the Regulations. The use of imported animal manure as a source of additional nutrients, or as a substitute for chemical fertiliser, may be appropriate in certain circumstances and I would encourage farmers to do so when possible.

I am aware that for certain sectors of farming, such as the pig and poultry industry, it is desirable that farmers in general should use organic manures in preference to chemical fertiliser whenever possible. I believe that farmers, producers and farming organisations have an important role to play in promoting the utilization of organic manures. I have also asked Teagasc to make farmers aware of the nutrient value of slurry and the savings that they can achieve by substituting it for chemical fertiliser.

In its proposals to European Commission for REPS 4, which forms part of the Rural Development Programme 2007-13, by Department had sought approval for a supplementary measure designed to promote the use of pig and poultry

manure by REPS farmers as a substitute for chemical fertiliser. Unfortunately the Commission rejected this element of the proposals and it was not possible to include such a measure in the new REPS.

Animal Feedstuffs.

376. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the action she will take to address the rapid increase in the cost of imported feed as a result of the Government position at EU level on genetically modified import; and if she will make a statement on the matter. [26076/07]

382. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the action she will take to address the rapid increase in the cost of imported feed as a result of the Government position at EU level on genetically modified imports; and if she will make a statement on the matter. [26116/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 376 and 382 together.

The increase in the price of animal feed being experienced by Irish farmers over the last 12 months has impacted most significantly on pig enterprises. I have, in recent times, worked with my EU colleagues, both at Council and bilaterally, to have steps taken aimed at improving the situation and ameliorating some of the difficulties being caused by the price increases. These steps include a suspension of the obligation to set 10% of arable land aside; the introduction of an aid for private storage of pigmeat package; and at last week's Council of Minister I called on the Commission to introduce export refunds to provide additional support for the pigmeat sector.

In the context of Genetically Modified feed, it is also worth noting that the European Commission approved Herculex and two other maize products last week. I welcome recent statements from the European Food Safety Authority indicating that steps are being taken in conjunction with the US authorities to identify ways of minimising the time lag between the authorisation of new GM events in the US and in the EU.

Grant Payments.

377. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive their single farm payment. [26077/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named did not draw down any premia payments during the reference period (2000-2002) and therefore did not establish any Single Payment entitlements.

The person named submitted applications for allocations of entitlements from the 2005, 2006 and 2007 National Reserve.

The person named applied under the New Entrant Category of the 2005 and 2006 National Reserves. This category caters for farmers who inherited or purchased land and who commenced farming after 31 December 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year. The person named received his herd number in September 2000 and while he did not claim any premia payments during the reference period he has however received Area Based payments in 2001, 2002 and 2003. Therefore the person named has been actively farming during the reference period and cannot be regarded as a New Entrant to farming and my Department has notified him of this decision.

The person named appealed this decision to the Independent Single Payments Appeals Committee. The Committee have completed their review of his 2005 appeal and they have upheld my Department's decision and the person named has been notified in this regard. The Appeals Committee are currently carrying out a full review of the 2006 appeal and will correspond directly with the person named following the outcome of their review.

In his 2007 National Reserve application the person named applied again under the New Entrant category and also under Category A. Category A caters for farmers who inherited, leased or otherwise received free of charge, or for a nominal amount, from a farmer who retired or died before 16 May 2005, a holding that was leased out to a third party during the reference period 2000-2002. My Department has requested further documentation with regard to a lease submitted by the person named. When this documentation is received my Department will be in a position to fully process both the New Entrant category and Category A applications. The person named will be notified of the outcome in due course.

In relation to 2007 Disadvantaged Areas Scheme, payment for €3,778.10 issued on 19 September 2007 in respect of 37.93 hectares.

378. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for the area based payment by a person (details supplied) in County Galway. [26096/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the Single Payment Scheme / Disadvantaged Areas Scheme was received from the person named on the 2 May 2007. The case was selected for inspection, which is now completed. Accordingly, the advance payment under the Single pay-

ment Scheme and the full payment under the Disadvantaged Areas Scheme will issue to the person named shortly.

379. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason payment of the single farm payment to a person (details supplied) in County Galway has been reduced as a result of their receipt of a forestry grant; and if she will make a statement on the matter. [26097/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named submitted a Single Payment application on 17 April 2007, including parcel number G19315004. Due to inconsistencies as to how this parcel should be declared on the application, the processing of the application was delayed pending clarification from the applicant. This is now resolved and payment in relation to this parcel will issue in due course.

Question No. 380 answered with Question No. 374.

Question No. 381 answered with Question No. 375.

Question No. 382 answered with Question No. 376.

383. **Deputy Michael Lowry** asked the Minister for Agriculture, Fisheries and Food when payment of 2006 pruning grant payment will issue to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [26120/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application for a pruning grant under the Woodland Improvement Scheme was received from the person in question in January 2007. This scheme was one of several measures introduced under the last Rural Development Programme which closed on 31st December 2006. Accordingly, it is not possible to process this application until such time as a new Forestry Programme is introduced and this is under consideration at present.

384. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the situation regarding a person (details supplied) in County Cork and their entitlement to the single farm payment. [26137/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The issue regarding the unpaid element of the Single Payment due to the person named has now been satisfactorily resolved and the balancing payment will issue in the coming days.

Questions Nos. 385 and 386 withdrawn.

Pension Provisions.

387. **Deputy Michael Lowry** asked the Minister for Agriculture, Fisheries and Food if the spouse of a person (details supplied) in County Tipperary who was in receipt of a pension from her Department has an entitlement following their death. [26145/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named was not a member of the Spouses and Childrens Pension Scheme, therefore her spouse has no entitlement to a pension following her death.

Animal Feedstuffs.

388. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food the factors that have contributed to the increase in feed prices for pigs. [26223/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The rise in feed prices over the last 6 months can be attributed to a number of factors such as (i) heavy demand for cereals in Asia (ii) the increased demand for feed materials from the biofuel industry and (iii) unfavourable weather conditions which affected many of the major cereal growing countries.

The EU Council of Agriculture Ministers has, in response to the pressures on the international cereal and feed markets, agreed to suspend the obligation to set 10% of arable land aside. This will ensure that more arable land is available for cereal cultivation in 2008.

389. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food if she will establish a crisis strategy to deal with the problems that are currently forcing 30% of pig producers to operate at a loss. [26224/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I appreciate the concern at the current problems in the pig sector and I will continue to pursue appropriate solutions. At both EU and national level, measures are being taken to alleviate the difficulties.

The EU Council of Agriculture Ministers has, in response to the pressures on the international cereal and feed markets, agreed to suspend the obligation to set 10% of arable land aside. This will ensure that more arable land is available for cereal cultivation in 2008.

A scheme of financial assistance for the private storage of pigmeat has been in place since last Monday. This was adopted by the European Commission in response to a request from me and some other Member States. I have also impressed on the Commission the desirability of

export refunds for fresh and frozen pigmeat and this will be kept under consideration.

At national level, pigmeat features prominently in Bord Bia's programme of promotion on the home and export markets. I have asked the Bord to intensify its Autumn pork and bacon promotion campaign in order to ensure that the market remains firm over the coming months. Additional funding is being made available for this. The Bord Bia quality assurance schemes are also a good tool in maintaining consumer confidence and, in this context, the pigmeat scheme is well established and managed.

I am working with the Minister for Health and Children towards the introduction of legislation to provide better information to consumers on the origin of pigmeat and other meats. The public consultation on the proposed regulations has been completed and the comments received will now be examined. Following that, the European Commission's approval of the legislation will be sought

Other relevant support actions include the extension of the farm waste management scheme to the pig sector and my Department's programme of financial assistance for the transition to welfare-friendly sow-housing.

While there is no denying the current challenging situation, I am glad to see that the Irish pig price has held firm in recent weeks, at a time of the year when prices normally deteriorate. As a result, the positioning of the Irish price relative to the EU average has improved considerably. Within the framework of the EU common agricultural policy, I will continue to ensure that pig producers' problems are highlighted with a view to suitable action.

390. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food her views on the merits of genetically modified based animal feed stuffs. [26225/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The rules governing the marketing and use of GM crops for animal feed within the Community are set down in EU legislation that has been jointly adopted by the European Parliament and Council of Ministers. This legislation is binding on all Member States.

In the context of the current production and marketing environment in which the Irish livestock industries operate, I am of the view that GM feed is acceptable when it has been authorised for placing on the market within the EU under the relevant legislation following the delivery of a European Food Safety Authority opinion concluding that the placing of it on the market is unlikely to have any adverse effects on human or animal health or the environment in the context of its intended use and that the GM cereals from

which it is derived are as safe as their conventional counterparts.

Grant Payments.

391. **Deputy Eamon Scanlon** asked the Minister for Agriculture, Fisheries and Food when forestry grants will be awarded to persons (details supplied) in County Sligo; and if she will make a statement on the matter. [26251/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): My Department approved the payment of both forestry grants last week on 24 October. Payment should reach the individual about this time.

On-farm Investment Schemes.

392. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food if applications for the farm improvement scheme will be accepted if in excess of 10,000 applications have been received prior to 31 December 2013; and the length of the delay in processing applications for the farm improvement scheme. [26326/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Farm Improvement Scheme launched last July. The level of applications was being closely monitored having regard to the financial commitment agreed for this Scheme in the current Partnership Agreement.

I announced today that applications under the Farm Improvement Scheme have reached the level of funding available and that, as a result, the scheme is closed to new applications for now. Funding for the Scheme is provided as part of the overall package of measures amounting to €8.6 billion of public funding for the agri-food sector which was agreed under the Partnership agreement and is set out in the National Development Plan, 2007-2013.

The rush of applications in recent weeks has resulted in the full envelope of funds for the scheme being reached. Total applications received in the past few weeks accounted for 37% of the 11,000 applications received since the scheme was launched in July. This is on top of the 48,000 applications under the Farm Waste Management Scheme.

In accordance with the published terms of the scheme, my Department is now proceeding to process applications and to issue approvals up to the level of funding available. Payment of grant aid will issue in respect of all approved projects in due course when the work involved had been completed.

The funding for the Scheme was agreed under the Partnership agreement, Towards 2016, as part of an overall programme of investment in the agri-food sector. A total of €350 million was pro-

vided for farm waste and other on-farm investment measures, of which, €79 million was provided for investments in farm improvements. I had indicated, at the time of the launch of the Scheme, that the Scheme would be terminated when this financial ceiling had been reached. The level of demand has meant that funding for the Scheme had now been fully committed in terms of applications received.

My Department is already committed to expenditure substantially in excess of the €350 million provided for on-farm investment as a result of the large number of approvals under the Farm Waste Management Scheme. The overall package of funding under Partnership also includes substantial increases in respect of REPS and payments in disadvantage areas which will continue into the future.

The funding for the Farm Improvement Scheme is provided under Partnership which provides for a review in 2008. In accordance with the terms of the agreement, the review will take stock of the outcomes achieved in relation to the overall goals and will consider opportunities to refocus and reprioritise.

Genetically Modified Organisms.

393. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if it is legally permissible to grow genetically modified grain varieties here. [26332/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Only GM crops authorized in accordance with EU Directive 2001/18/EC on the deliberate release of GM crops into the environment and listed in the EU Common Catalogue of Plant Varieties can be cultivated within the EU. At present the only genetically modified crop which is authorized for cultivation on an EU wide basis is a GM Maize variety (MON 810) which is resistant to the European cornborer. This particular crop is of little or no interest to Irish farmers as the cornborer is not an indigenous pest here.

Grant Payments.

394. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has not been awarded the single farm payment entitlements of their parents. [26333/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named has already benefited under the New Entrant Measure of the Single Payment Scheme. He commenced farming in 2002. Under the anti-accumulation rules in the EU Regulation, he cannot be granted both the Inheritance and the New Entrant Provisions. He was given New Entrant

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status because it was more beneficial than the Inheritance. This case is now being reviewed and an official from my Department will be in contact shortly with the person named to explain the position.

Alternative Farm Enterprises.

395. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food if, in view of the growth of farmers markets throughout the country, she or her Department has plans to support these markets; and if she will make a statement on the matter. [26363/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): One of our commitments under the Programme for Government is the encouragement of more direct selling from farmer to customer by restoring and promoting a national network of farmers' markets. In this context both myself and my Ministerial colleagues have participated at events including launches of new markets etc. to champion the scope of this route to market for the overall benefit of our food industry and our local communities.

An Bord Bia, which operates under the aegis of my Department, works closely with other State and local agencies to exploit the growing opportunities for farmers markets including sponsorship of the RTE Television series Fresh From the Farmers' Markets in 2007 an initiative that will be repeated in 2008. My Department in co-operation with Bord Bia will host a Conference on Local Food — Exploring the Opportunities — on 13th November next to raise awareness of local food, to highlight the benefits of local food initiatives for both the consumer and the producer and to provide relevant information and support for those involved in local food production.

Grant Payments.

396. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a 1% penalty was imposed on a person (details supplied) in County Galway in view of the fact that the owner was genuinely unable to state the name or breed of the sire for a calf born to a 17 months old heifer; and if she will make a statement on the matter. [26383/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme was received from the person named on the 3 May 2007. As part of the control procedures under EU legislation governing the Single Payment Scheme, the application was selected for, and was the subject of, a ground eligibility and cross-compliance inspection. During the course of the cross-com-

pliance inspection the birth of one animal, tag number 181594690358 that was over 27 days of age, was found not to be registered with the Cattle Movement and Monitoring System (CMMS) and, therefore, the animal did not have a corresponding bovine passport. Under the Regulations governing the identification and registration of bovines, animals must be tagged within 20 days of birth and registered within 7 days of tagging. This error resulted in a 1% cross compliance penalty being recorded. The person named was officially notified of the outcome of the inspection on 5 October 2007. The application was processed and an advance payment was made to the person named on the 16 October 2007, with a reduction made for the 1% penalty.

If the person named is not satisfied with the result of the inspection, he may seek a review. To date no review has been sought, however, I have instructed the officials involved to re-examine the details of this case. The outcome of this process and any change to the outcome of the inspection will be communicated to the person named shortly. The person named can still request a review by contacting his Local Office. He also has the right to appeal the outcome of any such review to the Agriculture Appeals Office.

397. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive forestry premium for 2006 and 2007; and if she will make a statement on the matter. [26387/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned was a recipient of premiums under the Western Forestry Package. Under that Scheme, premiums were paid for a maximum of 15 years in respect of conifer plantations. This individual's fifteenth and final premium was paid in April 2005. Given the age of the plantation, the person in question may wish to take advice on the future management of the forest, including thinning and the potential income stream arising therefrom. Forestry advice is available from the local Teagasc service.

Animal Diseases.

398. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food the plans in place to ensure that equine influenza presently raging in Australia does not reach Ireland; and if she will make a statement on the matter. [26389/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Equine Influenza is endemic in Ireland, Europe and North America and, accordingly, is not a notifiable disease.

Ireland has an industry-led compulsory vaccination programme for all racehorses, which is endorsed by the Turf Club and Horse Racing Ireland, with annual booster shots required. Entry into sales within the thoroughbred sector is also subject to appropriate vaccination. In addition, the Federation Equestrienne Internationale (FEI) stipulates that all thoroughbred horses competing in FEI worldwide competitions must be vaccinated against Equine Influenza with 6 monthly booster shots. With regard to the non-thoroughbred sector, it remains a best practice recommendation that horses should also be vaccinated.

The last epidemic of Equine Influenza in Ireland was in 1989 with sporadic outbreaks since. These have passed without any significant consequence as an adequate base line protection rate against this disease has now been achieved within the equine population.

There were eleven Irish stallions in quarantine in Australia at the time of the Australian outbreak in August. A protocol has been agreed for their return to Ireland which requires that the horses, on their return, must be

- accompanied by the appropriate veterinary health certificates for horsetravelling from Australia to the EU;
- inspected at the Border Inspection Post;
- isolated at a suitable facility and kept apart from all other equidae for a period of not less than fifteen days; and
- subject to periodic examination by veterinary staff of my Department while in isolation and before being released from the isolation facility.

Grant Payments.

399. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food if she will issue grant aid approval to a person (details supplied) in County Kilkenny to allow them proceed with work on a farm building. [26416/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned is an applicant under the Farm Improvement Scheme. A decision will be made in relation to the application as soon as possible.

400. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when payment under the REP scheme will issue to a person (details supplied) in County Kilkenny. [26417/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named was informed that he needed to submit a consolidated plan before his application could be processed.

This consolidated plan was received on 25 October 2007 and the application is now being processed.

401. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when single farm payment will issue to a person (details supplied) in County Kilkenny. [26418/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme was received from the person named on 3 May 2007. The case was selected for satellite inspection, which is now completed. Accordingly, the advance payment under the Single Payment Scheme will issue to the person named in the coming days.

402. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when all outstanding payments of grants will issue to a person (details supplied) in County Kilkenny. [26419/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme / Disadvantaged Areas Scheme was received from the person named on 15 May 2007. The case was selected for satellite inspection, which is now completed. Accordingly, the advance payment under the Single Payment Scheme and the full payment under the Disadvantaged Areas Scheme will issue to the person named in the coming days.

Departmental Programmes.

403. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food further to his reply to Parliamentary Question No. 402 of 23 October 2007 in relation to responsibility for marine related functions, the foreshore functions that are being transferred to the Department of the Environment, Heritage and Local Government decision of 2 October 2007; and the functions that are to be retained in her Department. [26438/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Government decided on 2 October 2007 that responsibility for foreshore licensing functions under the Foreshore Act 1933 in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade, and for all energy developments (including oil, gas, wave, wind and tidal energy) and aggregate and mineral extraction developments on the foreshore would transfer to the Department of the Environment, Heritage and Local Government.

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My Department is currently putting in place the necessary arrangements to ensure the efficient and effective transfer of the appropriate legislation and associated functions.

My Department will carry forward responsibility for all other foreshore licensing functions under the Foreshore Act 1933, including in respect of all aquaculture developments and piers and harbours, other than in respect of port companies and harbour authorities governed by the Harbours Acts 1946, 1996 and 2000 and any other harbour or harbour related developments intended for commercial trade.

Grant Payments.

404. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive their disadvantaged area payment and area aid payments; and if she will make a statement on the matter. [26554/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 25 April 2007. Following initial processing of the application, an official of my Department was in direct contact with the person named, to request the submission of a map for an additional area of land he included on his Amendment form. On receipt of this map, the application will be further processed with a view to payment.

Departmental Expenditure.

405. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the amount that was spent by her Department on official hospitality in the past 12 months. [26571/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The amount spent by my Department on official hospitality in the past 12 months was €46,197.

Departmental Facilities.

406. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the number of buildings within her Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if she will provide the information in tabular readable form; and if she will make a statement on the matter. [26603/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): My Departments'

offices in Castlebar, Dublin, Portlaoise and Wexford all provide hot food service for staff. These facilities are provided by private companies under a franchise agreement. The sourcing of food supplies is, of course, a matter for the franchise holders. However, I understand that all the meat is sourced from local suppliers.

School Accommodation.

407. **Deputy Tom Hayes** asked the Minister for Education and Science if a school (details supplied) in County Tipperary will receive funding for much needed additional classroom facilities. [25941/07]

Minister for Education and Science (Deputy Mary Hanafin): The school to which the Deputy refers has applied to the Department for large scale capital funding. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band 2 rating. Progress on the project is being considered in the context of the multi-annual School Building and Modernisation programme.

Special Educational Needs.

408. **Deputy Ulick Burke** asked the Minister for Education and Science the situation of the 217 Montessori trained teachers employed by her Department working in the special needs area in mainstream schools who, due to changes in conditions to special needs provision, are no longer secure in their positions; and if she will make a statement on the matter. [25950/07]

Minister for Education and Science (Deputy Mary Hanafin): Two Montessori qualifications are recognised for restricted recognition by my Department, namely the AMI (Association Montessori Internationale) qualification, which has been recognised for teaching in special education settings since 1963, and the B.A. in humanities in Montessori Education from St. Nicholas Montessori College, Dún Laoghaire, which has been recognised since 1997, and is accredited by HETAC (formerly NCEA). Both courses are full-time and of at least three years duration.

Teachers with the above recognised Montessori qualifications are granted restricted recognition to teach in special schools and in the categories of special classes in mainstream schools where Irish is not a curricular requirement. Such teachers are also eligible for posts as resource teachers (low incidence) for children with special needs in mainstream schools (Circular 02/2005). The conditions governing the recognition of qualifications are set out in Circular 25/00, Recognition of Teacher Qualifications for the Purpose of Teaching in National Schools.

The Deputy may be aware that, with effect from 28th March, 2006, the Teaching Council is the designated authority for recognition of qualifications for the regulated profession of primary teacher.

Physical Education Facilities.

409. **Deputy Jimmy Deenihan** asked the Minister for Education and Science if she will make funds available to a school (details supplied) in County Kerry to carry out essential drainage works on the soccer pitch and surrounds; and if she will make a statement on the matter. [25974/07]

Minister for Education and Science (Deputy Mary Hanafin): The school referred to by the Deputy has applied for funding for these works under the Summer Works Scheme 2008. The closing date for the Summer Works Scheme 2008 was 28th September 2007. Decisions on the Scheme will be made later in the year.

Schools Building Projects.

410. **Deputy James Bannon** asked the Minister for Education and Science the plans she will put in place to copper-fasten a realistic time-scale for the completion of the new schools which her Department has proposed and outlined for Mullingar, with suggested locations in Curraghmore, Lynn, Marlinstown, Robinstown and Mullingar west; and if she will make a statement on the matter. [25985/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department intends making additional primary school accommodation available in Mullingar commencing in 2008. The ability of the Department to make this provision, however, is contingent on lands reserved for educational provision being acquired very soon. To achieve this, the Department is currently engaging with the Local Authority. Subsequent provision will be delivered commensurate with the rate and pace of housing developments in the area. On-going contacts with the Local Authority will inform decisions on the required timescale for delivery in this regard.

Health and Safety Issues.

411. **Deputy David Stanton** asked the Minister for Education and Science further to her recent comments regarding the provision of defibrillators in schools and the training of students and staff in using such defibrillators, the progress she has made; her further plans in this regard; and if she will make a statement on the matter. [26014/07]

Minister for Education and Science (Deputy Mary Hanafin): The provision of defibrillators in

schools would not address the specific health issue unless accompanied by complementary training. Such training cannot be confined to the operation and use of defibrillators but must also involve training in other related life saving techniques. The provision of such training necessitates the involvement of health personnel and that is beyond the remit of my Department.

Schools Refurbishment.

412. **Deputy Tony Gregory** asked the Minister for Education and Science if a request for funding was received from a school (details supplied) in Dublin 1 for remedial works; and when the funding will be granted. [26020/07]

Minister for Education and Science (Deputy Mary Hanafin): As part of the expansion of the Permanent Accommodation Scheme, a grant of €240,000 was sanctioned to enable the management authority of the school in question to provide additional accommodation. The scheme allows Boards of Management to address their accommodation and building priorities with a guaranteed amount of funding and gives them control of their building project.

This school has already been approved for additional funding of €112,000 to cover unavoidable extra costs on their project. A further appeal for additional funding has been received and will be examined by the Review Committee in due course. The result of the appeal will be conveyed to the school management as soon as it becomes available.

School Accommodation.

413. **Deputy James Reilly** asked the Minister for Education and Science if she will sanction an extension at a school (details supplied) in County Dublin; and if she will make a statement on the matter. [26021/07]

Minister for Education and Science (Deputy Mary Hanafin): While the school to which the Deputy refers has applied to the Department for capital funding for ancillary accommodation, it has not applied for extra classroom accommodation. It is open to the school to revise its application in this regard. There is no doubt that additional post primary places will be needed in the coming years in the area concerned and the Department is already taking action under the Fingal School Model process to ensure that these will be delivered commensurate with the need. In the meantime, the Department is satisfied that, between them, the four existing post primary schools have adequate provision to cater for current demand.

Special Educational Needs.

414. **Deputy Terence Flanagan** asked the Minister for Education and Science her plans to establish a secondary school for autistic children in Dublin (details supplied); and if she will make a statement on the matter. [26038/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for the establishment of special classes for autism and for allocating resource teachers and special needs assistants to schools to support children with special needs. In excess of 270 autism-specific classes at primary and post primary level have now been approved around the country, 90 of which are in special schools. The Deputy should be aware that special schools cater for students up to 18 years of age. The NCSE will continue to establish additional autism classes where the need arises in both special schools and mainstream post-primary schools.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

415. **Deputy Terence Flanagan** asked the Minister for Education and Science the plans she has made to reinstate the one-to-one teaching support which was previously supplied to a person (details supplied); and if she will make a statement on the matter. [26039/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy is aware the general allocation model was introduced in May 2005 and became operational in schools from September 2005. The general allocation is intended to cater for pupils with higher incidence special educational needs, that is, pupils with borderline mild and mild general learning disability and specific learning disability. The allocation is also intended to support those with learning support needs.

The general allocation system means that rather than schools having to make individual applications to this Department for resources for such pupils, resources are provided in advance to the school. The school attended by the pupil referred to by the Deputy has been allocated 1.64 teaching posts (1 full-time post and 15 hours) to provide for the educational needs of the pupils with high incidence special needs and learning support needs. The school can use its professional judgement to decide how these hours are divided among the pupils in the school, to ensure that all their needs are met. Research shows that some

pupils with special needs will respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource/learning support teachers to work with pupils in the classroom rather than taking them away to a separate room, as the pupils then have to catch up on work done by the rest of the class in their absence.

My Department issued a comprehensive circular, SP ED 02/05 to schools which provides guidelines on the manner in which they should use the resources that have been allocated to them to best effect.

416. **Deputy Terence Flanagan** asked the Minister for Education and Science the number of special needs assistants employed in secondary schools in an area (details supplied); and if she will make a statement on the matter. [26040/07]

417. **Deputy Terence Flanagan** asked the Minister for Education and Science the number of special needs assistants employed in primary schools in an area (details supplied); and if she will make a statement on the matter. [26041/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 416 and 417 together.

There are currently 2,449 Special Needs Assistants (whole time equivalents) employed in schools in Dublin. The break-down by sector is as follows:—

- Primary 2,020
- Post-primary (including VECs) 429

It is not possible to give a breakdown of the SNA numbers employed in specific geographical areas of Dublin.

418. **Deputy Terence Flanagan** asked the Minister for Education and Science the number of children awaiting places in special needs schools in an area (details supplied); and if she will make a statement on the matter. [26043/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy is not retained by my Department. The Deputy may also be aware that the National Council for Special Education (NCSE) has been operational since 1st January 2005, and is responsible for processing applications for special educational needs supports from primary and post primary schools through its network of Special Educational Needs Organisers (SENOs). The SENO is also a focal point of contact for parents and schools. One of the specific functions of the SENO is to identify appropriate educational placements for children with special educational needs. Parents should also contact schools directly in the context of enrolling their children.

The SENOs are appointed to districts which include primary and post primary schools and their role includes planning for transition to post primary schools within this local environment. The approach taken is outlined in the guidelines which the NCSE issued to schools in March 2007 and which are available on the NCSE website www.ncse.ie. It is open to parents to contact their local SENO directly to discuss their child's special educational needs, using the contact details available on the NCSE's website.

School Transport.

419. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status on the extension of a bus route for a school (details supplied) in County Tipperary; when a decision will be made; her views on the urgency of this situation; and if she will make a statement on the matter. [26058/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Board of Management of the school referred to by the Deputy, in the details supplied, submitted the names and addresses of a number of pupils who wished to avail of a school transport service. This list was forwarded by my Department to Bus Éireann, which operates the School Transport Scheme, in order to determine these pupils' eligibility for school transport.

Following this determination, School Transport Section sanctioned the establishment of a school transport service for the relevant number of eligible pupils concerned.

Schools Building Projects.

420. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status on an application for grant aid for major capital works for a school (details supplied) in County Tipperary; when a decision will be made; her views on the urgency of this application; and if she will make a statement on the matter. [26059/07]

Minister for Education and Science (Deputy Mary Hanafin): An application for capital funding towards the provision of additional accommodation has been received from the school authority referred to by the Deputy. An assessment of projected enrolment trends, demographic trends and housing developments in the area will be required in order to determine the long term projected staffing figure on which the school's accommodation needs will be based.

Once the long term projection has been determined and agreed with the school authorities the required building project will be considered in the context of the Multi-Annual School Building and Modernisation Programme.

421. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding funding for an extension to a school (details supplied) in County Limerick. [26123/07]

Minister for Education and Science (Deputy Mary Hanafin): An application for capital funding towards the provision of additional accommodation has been received from the school authority referred to by the Deputy. An assessment of projected enrolment trends, demographic trends and housing developments in the area will be required in order to determine the long term projected staffing figure on which the school's accommodation needs will be based.

Once the long term projection has been determined and agreed with the school authorities the required building project will be considered in the context of the multi annual School Building and Modernisation programme.

422. **Deputy Shane McEntee** asked the Minister for Education and Science her proposals and time frame to meet the current and future classroom needs of a school (details supplied) in County Meath; and if she will make a statement on the matter. [26134/07]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to inform the Deputy that the necessary site acquisition for the school to which he refers has recently been finalised. Progress on the building project itself will now be considered in the context of the multi-annual School Building and Modernisation Programme.

School Staffing.

423. **Deputy Joe Carey** asked the Minister for Education and Science if she will grant a school (details supplied) in County Clare a temporary teacher for the remainder of the 2007-08 school year; and if she will make a statement on the matter. [26135/07]

Minister for Education and Science (Deputy Mary Hanafin): According to data submitted to my Department by the Board of Management of the school referred to by the Deputy, the enrolment in the school on 30th September 2006 was 312 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2007/08 school year is a Principal and 11 mainstream class teachers.

The school also has the services of 3 Permanent Learning Support/Resource Teachers and 1 Temporary Resource Teacher for Travellers.

My Department understands that the information given by the Deputy in his question in

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relation to the size of individual classes in the school is incorrect.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

It is open to the Board of Management of a school to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. An appeal in relation to the staffing for the 2007/2008 school year was submitted by this school and the appeal was considered by the Appeal Board on 23rd October, 2007. The Board, having considered the appeal with regard to the criteria outlined in Circular 0024/2007, was satisfied that a departure from the staffing schedule is not warranted in this case.

The Board of Management of the school was notified in writing of the decision of the Appeal Board on 24th October 2007.

I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the Independent Appeal Board.

Schools Building Projects.

424. **Deputy Charles Flanagan** asked the Minister for Education and Science when it is intended that building work will commence on a new national school (details supplied) in County Laois; and if she will make a statement on the matter. [26136/07]

Minister for Education and Science (Deputy Mary Hanafin): The tender report for the school referred to by the Deputy is under examination in my Department at present. The school's Board of Management will be kept advised of developments when the examination is complete.

425. **Deputy Michael Ring** asked the Minister for Education and Science if tenders have been prepared for a school (details supplied) in County Mayo; if so, if they have been advertised; the position in relation to same; when this will go to tender; and if she will make a statement on the matter. [26163/07]

Minister for Education and Science (Deputy Mary Hanafin): The tender documentation for

the project referred to by the Deputy is almost complete.

Progression of all projects to tender and construction will be considered in the context of my Department's Multi-Annual School Building and Modernisation Programme.

School Transport.

426. **Deputy Bobby Aylward** asked the Minister for Education and Science if she will issue approval to Bus Éireann to provide school transport for a child (details supplied) in County Kilkenny in view of the child's special circumstances; and if she will make a statement on the matter. [26167/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The provision of transport under the School Transport Scheme may be considered in respect of education facilities which are recognised by my Department.

As the facility referred to by the Deputy in the documentation supplied is neither recognised nor funded by my Department, the question of providing transport for the pupil in question, at this time, does not arise.

Education Welfare Service.

427. **Deputy Margaret Conlon** asked the Minister for Education and Science when an educational welfare officer will be appointed for County Monaghan. [26204/07]

Minister for Education and Science (Deputy Mary Hanafin): The National Educational Welfare Board is developing a nationwide service on a continuing basis that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally operating through 5 regional teams, with bases in Dublin, Cork, Limerick, Galway and Waterford. A service is provided from 26 locations nationwide. Staff are deployed in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. In addition, the Board follows up on urgent cases nationally where children are not currently receiving an education.

Educational Welfare Officers play a pivotal role in implementing the service provided by the NEWB through monitoring school attendance and working to improve it. The EWOs also help parents that are experiencing a difficulty with getting a school place for their child. The NEWB has advised that the matter for additional resources for all areas is kept under continuous review.

Areas are prioritized for additional service based on a combined analysis of demographic data, absence data reported from schools and other indicators of disadvantage. An additional 15 staff have been allocated to the NEWB in 2007. This brings the current authorised staffing of the Board to 109 posts of which 90 are allocated to working directly in the service delivery area. The staffing complement is comprised of 19 HQ and support staff, 5 regional managers, 13 Senior EWO's and 72 EWO's.

This government is determined to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to achieve their potential and participate fully in education. I am pleased to advise the Deputy that my Department's Estimates for 2007 includes a provision of €9.808 million for the National Educational Welfare Board. This represents an increase of 20% on the 2006 allocation and of 50% on the 2004 level. This substantial increase in funding is a clear indication of this Government's commitment to prioritise investment in favour of those most at risk. Through increased investment and improved services we are determined to optimise access, participation and educational outcomes at every level of the system for disadvantaged groups. I will be keeping the issue of the NEWB's staffing under review in light of the rollout of services, the scope for integrated working and any proposals that the Board may put to me in relation to clearly identified priority needs.

In respect of the Deputy's specific question relating to Monaghan, I am informed that the county currently has the services of a Senior Educational Welfare officer who provides a service to all schools in Monaghan and for children in the area who fit the criteria of 20 days unexplained absence.

Teaching Qualifications.

428. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to an application by a person (details supplied) in County Cork for registration with her Department as a secondary school teacher here. [26215/07]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy may be aware that, with effect from 28th March, 2006, the Teaching Council is the designated authority for recognition of qualifications for the regulated profession of primary and secondary teachers.

Persons wishing to be registered as a teacher in this country must apply to the Teaching Council for recognition of their qualifications. I do not have any role in such matters.

The Teaching Council has informed me that there was correspondence between the Council

and the person referred to. However, I understand a request for further documentation in support of the application was made (June 2007) and a response is awaited. Any queries in connection with the application should be made directly to the Teaching Council by the individual concerned.

School Curriculum.

429. **Deputy Paul Gogarty** asked the Minister for Education and Science if her attention has been drawn to the dispute between parents, students and the board of management at a school (details supplied) in County Kerry, which relates to the difficulties being experienced by a significant proportion of students and parents regarding the way subjects are being taught to those students in the school with weaker Irish comprehension skills, including their concerns as to the way this will impact on their academic performance; if she or her Department have been in touch with the board of management, the principal and other parties in relation to this issue to see if a satisfactory resolution can be reached; the plans in place to ensure that the needs of the students are prioritised; and if she will make a statement on the matter. [26232/07]

431. **Deputy Paul Gogarty** asked the Minister for Education and Science the legal obligations on second level schools in Gaeltacht areas regarding the teaching of subjects through the medium of Irish; if the relevant Acts state that Irish should be the primary language as opposed to the sole language; if it is the primary language, does this allow boards of management some leeway in terms of the way students with a poor comprehension of Irish are taught subjects or supported, particularly in situations where amalgamations of schools takes place and changes in the levels of flexibility afforded to students changes suddenly; if this could include the possibility of teaching some subjects to specifically identified students through English or provide explanations in English as to the meaning of Irish technical and scientific terms; and if she will make a statement on the matter. [26234/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 429 and 431 together.

Section 9 of the Education Act, 1998 sets out the functions of a school. It states that a recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to, inter alia, ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for.

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Section 9 also states that it is a function of schools located in a Gaeltacht area to contribute to the maintenance of Irish as the primary community language. As the Deputy points out the requirement is to contribute to the maintenance of Irish as the primary, as distinct from the sole, community language in a Gaeltacht area.

I am anxious to ensure that the school continues to guarantee an education through the medium of Irish to those students from the Gaeltacht and from Irish speaking homes who wish to be educated through the medium of Irish. Equally, I am anxious that to the greatest extent possible the new Community School should make a contribution to maintenance of Irish as the primary community language. Provision also has to be made for those living in the community who have no Irish at all or those who, because their Irish is too weak, are unable to learn in classes conducted exclusively through the medium of Irish.

In order to inform how those objectives can be met, I have asked the Chairman of the Commission on School Accommodation Mr. Frank Murray, with administrative support from the Regional Office of my Department, to survey all parents and students in the school to establish the level and range of provision being sought through Irish or English that will cater for the spectrum of student needs. The intention is to conduct the survey as soon as practicable after the current mid-term break.

430. **Deputy Paul Gogarty** asked the Minister for Education and Science if her attention has been drawn to the international evidence that supports claims by representative bodies of Gaelscoileanna that the practice of teaching junior and senior infants solely through the medium of Irish helps to develop Irish language comprehension skills substantially without impacting negatively on the development of English language skills after that time; her views on whether a further detailed debate is necessary on the matter; if she will postpone the implementation of regulations regarding the teaching of English to students at junior and senior infant level in Gaelscoileanna and allow the continuation of choice of model until such a debate has taken place; and if she will make a statement on the matter. [26233/07]

Minister for Education and Science (Deputy Mary Hanafin): I am aware that a range of reports have considered the use of immersion models of education in other jurisdictions. A review of literature in this area undertaken on behalf of the National Council for Curriculum and Assessment in 2006 has concluded that “existing international research is not adequate to decide the reading sequencing issue clearly in the

context of Irish immersion, either in a general way or in particular schools.”

The revised primary curriculum was launched in 1999 and provides an integrated programme of learning in the spheres of Languages, Mathematics, Social Environmental and Scientific Education, Arts Education, Physical Education, Social Personal and Health Education and Religious Education. Page 27 in the Introduction to the Curriculum states “It is a particular feature of Irish primary education that children, from the beginning of schooling, have experience of language learning in two languages.” The curriculum also specifies a set of learning objectives for each area of the curriculum for 4 groupings — infant classes, first and second class, third and fourth class, and fifth and sixth class. It also sets out a suggested minimum weekly time framework for tuition. This provides that where a first language is being taught, there should be four hours instruction per week, and 3 hours per week where there is a shorter day for the infant classes. Where a second language is being taught, the suggested minimum timeframe is 3.5 hours per week, and 2.5 hours per week for infant classes with a shorter day.

In granting recognition to Gaelscoileanna I am supporting parental choice in relation to education through the medium of Irish but this does not obviate the need for such schools, as recognised primary schools, to implement all elements of the national curriculum. Furthermore the achievement of the curriculum objectives in every curriculum area at each of the four levels of primary schooling is an over-riding requirement in all schools. I have therefore determined as a public policy issue that the introduction of a minimum of 2.5 hours per week for English as Language 2 in Irish medium schools should not be delayed beyond the start of the second term in Junior Infants.

I am convinced of the importance of ensuring that all children have access to the full primary curriculum from the earliest possible stage.

Question No. 431 answered with Question No. 429.

Pupil-Teacher Ratio.

432. **Deputy Richard Bruton** asked the Minister for Education and Science the progress towards the objective of achieving class sizes of no more than 20 for children under the age of nine made during 2002 to 2007; if this continues to be an objective of the Government; her target for general class size at primary level for the new Government; and the number of teachers it will take to deliver this from within the overall 4,000 teachers promised. [26296/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are 5,000 more primary teachers than there were in 2002. By the 2006-07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from more favourable staffing ratios. Extra teachers were provided by the Government for the 2007-08 school year to improve primary school staffing so schools would generally get at least one classroom teacher for every 27 children. A further initiative in recent years that has been of direct benefit to primary schools has been the change in criteria for developing schools. For the current school year, the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 350 such posts have been sanctioned in the 2007-08 school year compared to 280 in 2006-07. The improvements we have made in school staffing in recent years are unparalleled. The Government is committed to providing more teachers to primary schools over the next five years to reduce class sizes. We will continue our focus on measures to improve the quality of education in primary schools to ensure that increased resources lead to better outcomes for our children. In relation to staffing targets, the Deputy may be aware that the programme for Government contains a specific commitment to reduce the primary staffing schedule to a general rule of at least one classroom teacher for every 24 children. This would allow schools to have smaller classes for particular age groups if they wish.

Schools Refurbishment.

433. **Deputy Noel Greally** asked the Minister for Education and Science her plans regarding the upgrading and modernisation of a school (details supplied) in County Galway; the stage this school is at in her Department; and if she will make a statement on the matter. [26300/07]

Minister for Education and Science (Deputy Mary Hanafin): An application for an extension has been received from the school to which the Deputy refers. An assessment of projected enrolments, demographic trends and housing developments in the area will be required to assist in determining the long-term projected enrolment for the school on which the school's long-term accommodation needs will be based. When the long-term projected enrolment has been finalised and agreed with the school authorities, the

Department will draw up schedules of accommodation for the project which will be notified to the school management authority. The required project will be considered in the context of the School Building and Modernisation Programme.

School Management.

434. **Deputy Denis Naughten** asked the Minister for Education and Science further to Question No. 472 of 23 October 2007, the way parents who are not fluent in the language are to participate on boards of management who conduct the majority of their business through the Irish language, as stipulated in the handbook; and if she will make a statement on the matter. [26324/07]

Minister for Education and Science (Deputy Mary Hanafin): I would like to reiterate my Department's position in relation to the issue raised by the Deputy. My Department has not directed that parents' representatives on boards of management of Gaelscoileanna must be fluent in the Irish language. Furthermore, there is no requirement in the board of management handbook for parents' representatives to be fluent in the Irish language to participate on boards of management. Apart from the requirement that they are parents of children currently enrolled in the school, there is no specific criterion set out in the handbook with regard to parents' representatives on the Board.

School Curriculum.

435. **Deputy Ruairí Quinn** asked the Minister for Education and Science her views on the fact that children from low income families are less likely to choose home economics as a school subject; her plans to promote the advantages that home economics as a subject can have for a person's health and to modernise the subject by making it a core subject for the junior certificate; if she will provide funding for materials that are used in compulsory work; and if she will make a statement on the matter. [26346/07]

Minister for Education and Science (Deputy Mary Hanafin): All Junior Certificate students in second level schools must study Irish, English, Mathematics, Social Personal and Health Education (SPHE) and Civic, Social and Political Education. Each student following an approved Junior Certificate course must take at least three other subjects of his or her own choosing. For the Leaving Certificate, students choose all their subjects except for Irish which is the only compulsory subject. Since curricular choice is important in ensuring that young people can avail of a balanced range of subjects that is in keeping with their interests and abilities, I have no plans to make Home Economics a compulsory subject for the Junior Certificate. Some 35% of the cohort

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sat Home Economics in the Junior Certificate examination in 2007, compared with 24% in the Leaving Certificate. In relation to support for students from low income families, the Deputy may be aware that schools participating in initiatives such as the School Completion Programme have considerable discretion in how they use the funding they receive to support individual students and the provision of materials for practical work can be one element of such support. Regarding education for health, it should be noted that SPHE has been mandatory for all Junior Cycle pupils since September 2003. As this course builds on SPHE in the Primary School Curriculum, it is clear that SPHE, when considered at primary level and in the junior cycle, provides all students with opportunities to develop skills and competences to enable them to engage in responsible decision-making and to promote their physical, mental and emotional health and well-being. Nutrition and physical activity are specifically addressed in the SPHE module on 'Physical Health'.

Special Educational Needs.

436. **Deputy Michael D'Arcy** asked the Minister for Education and Science if there are special services available in County Wexford for children (details supplied) in County Wexford with high IQ; and if she will make a statement on the matter. [26352/07]

Minister for Education and Science (Deputy Mary Hanafin): Teachers can use strategies such as curriculum differentiation, curriculum enrichment and acceleration to facilitate the development of students at primary and second level who are exceptionally able. In recent years, new syllabi and curricula have been devised for second-level schools. They have been designed in such a way that the differing needs of a wide range of pupil ability can be catered for by their teachers. The revised primary curriculum, which has been supplied to every primary teacher, recognises the importance of developing the full potential of the child and caters for pupil diversity, including meeting the needs of exceptionally able pupils. In addition, the National Council for Curriculum and Assessment in collaboration with its counterpart in Northern Ireland, the Council for Curriculum Examination and Assessment, has produced draft guidelines for teachers of exceptionally able students. It is intended that these guidelines will be distributed to all primary and post-primary schools in November 2007. My Department provides annual funding to the Centre for Talented Youth at Dublin City University to support its work in delivering programmes which are designed specifically for exceptionally able students of first and second level age. This year's

grant is €97,000. Of particular significance at second level are the International Olympiads in the science subjects, information technology and mathematics, in which the most exceptionally able and highest achieving pupils compete. I am informed that The Irish Centre for Talented Youth provides services for the parents of high ability children and the children themselves in various centres throughout the country including the Wexford area. It is open to parents to contact the CTYI directly by telephone at 01 7005634 or by accessing its website, www.dcu.ie-ctyi, for further information.

Capitation Grants.

437. **Deputy Beverley Flynn** asked the Minister for Education and Science the reason the capitation grant due to a school (details supplied) in County Mayo in September 2007 was not paid until 12 October 2007. [26354/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department usually issues the capitation grant to second level schools in three instalments in September, January and April. This year, in the context of overall expenditure management, my Department issued the instalment a number of weeks later than originally planned.

School Management.

438. **Deputy Beverley Flynn** asked the Minister for Education and Science the reason no payment has been made for principals who act as secretaries of boards of management despite being due since September 2006 (details supplied). [26355/07]

Minister for Education and Science (Deputy Mary Hanafin): The negotiations on the scheme referred to by the Deputy concluded in May 2007. My Department issued 2 Circulars (Circular 0065/2007 at Post-Primary and Circular 0079/2007 at Primary) in June 2007 and July 2007 respectively, advising schools that this scheme had been agreed. The circulars also included an application form. As the application forms, (properly completed), have been received in my Department, arrangements have been made to pay the appropriate allowance to the Principals concerned backdated to the 1st September 2006.

Schools Building Projects.

439. **Deputy Ruairí Quinn** asked the Minister for Education and Science if she will confirm that a secondary school (details supplied) in Dublin 24 submitted building proposals for a four classroom block, sports hall and improved science facilities in March 2004, that a similar request was re-submitted in 2007, that an inspector from her

Department has visited the school and that her Department recognises that the school is located in an area of substantial urban renewal with an expected population growth; when the school will be authorised to proceed, without delay, to arrange for the design planning application and construction of the essential additional facilities; and if she will make a statement on the matter. [26358/07]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that the school to which the Deputy refers has applied to the Department for major capital funding. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band 2 rating. Progress on the project will be considered in the context of the multi-annual School Building and Modernisation programme.

School Transport.

440. **Deputy Dan Neville** asked the Minister for Education and Science if she will allow a person (details supplied) in County Limerick to obtain a bus ticket to allow them to use her Department's transport. [26391/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): As the Deputy is aware, under the terms of my Department's Post Primary School Transport Scheme, a pupil is eligible for transport if s/he resides 4.8 km or more from her/his local post primary education centre. The scheme is not designed to facilitate parents who choose to send their children to a post-primary centre outside of the catchment area in which they reside. However, children who are fully eligible for transport to the post-primary centre in the catchment area in which they reside may apply for transport on a concessionary basis to a post-primary centre outside their own catchment area, otherwise known as catchment boundary transport. These children can only be facilitated if spare seats are available on the bus after all other eligible children travelling to their local post-primary centre have been catered for. Such children have to make their own way to the nearest pick-up point within that catchment area. The Transport Liaison Officer for County Limerick and Bus Éireann have advised that the transport service in question is operating to capacity. The family in question should continue to liaise with Bus Éireann about the availability of catchment boundary seats in the future. My Department is aware, since the phasing out of the three for two seating arrangement on school buses, that vacant seats, where they arise, are now more conspicuous than heretofore. It is a matter of concern that some

parents are reserving seats for their children and then not making full use of the seats.

In circumstances where a complaint of this nature is received, Bus Éireann arranges to monitor the situation. Those who are identified as using the school transport services on an irregular basis can be asked to surrender their tickets and make alternative transport arrangements to allow their seats to be reallocated to other families in accordance with the terms of the school transport schemes. Bus Éireann relies on the co-operation and goodwill of parents to release seats for the benefit of others in such circumstances. If the Deputy has precise information which may assist in identifying those who appear not to be using their seats on a regular basis, my Department will be pleased to have the matter investigated.

School Accommodation.

441. **Deputy Niall Blaney** asked the Minister for Education and Science the position in relation to an application for additional accommodation at a school (details supplied); if she will have it expedited; and if she will make a statement on the matter. [26394/07]

Minister for Education and Science (Deputy Mary Hanafin): The process of appointing a Design Team to the school building project referred to by the Deputy is at an advanced stage. Progression of all projects through the architectural planning process will be considered in the context of my Department's multi-annual School Building and Modernisation programme.

Schools Recognition.

442. **Deputy Deirdre Clune** asked the Minister for Education and Science the criteria she uses to establish a post primary school in an area; the way the provision of such a school can be initiated; and if she will make a statement on the matter. [26395/07]

Minister for Education and Science (Deputy Mary Hanafin): A new post primary school can be established either under the Department's normal planning processes or by way of an application by a sponsor/patron. With regard to the former, it is the function of School Planning Section to assess the educational infrastructural needs of an area at both primary and post primary level and to plan, in that context, for the establishment of new schools where this is deemed necessary. The process of assessing the need for new or additional facilities entails consideration of all relevant factors, including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. Apart from this, it is open to a prospective sponsor to apply for the establishment of a new post primary school. In

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this event, among the criteria used to assess an application are that the needs of students likely to attend the school cannot reasonably be met by existing schools; the Patron is registered with the Department; the proposed enrolment is sufficient to ensure that the school will be viable in the long term; the enrolment will be sufficient to ensure that the school can operate a broad and balanced curriculum; the availability of suitable accommodation for the school; and that the Patron will comply with the rules and regulations governing post primary schools and all relevant Sections of the Education Act, 1998.

Capitation Grants.

443. **Deputy John Deasy** asked the Minister for Education and Science if she will negotiate with An Post to allow schools an exemption from the television licence fee particularly in view of the fact that there is no educational programming for schools, that they are being used to show videos and DVDs of an educational quality and the cost of the licence to small rural schools; and if she will make a statement on the matter. [26428/07]

Minister for Education and Science (Deputy Mary Hanafin): Primary school's running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges. There are no proposals to change these arrangements. The primary school capitation grant has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €163.58 with effect from 1st January, 2007. This represents an increase of over 186% in the standard rate of capitation grant since 1997. Enhanced rates of capitation funding are paid in respect of children with special educational needs who attend special schools or special classes attached to mainstream schools. The current rates range from €418 to €805 per pupil. The capitation grant is in addition to the Ancillary Services Grant which provides additional funding for primary schools towards the cost of secretarial and caretaking services. The standard rate of grant per pupil under the scheme was increased from €102 per pupil in 2002 to the current rate of €145.50 per pupil. Under the Programme for Government, we are committed to doubling the standard capitation grant for primary schools over the next five years. Grants to schools for the employment of secretaries and caretakers will also be increased significantly.

Educational Projects.

444. **Deputy Paul Gogarty** asked the Minister

for Education and Science if measures are in place ensuring school books in braille ordered before the summer break are provided when returning to school in the new term in September. [26467/07]

445. **Deputy Paul Gogarty** asked the Minister for Education and Science the reason for the delay in the provision of the braille school books to a person (details supplied) in Dublin 22; if there is a timescale for the delivery of the remaining braille books; and if she will make a statement on the matter. [26468/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 444 and 445 together.

As the Deputy may be aware, the National Braille Production Centre (NBPC), which is an integral part of the services provided by St. Joseph's School for the Visually Impaired in Drumcondra, Dublin, was established in 2000 to provide blind/visually impaired pupils at first and second level with textbooks in braille and other alternative formats. The NBPC produces educational materials in braille, large print format and text-only for children who are blind or visually impaired. It is an essential service to children and young people who are blind or visually impaired and without it many of them would not be able to access mainstream education or undertake the Junior and Senior Cycle examinations. My Department's Visiting Teacher Service for the Visually Impaired (VTVI) has a significant role to play in the process of ordering books or materials on behalf of a particular student. In 2006, a protocol was agreed between the NBPC and the VTVI regarding the provision of educational materials in alternative formats. Due to the technical processes involved, the NBPC requires a significant notice period in relation to orders for the materials in question.

In this particular case, the order was placed in July 2007. A significant proportion of the books required has already been made available for the pupil. I understand that, taking the special circumstances of this particular case into consideration, the NBPC is working towards having the order for the remaining books completed by the end of the current school term. It is accepted practice that the Braille books are delivered in volumes throughout the school year, due to the lengthy transcription process. I understand that officials from the NBPC have been in contact with the parents of the pupil referred to by the Deputy and have invited them to a meeting to discuss their concerns.

Bainistíocht Scoile.

446. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Oideachais agus Eolaíochta cé mhéad

scoil den 30 scoil nua a fógraíodh le déanaí go mbeidh siad le tógáil a bheidh ina nGaelscoileanna agus an fíor go mbeidh 20 den 30 scoil faoi phátrúnacht Educate Together; agus an ndéanfaidh sí ráiteas ina thaobh. [26488/07]

Minister for Education and Science (Deputy Mary Hanafin): Níl cinnidh ar bith déanta go fóill ar na struchtúir bainistíochta do na scoileanna a bhunófar i 2008. Tá cead ag aon Comhlachas Pátrúnachta, gur mian leis scoil nua a oscailt, iar-ratas a chur chuig Coiste Comhairleach na Scoileanna Nua. Ba é 20ú Meán Fómhair seo caite an spriocdháta do iarratais a fháil do 2008 agus tá Coiste Comhairleach na Scoileanna Nua faoi láthair ag próiseáil an uile iarratas a fuarthas.

Physical Education Facilities.

447. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the steps she and her Department have taken to have a school sports hall built for a school (details supplied) in Dublin 12, in view of the fact that many of the pupils come from nearby RAPID areas, that it is within a drugs taskforce area, that physical education is a key component of the curriculum, that it is a Government strategy to tackle obesity in society and the proven value of PE for children in ensuring a healthy future. [26489/07]

449. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the steps she and her Department has taken to address the fact that classes in a school (details supplied) in Dublin 12 are being held in old prefabs; and if she will make a statement on the matter. [26491/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 447 and 449 together.

The Department is in receipt of an application for major capital funding for general classroom accommodation and a PE hall, from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band 2 rating. Progress on the project will be considered in the context of the multi-annual School Building and Modernisation programme.

448. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the steps she has taken to address the severe lack of sports halls in schools in the Dublin 12 area; and her views on the fact that Dublin 24 has 100% sports hall coverage, while Dublin 12 only has sports halls in 44% of the schools in the area. [26490/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department is committed to

funding the provision of PE, general purpose and outdoor play areas in schools as part of the schools' capital investment programme. Applications for the provision of PE or sports facilities in existing schools are considered in the context of all other applications on hand for capital investment e.g. applications for new schools; refurbishment projects; extensions; new sites; remediation programmes and so on. The provision of sports facilities will be done in the context of available resources and the published criteria for prioritising school building projects. I would point out to the Deputy that as part of a joint Government programme to provide community sports facilities in drugs task force areas, the Department provided funding for a dual purpose PE Hall in the Dublin 12 area and in the adjacent Dublin 8 area. These are located at St Michael's Vocational School, Inchicore and Pearse College, Crumlin. The stated objective of the programme is that each hall would be "dual use" in nature i.e. they would be accessible to the wider community, as well as to the local school population. The aim is that, apart from normal school usage, the facilities would be available as much as possible to the community and, in particular, to target groups such as youth at risk.

The overall average area of the halls is approximately 1,700m². This compares to a maximum standard PE hall for very large post-primary schools of 799m². The 1,700m² is made up of a Physical Education area with a floor space of 637m², a crèche of 57m², offices, meeting rooms, a balcony area that can be subdivided into a fitness studio and a multipurpose area, and changing facilities. As part of the same programme, a major leisure facility at Le Fanu Park in Ballyfermot was co-funded by the City of Dublin VEC and Dublin City Council. The Department provided funding towards the Sports Hall which forms part of the overall development. This facility is used by Ballyfermot College of Further Education and Kylemore College, Ballyfermot.

Question No. 449 answered with Question No. 447.

School Enrolments.

450. **Deputy Damien English** asked the Minister for Education and Science the number of fifteen to eighteen year olds enrolled in second level education in the State for each of the years 2004, 2005, 2006 and as of 31 September 2007 in tabular readable form. [26551/07]

Minister for Education and Science (Deputy Mary Hanafin): The data requested by the Deputy is contained in the following table. Data are not yet available for the 2007/2008 academic year.

[Deputy Mary Hanafin.]

Number of persons in second level institutions aided by the Department of Education and Science (Aged 15-18 inclusive)

2004/2005	2005/2006	2006/2007
177,272	176,722	178,783

Note: Figures exclude second level students in Institutes of Technology, as data are not available for 2006/2007

Schools Building Projects.

451. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding the provision of an extension at a primary school (details supplied) in County Cork. [26562/07]

Minister for Education and Science (Deputy Mary Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. The Department has received a Stage 3 submission (developed Sketch Scheme and detailed Costings) and officials will be in contact with the School Authorities in due course. Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

452. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding a proposed extension to a school (details supplied) in County Cork. [26563/07]

Minister for Education and Science (Deputy Mary Hanafin): The Project that the Deputy refers to is currently at an early stage of architectural planning. Officials from my Department are currently examining the revised Stage 1 (Site suitability, Site Report and initial sketch scheme) which was submitted by the school and its Design Team recently. Officials from my Department will be in further contact with the School Authorities on completion of this review.

Progression of all projects to tender and construction will be considered in the context of my

Department's multi-annual School Building and Modernisation programme.

Departmental Expenditure.

453. **Deputy Damien English** asked the Minister for Education and Science the amount that was spent by her Department on official hospitality in the past 12 months. [26576/07]

Minister for Education and Science (Deputy Mary Hanafin): A total of €165,046.93 was spent by my Department on official hospitality in the past twelve months. This total includes: €114,442.02 was spent on catering for meetings and other events hosted in the Department's offices in Dublin, Athlone and Tullamore. This amount includes the provision of teas/coffees, refreshments, lunches and dinners for meetings, conferences and receptions. €50,035.95 was spent on official hospitality for meetings, seminars and conferences hosted by the Department in other venues. For example, the cost includes refreshments for a briefing seminar on the 2007 Student Support Schemes attended by 136 people from Local Authorities and VECs. Refreshments were also provided for over 550 school representatives who attended two briefing sessions on the Devolved School Building Scheme, hosted by the Department's School Building Unit. A total of €568.96 was spent on events hosted by myself and the Ministers of State.

Departmental Facilities.

454. **Deputy Damien English** asked the Minister for Education and Science the number of buildings within her Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if she will provide the information in tabular readable form; and if she will make a statement on the matter. [26608/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy is provided in the following table.

Department of Education and Science Restaurants: Country of Origin of Meat Products

Office	Beef	Pork	Chicken	Lamb
Cornamaddy, Ballymahon Road, Athlone, Co. Westmeath	Ireland	Ireland	Ireland	Ireland
Marlborough Street, Dublin 1	Ireland	Ireland	Ireland	Ireland
Government Buildings, Portlaoise Road, Tullamore, Co. Offaly	Ireland	Ireland	The Netherlands	Not used

Schools Building Projects.

455. **Deputy Eamon Gilmore** asked the Minister for Education and Science the position in regard to the provision of a new national school at Gortahork, County Donegal. [26619/07]

Minister for Education and Science (Deputy Mary Hanafin): The Office of Public Works (OPW) who acts on behalf of my Department generally on the acquisition of sites for schools has been asked to source a suitable site for Gortahork National School. A suitable site has been

identified and the acquisition of the site is at conveyancing stage. Agreement to enter a contract for purchase of this site will be considered in the context of the Department's 2008 budget for the acquisition of sites, which has yet to be finalised.

Special Educational Needs.

456. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when a person (details supplied) will be offered urgent course subject tuition in view of the fact that they are sitting their junior certificate in 2008; and if she will make a statement on the matter. [26634/07]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to advise the Deputy that home tuition has been sanctioned for the pupil in question.

Defence Forces Personnel.

457. **Deputy Michael Lowry** asked the Minister for Defence if it is possible to issue confirmation that a person (details supplied) underwent and passed a test for driving licence for a motorcycle while they were a member of the Defence Force; and if he will make a statement on the matter. [26117/07]

Minister for Defence (Deputy Willie O'Dea): The military authorities have advised that Director of Cavalry has undertaken an extensive examination of result sheets for motorcycle driving tests between January 1971 and December 1977. No documentation has been found to support the claim that the person whose details are supplied underwent and passed such a test.

Departmental Expenditure.

458. **Deputy Damien English** asked the Minister for Defence the amount that was spent by his Department on official hospitality in the past 12 months. [26575/07]

Minister for Defence (Deputy Willie O'Dea): The amount spent by my Department on official entertainment in the twelve month period up to 31 October 2007 is €11,174.40. In addition, the Defence Forces incurred an amount of €102,333 on official entertainment in the period from 1 January 2007 to date.

Departmental Facilities.

459. **Deputy Damien English** asked the Minister for Defence the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26607/07]

Minister for Defence (Deputy Willie O'Dea):

In my Department there is one food facility available to staff in the Finance Branch which is located in Renmore, Galway. The current suppliers of Beef, Lamb and Pork source their products in Ireland and Poultry is sourced in Denmark.

Food (hot and/or cold) is served to members of the Defence Forces from forty eight main locations across the country. The current suppliers of Beef, Lamb and Pork to the Defence Forces source all of their products in Ireland and the Poultry supplied is sourced in both Ireland and the United Kingdom.

EU Treaties.

460. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the areas in which Ireland exercises opt-outs and opt-ins from treaty provisions; the instances in which opt-outs and opt-ins have been availed of; if an assessment has been carried out by his Department of the use, value and effectiveness of such provisions; and if he will make a statement on the matter. [25963/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan):

Ireland is entitled to exercise an opt-in for measures coming within Title IV of the Treaty establishing the European Community, covering the areas of visas, asylum, immigration and civil law. Insofar as these measures apply to my Department, the list below sets out the Title IV measures where Ireland has opted in. The decision on whether to opt in to a particular measure is considered on a case by case basis. This is an ongoing process. I will continue to ensure that each measure is thoroughly examined in line with the Declaration annexed to the Treaty of Amsterdam where it is stated that Ireland would seek to participate in Title IV measures to the maximum extent compatible with the maintenance of the Common Travel Area.

Summary position in relation to decisions by Ireland regarding opt-ins in asylum, immigration and civil law areas

1. Asylum

1. Decision 2000/596/EC on European refugee fund (OJ 2000 L 252/12)
2. Regulation 2725/2000 on Eurodac (OJ 2000 L 316/1) and — Regulation 407/2002 implementing Eurodac Regulation (OJ 2002 L 62/1)
3. Directive 2001/55 on temporary protection (OJ 2001 L 212/12)
4. Dublin II Regulation 343/2003 (OJ 2003 L 50/1) and — Commission Regulation 1560/2003 implementing Dublin II (OJ 2003 L 222/3)

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5. Directive 2004/83 on refugee/subsidiary protection definition and content (OJ 2004 L 304/12)
6. Decision on second European Refugee Fund (OJ 2004 L 381/52)
7. Directive 2005/85 on asylum procedures (OJ 2005 L 326/13)
8. Refugee Fund Decision (OJ 2007 L 144/1)

2. *Legal Migration*

1. Regulation 1030/2002 on residence permit format (OJ 2002 L 157/1)
2. Regulation 859/2003 on 3rd-country nationals' social security (OJ 2003 L 124/1)
3. Directive 2005/71 on admission of researchers (OJ 2005 L 289/15)
4. Decision on asylum and immigration information exchange (OJ 2006 L 283/40)
5. Decision establishing European integration Fund (OJ 2007 L 168/18)

3. *Borders and Visas*

1. Regulation 333/2002 on visa stickers for persons coming from unrecognised entities (OJ 2002 L 53/4)
2. Regulation 334/2002 amending Regulation 1683/95 on common visa format (OJ 2002 L 53/7)

4. *Irregular Migration*

1. Decision on joint flights for expulsion (OJ 2004 L 261/28)
2. Return Fund Decision (OJ 2007 L 144/45)

5. *External treaties*

1. Hong Kong (OJ 2004 L 17/23): in force 1.3.04 (OJ 2004 L 64/38)
2. EC/Norway/Iceland re: Dublin Convention (OJ 2001 L 93)
3. Dublin treaty with Denmark: in force, 1.4.2006 (OJ 2006 L 66/38):

6. *Institutional Decision*

1. Decision changing decision-making rules on immigration and asylum (OJ 2004 L 396/47)

7. *Civil Law*

1. Council Regulation (EC) No 1347/2000 on jurisdiction and the recognition and enforcement of judgments in matri-

monial matters and in matters of parental responsibility for children of both spouses ("Brussels II").

2. Council Regulation (EC) No 1348/2000 on the service of judicial and extrajudicial documents in civil and commercial matters
3. Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("Brussels I")
4. Council Regulation (EC) 290/2001 extending the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius –Civil — now expired)
5. Council Decision establishing a European Judicial Network in civil and commercial matters
6. Council Regulation (EC) No 1206/2001 on co-operation between the courts of the Member States in the taking of evidence in civil and commercial matters
7. Council Regulation (EC) No 743/2002 establishing a general framework for Community activities to facilitate the implementation of judicial cooperation in civil matters
8. EC Council Regulation No.1346/2000 on Insolvency Proceedings (corporate insolvency elements of this fall within the remit of the Department of Enterprise, Trade and Employment while bankruptcy as such is dealt with by the Department of Justice, Equality and Law Reform)
9. Proposal for a Council Regulation on the mutual enforcement of judgments on rights of access to children (subsumed into 12 below)
10. Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matters of parental responsibility (subsumed into 12 below)
11. Council Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes
12. Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No. 1347/2000 ("Brussels II Bis")

13. Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for Uncontested Claims
14. Council Directive 2004/80/EC relating to compensation to crime victims
15. Council Decision on the accession of the Community to the Hague Conference on Private International Law (2006/719/EC)
16. Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European Order for Payment Procedure
17. Regulation (EC) No 864/2007 of the European Parliament and the Council on the Law Applicable to Non-Contractual Obligations (“Rome II”)
18. Regulation (EC) No 861/2007 of the European Parliament and of the Council creating a European small claims procedure
19. Decision 1150/2007/EC of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme “Civil Justice” as part of the general programme “Fundamental Rights and Justice
20. Proposal for a Directive of the European Parliament and of the Council on certain aspects of mediation — COM (2004) 718
21. Proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of judgments and cooperation in matters relating to maintenance obligations — COM (2005) 649
22. Council Decision calling on the Council to provide for measures relating to maintenance obligations taken under Article 65 of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty — COM (2005) 648
23. Proposal for a Regulation of the European Parliament and of the Council on the law applicable to contractual obligations (“Rome I”) — COM (2005) 650

Visa Applications.

461. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he will contact a person (details supplied); and if he will make a statement on the matter. [25983/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): In the case of the application referred to by the Deputy, a “Join Spouse” visa application was received in the Visa Office, Dublin on the 30 August 2007. It was refused by the Visa Officer on 21 September 2007 for a number of reasons. The principal reason for refusal was the immigration history of the applicant, who was deported from the state in 2003.

It is the general policy of my Department not to grant a visa to persons who are the subject of a deportation order. It is, however, open to an individual who wishes to re-enter the country to make an application for revocation of the order under Section 3(11) of the Immigration Act, 1999.

Garda Equipment.

462. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of accidents involving heavy goods vehicles reported to the Gardaí in each of the past five years for which figures are available; the number that involved foreign registered heavy goods vehicles; and if he will make a statement on the matter. [26054/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): In the time available it has not been possible to compile the information requested by the Deputy. A reply will issue to the Deputy as soon as possible.

Proposed Legislation.

463. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform his proposals for legislation in respect of property management companies and property management agents; and if he will make a statement on the matter. [26372/07]

510. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform his proposals for legislation in respect of property management companies and property management agents; the position in respect of the promised legislation on the property service management regulatory authority; the budget for the agency; the staff allocation for the agency; and if the agency is fully established. [26373/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): I propose to take Questions Nos. 463 and 510 together.

I refer the Deputy to my detailed responses to Questions No. 902 and 903 on 26 September in which I outlined the current position regarding the Property Services Regulatory Authority and to my response to Question No. 94 on 9 October in which I outlined the current position regarding the regulation of property management companies and property management agents. I have

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nothing further to add to the details given in those replies.

Anti-Social Behaviour.

464. **Deputy Seamus Kirk** asked the Minister for Justice, Equality and Law Reform the number of behaviour warnings issued in respect of adults and children in County Louth since their inception under the ASBO legislation. [25938/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act relating to anti-social behaviour by children was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Childrens' Court.

I am informed by the Garda authorities that up to 30 September, 2007, 264 behaviour warnings have been issued to adults and 80 behaviour warnings to children.

During this period the Louth/Meath Garda Division, which includes Drogheda and Dundalk Garda Districts, issued nine behaviour warnings to adults. Figures are provisional, operational and liable to change.

Criminal Prosecutions.

465. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform his proposals for dealing with the annual mayhem at Halloween; the way he will police the proliferation of illegal fireworks; and if he will make a statement on the matter. [25960/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy may be aware, the Explosives Act, 1875 provides for control of the importation, manufacture, storage and sale of fireworks. The 1875 Act was amended by the Criminal Justice Act, 2006 which came into effect in August, 2006, to provide for new offences governing the possession of illegally imported fireworks with intent to supply. They also provided for significantly increased penalties governing the illegal importation, sale and use of fireworks.

Under the provisions, it is an offence

- for any person to possess a firework with intent to sell or supply, without a licence,
- to throw an ignited firework at any person or property, and

- to light unlicensed fireworks in a public place.

The penalty for such offences is now a fine of up to €10,000 or 5 years imprisonment or both. The simple possession of fireworks without a licence is also an offence for which a person may be liable to a fine of up to €10,000. A nationwide advertising campaign was run over the past two weeks in the national and regional newspapers to highlight to the public the dangers of fireworks and the significant penalties that exist for their illegal use. This campaign will run up to Halloween.

I am informed by the Garda Commissioner that Operation Tombola, the annual Garda operation, is in place for policing during the Hallowe'en period. Operational Orders have been put in place in every Garda Region, in particular in the Dublin Metropolitan Region and Border Divisions, to prevent and detect the organised importation for sale of fireworks in the lead up to Halloween and to police the Halloween period. Persons suspected of engaging in the importation, supply or sale of fireworks will be identified and targeted, including intelligence-led operations and searches will be conducted.

An Garda Síochána is also engaging with local communities, Local Authorities and other stakeholders, such as Dublin Bus, in putting plans in place to address the issues that arise around the Halloween period. Through the Schools Programme and other local programmes members of An Garda Síochána also emphasise that fireworks are illegal and highlight the dangers associated with illegally imported fireworks. Gardaí have a liaison mechanism in place with Local Authorities for the removal of identified stockpiles of combustible materials, in advance of 31 October 2007. Gardaí have also advised Managers of Off-Licences to ensure that staff are appraised of their obligations and responsibilities under Licensing legislation relating to the sale of alcohol, in particular to underage persons.

I am also informed that proactive policing arrangements are in place covering the period coming up to and on the night of the 31 October 2007 and the provisions of the Criminal Justice (Public Order) Act 1994 will be rigidly enforced. Additional patrols will be carried out by uniform personnel as part of high-visibility policing initiatives supported by plain-clothes personnel, including District Detective and Drug Units, Divisional Crime Task Force, Traffic Corps personnel and Community Policing and Mountain Bike Units.

Given the new offences and increased penalties that now exist, the enforcement capability of An Garda Síochána is greatly strengthened and I expect that the Garda operations will be even more successful this year, in combatting the illegal importation, sale and use of fireworks.

Asylum Support Services.

466. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform the criteria necessary to enable an immigration officer to issue a stamp four certificate for a resident of more than five years residency; and if he will make a statement on the matter. [25992/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I should clarify at the outset that there is a range of categories of non-EEA nationals who may be granted Stamp 4 before completing 5 years legal status in the State e.g. refugees, spouses of Irish citizens, certain family members of EU citizens who qualify under the relevant Regulations.

I take it that the Deputy is referring to other non-EEA persons who were in the State in their own right as employment permit holders and who are seeking long-term residence after 5 years in the State. For those non-EEA nationals who were lawfully working in the State an administrative long-term residence scheme was introduced by my predecessor in May 2004. This enables non-EEA workers to apply for an additional 5 years permission to remain. The conditions which must be satisfied by an applicant are as follows:-

- The applicant must have been legally resident in the State for over five years;
- The applicant must have held a work permit; work authorisation; or, work visa;
- The applicant must have no criminal record from his/her time in the State.

Applications may be made to the Irish Naturalisation and Immigration Service, 13-14 Burgh Quay, Dublin 2. Successful applicants will be granted Stamp 4. The holder of Stamp 4 will then be exempt from employment permit requirements and may operate a business without obtaining the normal business permission. Time spent in the State on student conditions cannot be counted towards long-term residence.

While applicants for long-term residence are awaiting a decision they should ensure that their permission to remain in the State is kept up to date. Applications for long-term residence received in July 2006 are currently being processed.

Crime Levels.

467. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if he will provide a breakdown on the crime figures for each county from 2004 to 2006; and if he will make a statement on the matter. [26008/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of

crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Stations.

468. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the reason a Garda station (details supplied) only opens for three hours each day in view of the fact that the town is bordering on the fourth largest city on the island; the opening hours of all Garda stations in County Donegal in view of the fact that crime has increased by 30% in the past year; and if he will make a statement on the matter. [26009/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that Burnfoot Garda Station is normally open between 10 am and 1 pm each day, subject to the availability of resources and policing demands. Buncrana Station, the District Headquarters for the area, provides a further 24 hour support service. Additional support services are regularly provided by the Divisional Traffic Corps and the District Detective Unit based in Buncrana Station. Targeted patrolling and high visibility checkpoints are also conducted as part of Operation 'Anvil'. As of 30 September 2007, the latest date for which figures are readily available, the personnel strength of the Donegal Division was 478. Any extension of the opening hours of Burnfoot Garda Station would necessitate the employment of additional Garda personnel on indoor administrative duties who may be more effectively employed on outdoor policing duties and I am informed that local Garda management is satisfied that the present opening hours of Burnfoot Garda are sufficient to meet the policing needs of the area.

The incidence of reported Headline Crime for the Burnfoot sub-district, for the twelve month rolling period ending the 30 September 2007, is down by 33%. The current detection rate is 35% for the same twelve month period. This represents a 16% increase in the detection rate on the previous year.

[Deputy Brian Lenihan.]

It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account. The situation will be kept under review by the Garda Commissioner and when additional personnel

next become available the needs of the Burnfoot area will be fully considered by him within the overall context of the needs of Garda Districts/Divisions throughout the country.

A list of the opening hours of all Garda Stations in the Donegal area follows:

Opening Hours of Garda Stations in the Donegal Area

Station	Monday-Friday	Saturday	Sunday
<i>District: Letterkenny</i>			
Letterkenny	24 Hour	24 Hour	24 Hour
Carrigans	10am – 1pm	10am – 1pm	10am – 1pm
Castlefin	10am – 1pm	10am – 1pm	10am – 1pm
Brocach	10am – 1pm	10am – 1pm	10am – 1pm
Newtownmountcunningham	10am – 1pm	10am – 1pm	10am – 1pm
Raphoe	10am – 1pm	10am – 1pm	10am – 1pm
Lifford	10am – 1pm	10am – 1pm	10am – 1pm
Ballybofey	24 Hour	24 Hour	24 Hour
Convoy	10am – 1pm	10am – 1pm	10am – 1pm
<i>District: Buncrana</i>			
Buncrana	24 Hour	24 Hour	24 Hour
Burnfoot	10am – 1pm	10am – 1pm	10am – 1pm
Carndonagh	10am – 1pm	10am – 1pm	10am – 1pm
Clonmany	10am – 1pm	10am – 1pm	10am – 1pm
Malin	10am – 1pm	10am – 1pm	10am – 1pm
Culdaff	10am – 1pm	10am – 1pm	10am – 1pm
Moville	10am – 1pm	10am – 1pm	10am – 1pm
Muff	10am – 1pm	10am – 1pm	10am – 1pm
<i>District: Milford</i>			
Milford	24 Hour	24 Hour	24 Hour
Carrigart	10am – 1pm	10am – 1pm	10am – 1pm
Kerrykeel	10am – 1pm	10am – 1pm	10am – 1pm
Kilmacrennan	10am – 1pm	10am – 1pm	10am – 1pm
Churchill	10am – 1pm	10am – 1pm	10am – 1pm
Dunfanaghy	10am – 1pm	10am – 1pm	10am – 1pm
Craosloch	10am – 1pm	10am – 1pm	10am – 1pm
Falcarragh	10am – 1pm	10am – 1pm	10am – 1pm
Ramelton	10am – 1pm	10am – 1pm	10am – 1pm
Rathmullen	10am – 1pm	10am – 1pm	11am – 1pm
<i>District: Glenties</i>			
Glenties	24 Hour	24 Hour	24 Hour
Annagry	10am – 1pm	10am – 1pm	10am – 1pm
Ardara	10am – 1pm	10am – 1pm	10am – 1pm
Bunbeag	10am – 1pm	10am – 1pm	10am – 1pm
Burtonport	10am – 1pm	10am – 1pm	10am – 1pm
Clougher	10am – 1pm	10am – 1pm	10am – 1pm
Doochary	10am – 1pm	10am – 1pm	10am – 1pm
Dungloe	10am – 1pm	10am – 1pm	10am – 1pm
Carrick	10am – 1pm	10am – 1pm	10am – 1pm
Gleann Cholmcille	10am – 1pm	10am – 1pm	11am – 1pm
<i>Distict: Ballyshannon</i>			
Ballyshannon	24 Hours	24 Hours	24 Hours
Ballintra	10am – 1pm	10am – 1pm	10am – 1pm

Station	Monday-Friday	Saturday	Sunday
Bundoran	10am – 1pm	10am – 1pm	10am – 1pm 7pm – 8pm
Donegal Town	10am – 1pm	10am – 1pm	10am – 1pm
Pettigo	10am – 1pm	10am – 1pm	10am – 1pm
Dunkineely	10am – 1pm	10am – 1pm	10am – 1pm
Na Cealla Beaga	10am – 1pm	10am – 1pm	10am – 1pm
Mountcharles	10am – 1pm	10am – 1pm	10am – 1pm

Irish Prison Service.

469. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if his Department will confiscate all mobile phones in prisons here; the reason it is possible for prisoners be able to phone national radio chat shows using mobile phones; and if he will make a statement on the matter. [26012/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): One of the major challenges in prisons worldwide lies in preventing access to contraband items, primarily mobile phones and drugs, which for obvious reasons, are viewed as highly valuable commodities which could assist in illegal activity. Efforts are made on a continuous basis to prevent the flow of such contraband into our prisons, by for example, the installation of nets over exercise yards, vigilant observation of prisoners by staff, upgraded CCTV monitoring, the use of screened visits and prisoner and cell searches. In addition, new visiting arrangements are in place in all closed prisons whereby only persons who have been pre-approved by the Governor are permitted to visit.

I can also assure the Deputy that I am determined to deal with the problem of prisoners using mobile phones and, in this context, I believe technology offers the only real answer to dealing with the problem. The first phase of a pilot programme to inhibit the use of mobile phones in prisons has been completed at Midlands Prison. The second phase of the pilot programme is expected to be completed next month. Evaluation of the project so far has yielded positive results and, if confirmed, the inhibitors will be installed in all our closed prisons over an 18 to 24 month period.

The Deputy will be aware that Section 36 of the Prisons Act 2007, which was brought into operation from 1 May 2007, makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalty for such an offence, on summary conviction, is a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

Random searches of cells and their occupants and searching of correspondence and other items

entering the prison have all intercepted significant quantities of contraband in recent years. When a person is admitted to prison custody, he or she is searched and prohibited items and money are taken. Similarly, searching takes place of prisoners returning from court, temporary release or after visits. Searches of prisoners also take place where their behaviour or information received raises suspicions that they may be in possession of contraband. The Prison Service has recently purchased a number of cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, U-bends in toilets, drain holes, under floor boards and other cavities. The new prison estates at Thornton Hall and Kilworth will also make it harder for contraband to enter the prison by locating recreation yards away from perimeter walls and having a cordon sanitaire.

In addition to the measures detailed above, an Operational Support Group has been established which will be available in addition to the normal prison staff and can target specific problem areas. They will also gather and collate intelligence information in their prison, carry out high profile escorts and assist the officer in charge of security in the continuing assessment and improvement of security.

Exchequer Returns.

470. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform the amounts seized and returned to the Exchequer under Sections 39 and 62 of the Criminal Justice Act 1994 each year to date in 2007. [26019/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when it becomes available.

Public Order Offences.

471. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will put a safety and security plan in place at a location (details supplied) in Dublin 5. [26030/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the

[Deputy Brian Lenihan.]

Garda authorities that local Garda management is aware of anti-social behaviour and other public order offences in the area concerned. These incidents are under active investigation and have resulted in a number of arrests for public order offences, criminal damage and drug-related offences.

I am further informed that the area referred to is in Coolock Garda District and is patrolled by Garda foot and mobile patrols from that Garda station. Members of the local Community Policing Unit are also allocated to this area and liaise with the local community providing crime prevention and security advice.

Garda patrols, including patrols by the District patrol car, District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units have been directed to pay particular attention to this area.

Current policing policy in the area is predicated on the prevention of crime including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Road Traffic Offences.

472. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of breathalyser tests, that is, tests conducted with either an alcometer or the blow in the bag Alcolyser, conducted in each of the years 2002 to date in 2007; the breakdown for each Garda station; and if he will make a statement on the matter. [26044/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The information sought by the Deputy is currently being researched. A reply will issue to the Deputy as soon as possible.

Visa Applications.

473. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will grant a visa to a person (details supplied) in County Louth to facilitate family reunification; and if he will make a statement on the matter. [26061/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The applications referred to by the Deputy were received in the Visa Office, Dublin, on 18 October 2007 and are currently pending examination by a Visa Officer. Visa applications are processed as speedily as possible having regard to the numbers on hand and the resources available to process them. As a general rule, the process takes four to six week

from receipt in the Visa Office. At present, however, applications are being processed within a shorter timeframe and I would expect an outcome in this case within the next two weeks.

Public Order Offences.

474. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will deal with anti-social activity at a location (details supplied) in Dublin 9. [26063/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that local Garda management is aware of anti-social behaviour in the area concerned. To date a number of seizures of alcohol have been made in the area, and the situation will continue to be monitored by local Garda management.

I am further informed that the area referred to is in Coolock Garda District and is patrolled by Garda foot and mobile patrols from that Garda station. Members of the local Community Policing Unit are also allocated to this area and liaise with the local community providing crime prevention and security advice.

Garda patrols, including patrols by the District patrol car, District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units have been directed to pay particular attention to this area.

Current policing policy in the area is predicated on the prevention of crime including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Garda Remuneration.

475. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the reason the members of An Garda Síochána in the Muscraí Gaeltacht are not receiving the Gaeltacht allowance. [26080/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Historically, the Gaeltacht allowance has been payable only in certain Gaeltacht areas in the country. I am now in consultation with my colleague the Minister for Community, Rural and Gaeltacht Affairs and the Garda Commissioner on this issue with a view to identifying whether changes ought to be made to the allowance.

Citizenship Applications.

476. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the procedure for a child born in Ireland to a non-Irish

national to receive a passport; if he will contact a person (details supplied) in relation to same; and if he will make a statement on the matter. [26086/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Irish Nationality and Citizenship Act, 2004, which commenced on 1 January 2005, provides that certain non-nationals are required to be resident in the island of Ireland for a three year period prior to the birth of their child, for that child to be entitled to Irish citizenship. This altered the previous situation whereby a child born in the island of Ireland was automatically entitled to Irish citizenship.

Section 4 of the Irish Nationality and Citizenship Act, 2004 excludes certain types of residency, and these depend, in part, on the nationality of the parent during that period of residence. Periods of unlawful residence and periods of lawful residence for the purpose of study or as an asylum applicant are not reckonable for that purpose.

The Deputy has not provided sufficient information in regard to the person in question to enable me to give a detailed response. However, if the Deputy wishes to furnish further particulars, officials in the Citizenship Section of my Department will be happy to advise.

Public Order Offences.

477. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if the proprietor of licensed premises (details supplied) in Dublin 7 will be requested to ensure that their customers do not congregate late at night in a public laneway which adjoins family houses and is a cause for concern to the residents there. [26106/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that local Garda management is aware of the issue raised by the Deputy. The proprietor of the premises referred to has been reminded of the relevant provisions of the Liquor Licensing Acts and his obligations under these and other relevant legislation as well as the rights of the local community.

I am further informed that the area referred to is regularly patrolled by Garda foot and mobile patrols and the situation will continue to be addressed by local Garda management.

Garda Operations.

478. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if it is in agreement with the Association of Garda Sergeants and Inspectors who believe that the establishment of forums representative of the community, Garda and local authority in areas

with serious drug crime is essential to combat drug crime; the steps he is taking to assist in the establishing of such fora; if his attention has been drawn to the work of the main prototype here, the community policing forum in the north east inner city in Dublin; his views on whether similar fora with the same level of resources should be established in other areas; and if he will make a statement on the matter. [26107/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, currently funding is made available via the Department of Community, Rural and Gaeltacht Affairs to a number of community policing fora, including the one in operation in Dublin's north inner city, which have been set up in the context of the Government's National Drugs Strategy 2001-2008.

The establishment of further community policing fora is being delivered in the context of the policy framework set out under the Garda Síochána Act 2005. This will ensure that such initiatives are developed in an appropriate, coherent and properly planned manner.

Under the 2005 Act, Joint Policing Committees (JPC's) will be established in each of the local authority administrative areas throughout the State. They will bring together representatives from the local authority, An Garda Síochána, the Oireachtas and the community and voluntary sector to discuss and make recommendations on matters affecting the policing of the area, including issues relating to drug misuse.

This is a significant new statutory arrangement with regard to how An Garda Síochána and local authorities will interact in relation to policing matters.

As the first phase towards implementation, the Government has established pilot JPCs in 29 local authority areas. An evaluation of the pilot phase is being undertaken with the intention that JPCs will be established in all local authority areas as early as possible in 2008.

The provisions of the Garda Síochána Act 2005 reflect the Government's view that in certain areas the establishment of more locally focused and based policing fora feeding into the work of Joint Policing Committees are required under this policy framework. Section 36 (2) (d) of the Act provides for the establishment of local policing fora by a JPC where they are deemed necessary. Taking account of these provisions, priority will be given to establishing local policing fora in all Local Drugs Task Force areas and other areas experiencing problems of drug misuse.

Work, which includes examining the issue of resources required for this initiative, is underway in this regard led by my Department. This is being done in conjunction with the continued implementation of Action 11 of the National Drugs Strategy by An Garda Síochána.

[Deputy Brian Lenihan.]

I commend the continuing important work being done by the Dublin North Inner City Community Policing Forum and by the other similar fora already set up under the Drugs Strategy for, as I have previously stated, I want, as much as I can as Justice Minister, to foster a spirit of national partnership in tackling crime.

I am very much in favour of fora where members of a local authority and the senior Garda officers responsible for policing the area, together with Oireachtas members and community and voluntary interests, can consult, discuss and make recommendations on matters affecting policing of their community. These committees make policing more responsive to community needs and make the job of the Garda in tackling particular problems easier by providing a forum for co-operation with all the interests involved.

All of this reflects the Government's strong view that community policing fora initiatives continue to play an important role in enhancing drug supply reduction measures being taken under our National Drugs Strategy.

Prison Building Programme.

479. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if a new road will be built to allow access and egress to the proposed prison at Thornton Hall; and if he will make a statement on the matter. [26125/07]

480. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if and when an invitation to tender will be issued for the construction of a new road to the proposed prison at Thornton Hall; and if he will make a statement on the matter. [26126/07]

481. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if cost estimates have been determined for the construction of a new road and ancillary services for the proposed prison at Thornton Hall; if so, what is included in those estimates and the estimated cost; and if he will make a statement on the matter. [26127/07]

482. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if it is intended that a new road will be developed by the preferred tender for the Thornton campus; if an invitation to tender will be issued to take account of this significant change; and if he will make a statement on the matter. [26128/07]

483. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the role Fingal County Council will have regarding the provision of access and egress to the pro-

posed prison at Thornton Hall; and if he will make a statement on the matter. [26129/07]

484. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform when the environmental impact assessment for the possible route or routes for a new road for the proposed prison at Thornton Hall will be carried out; and if he will make a statement on the matter. [26130/07]

485. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the results of environmental impact assessment carried out for the proposed prison at Thornton Hall will be made available to the public; and if he will make a statement on the matter. [26131/07]

486. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the way it is envisaged that a new road serving the proposed prison at Thornton Hall will integrate with or traverse the existing R130; and if he will make a statement on the matter. [26132/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 479 to 486, inclusive, together.

I can confirm that it is intended that access to the proposed prison development at Thornton Hall will be provided via a new road. This will have the effect of removing from the existing R130, which services Kilcoskan National School, traffic generated by the prison development both during the construction and operational phases. I should point out that the provision of an alternative access to the development was strongly urged by representatives of the local community including the school referred to following the announcement of the project in 2005. I am therefore happy to be in a position to respond positively to the wishes of the local community in this matter.

The detailed design of the interchange with the existing R130 has not yet been finalised but it is intended that it will enable both roads to function independently. I can confirm also that these proposals have been discussed in detail with the relevant officials in Fingal County Council who have been kept fully informed. The role of Fingal County Council, as the relevant local authority, will of course include reviewing the proposed arrangements for traffic to and from the prison development including the design of the access road and associated works as well as any implications for the existing local road network.

The procurement of the construction of the road and associated works is being addressed in the context of the main prison development which has been subject to an EU wide public tender competition. I cannot, for obvious commercial reasons, and in accordance with Depart-

ment of Finance guidelines, provide details of the costs involved.

The Environmental Impact Assessment for the overall Thornton Hall project will, when published in the near future, address both the prison development and the access route lands on an integrated basis. The studies, surveys, etc., in relation to the proposed access route have been completed and the information is now being assessed and prepared for inclusion in the Environmental Impact Assessment, in line with the provisions of Part 4 of the Prisons Act 2007.

Citizenship Applications.

487. **Deputy Barry Andrews** asked the Minister for Justice, Equality and Law Reform when the naturalisation application by a person (details supplied) will be processed; and if same will be expedited. [26138/07]

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 July 2005. Officials in the Citizenship Section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the near future. I will inform the Deputy and the person concerned when I have reached a decision on the matter.

Garda Strength.

488. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in County Leitrim as opposed to the number stationed in the Inishowen peninsula in County Donegal, in view of the fact that there are 3,000 more people in Inishowen; and if he will make a statement on the matter. [26147/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As of 30 September 2007, the latest available end of month figures, the personnel strength of the Sligo/Leitrim Division was 295. The personnel strength of the Garda Districts in County Leitrim as of the same date was 105 (50 in the Manorhamilton District and 55 in the Carrick-on-Shannon District). The personnel strength of the Donegal Division as at the 30 September 2007 was 478. The Inishowen Peninsula is covered by the Buncrana District. The personnel strength of the Buncrana District as at the 30 September 2007 was 92. It is the responsibility of the Garda Commissioner to allocate personnel throughout the force taking everything into account. The situation in these counties will be kept under review by the Garda Commissioner and when additional personnel next become available the needs of the above areas will be fully considered by him within the overall

context of the needs of Garda Districts/Divisions throughout the country.

Garda Deployment.

489. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if there are plans in place to encourage gardaí to live in rural Garda stations; and if he will make a statement on the matter. [26148/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that there are a number of official residences for Garda use, mainly in rural areas and that it is the policy of An Garda Síochána to have gardaí resident in official accommodation where this is appropriate. I am advised that the Garda Síochána plan to prepare a new Garda accommodation strategy and I expect that the requirements for official residential accommodation in the future will be examined as part of that strategy. I am further informed by the Garda authorities, who have responsibility for the detailed allocation of Garda resources and deployment of Garda personnel, that plans are continually monitored and reviewed so that optimum use is made of Garda resources and personnel to ensure that the best possible Garda service is provided to the public.

490. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if there are plans to roll out community gardaí in urban and rural areas; and if he will make a statement on the matter. [26153/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): On 30 September 2007 (the latest date for which figures are readily available), the total personnel strength of An Garda Síochána was 13,531. The total personnel strength attached to Community Policing at that time was 578. This represents a percentage of 4.27% of the total strength of the Force. Of course community policing involves more than a single unit within An Garda Síochána. All gardaí have a role to play in addressing community policing issues. Community Policing is a central feature of current policing policy and members of Community Policing Units are encouraged to engage with the local communities where they are assigned. I agree with the view of the Garda Inspectorate, expressed in its most recent report, that community policing is a fundamental policing philosophy and that there is a strong foundation of it in Ireland. I welcome the review of community policing currently underway in the Garda Síochána and I look forward to its outcome.

Road Traffic Offences.

491. **Deputy Denis Naughten** asked the Mini-

[Deputy Denis Naughten.]

ster for Justice, Equality and Law Reform the number of summons issued in relation to driving without tax or insurance respectively in 2004, 2005, 2006 and to date in 2007; and if he will make a statement on the matter. [26157/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Investigations.

492. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to any form of monitoring or surveillance of a person (details supplied) in County Mayo; and if as an Irish citizen, this person has a right to privacy under Irish or international law. [26161/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): For obvious reasons of security, it is not the practice and it would be contrary to the public interest to reveal whether or not any form of covert monitoring or surveillance by the Garda Síochána was or is being conducted in any particular instance. With respect to the issue of privacy, it would not be appropriate for me to seek to provide an interpretation of national or international law for any individual.

Official Engagements.

493. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if he will attend the conference organised by the community policing forum of the north east inner city, Dublin 1 on 9 November 2007 in view of its unique work in bringing the community, the Garda and the local authority together to confront the common enemy of drug crime in Dublin's north inner city. [26166/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can advise the Deputy that I have recently received an invitation from the Board of Management of the Community Policing Forum to attend its forthcoming conference which I am currently considering.

Citizenship Applications.

494. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the status of an application for residency for a person (details supplied) in Dublin 6W; and if he will make a statement on the matter. [26202/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that a decision in relation to the application for residence in the State based on EU Treaty Rights issued to the person concerned on 26 April 2007. The application for residence in the State was refused under Regulation 3(2) of S.I. 656 of 2006 (Free Movement of Persons Regulations). This Regulation requires that in order to avail of residency rights under these Regulations, applicants must submit evidence showing lawful residence in another EU Member State prior to arrival in Ireland. The person in question did not meet the criteria for eligibility for residence in the State in accordance with the above Regulations.

Garda Deployment.

495. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the way the pre-budget 2008 outlook as published will impact on the functioning of An Garda Síochána, on Garda manpower, on Garda overtime and the number of individual operations that will be carried out under Operation Anvil; and if he will make a statement on the matter. [26211/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The pre-budget outlook allocation for 2008 for An Garda Síochána is €1.522 billion representing an increase of €110 million or 8% over the 2007 budget allocation of €1.412 billion. This allocation is published in advance of any changes or additions to be announced on budget day by the Tánaiste and Minister for Finance. I am currently finalising our policing priorities with the Garda Commissioner for 2008 and, as I outlined to the Dáil in the recent debate on crime, specific emphasis will be placed on gun crime, organised crime and drug trafficking. One of the key ways this will be done is through targeted operations such as Operation Anvil. I am confident that the total resources that will be at the disposal of the Commissioner in 2008 will allow him to continue high level prioritised policing operations such as Operation Anvil as well as other operational priorities that need to be funded through overtime. The current

Programme for Government re-affirms the commitment to increase Garda strength to 15,000, with a target date of 2010. In addition, there is a significant expansion under way in the number of civilian staff being made available to the Commissioner. This Government and I are committed to continue resourcing the Force so that it can meet the challenges it faces into the future.

Public Transport.

496. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the role the Garda had in designating a bus depot for Dublin Bus at Mountjoy Square at the entrance to a public park, crèche and children's playground; if he has satisfied himself that health and safety matters were considered; and if he will make a statement on the matter. [26231/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Written Question no. 258 of 24 October, 2007.

Garda Reserve.

497. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the number of Garda reserves that have been appointed to Cork city and county to date; the stations they have been allocated to; and the number of reserves expected to come on stream over the period ahead in the same area. [26235/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The total personnel strength of the Garda Reserve including trainees as at the 26th October 2007 was 247. A total of 171 members are fully attested. There are 20 attested Reserve Gardaí attached to stations in Cork — 18 in Anglesea Street and two in Middleton. Two Cork-based personnel are currently at phase IV of training and a further four are at phase II of training.

The recruitment of members to the Garda Reserve is ongoing with intakes into the Garda College every 4-6 weeks. The next intake will be on the 3rd and 4th November 2007. I welcome the prospect of further assignments of Garda Reserve members to Cork as additional members from Cork become available.

Deportation Orders.

498. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons deported from this jurisdiction during the month of October 2007; the locations to which they were deported and the reason for same; if any were Irish citizens with or without Irish passports; and if he will make a statement on the matter. [26242/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to advise the Deputy that 4 persons were deported during the period commencing Monday 1 October 2007 and including Tuesday 30 October 2007. Of the 4 persons deported, 2 went to China, 1 to Brazil and the remaining one to Georgia. Three of the four persons deported were in the asylum process and 1 person consented to deportation.

During the same period 23 transfers were effected to various third countries pursuant to the provisions of the Dublin II Regulation, Council Regulation (EC) No. 343/2003. The table below provides the relevant details.

Dublin II Regulation Transfer Orders effected — October 2007

Number of orders	Third countries
17	United Kingdom
2	Germany
1	Sweden
1	Norway
1	Hungary
1	Italy

In relation to the latter part of his Question, I presume the Deputy is referring to Irish Citizen children born to non-Irish national parents. That being the case, Irish citizen children cannot be the subject of deportation/transfer orders issued by the State and therefore cannot be deported/transferred from the State. Statistics are only maintained by my Department in respect of deportation/transfer orders made and effected in respect of non-Irish nationals. As Irish citizen children are not subject to deportation/transfer orders, statistics are not available in respect of the numbers of such children who accompanied their non-Irish national parents when they were being deported/transferred, or indeed the number of such children left behind in the State following the deportation/transfer of their parents.

Residency Permits.

499. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 566 of 23 October 2007, his Department's policy on which visa or stamp is to be issued at ports of entry when a non-EEA citizen arrives into the State for the first time, accompanied by their Irish citizen spouse and declaring their intention to apply for residency on the basis of marriage to an Irish citizen. [26248/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Marriage to an Irish national does not automatically confer on a non-EEA spouse the right to enter or remain in the State. All foreign nationals arriving in the State must present to an immigration officer at the port

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of entry. The immigration officer has the power under section 4 of the Immigration Act 2004 to grant permission to enter the State. The spouse of an Irish national who is visa-required must hold a valid Irish visa in order to present at the port of entry. Assuming that the spouse is granted permission to enter, he/she will normally be given a landing stamp which will instruct him/her to report before a certain date to a Registration Officer (member of the Garda National Immigration Bureau) in the area where they will reside in order to register his/her presence in the State.

Non-EEA spouses of Irish nationals who entered the State with a 'C' — Visit Visa or who have no current permission to remain in the State are required to make an application for permission to remain on the basis of marriage to an Irish national to the Immigration Division of the Irish Naturalisation and Immigration Service of my Department. Such applicants cannot register with the Garda National Immigration Bureau until their application has been processed. Normally where the non-EEA national qualifies for permission to remain as the spouse of an Irish national he/she will be granted Stamp 4.

If the Deputy has a particular case of concern he should make further inquiries with the Irish Naturalisation and Immigration Service.

Departmental Investigations.

500. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he will assist in the release of a report to a person (details supplied) in respect of an ongoing inquiry in his Department. [26254/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following consideration of a Garda report and submissions made by legal representatives of the person referred to, my predecessor as Minister for Justice, Equality and Law Reform appointed a Senior Counsel to conduct an independent review and thorough examination of the Garda Síochána papers and any other available relevant material relating to the case and related complaints made, with a view to ascertaining the adequacy and completeness of the handling of the complaints and of the case.

The Senior Counsel has now submitted his report. I have arranged for a copy of this report to be sent to the Attorney General's Office for his advice. On receipt of that advice I will consider further the contents of the report and any further action that should be taken on foot of it, including the issue of whether to release all or part of the report, taking into account the Attorney General's advice.

Drug Seizures.

501. **Deputy Martin Ferris** asked the Minister

for Justice, Equality and Law Reform the number of houses that were searched for drugs in each of the Kerry Garda divisional areas in the past year; the number of arrests made for possession of drugs; and the quantity and type of drug seized. [26293/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda authorities that the following tables show the number of seizures of drugs, by type, made during searches for drugs and number of related arrests made in the Garda Districts of Tralee, Listowel and Killarney for the period 1 November 2006 to 24 October 2007 inclusive.

Drug Seizures/Arrests Tralee District

Type of Drugs	Quantity of Drugs seized	No. of houses searched	No. of Arrests
Ecstasy	360 tablets	38	28
Amphetamine	76 grms		
Heroin	204 grms		
Cannabis Grass	4 grms		
Cannabis Plant	255 grms		
Cannabis Resin	51 grms		
Cocaine	61 grms		

Drug Seizures/Arrests Listowel District

Type of Drugs	Quantity Drugs seized	No. of Houses searched	No. of arrests
Cocaine	221 grms	14	4
Ecstasy	503 tablets		
L.S.D.	15 tablets		
Cannabis	40 grms		

Drug Seizures/Arrests Killarney District

Type of Drugs	Quantity Drugs seized	No. of Houses searched	No. of arrests
Cocaine	90 grms	31	74
Cannabis	80 grms		
Ecstasy	75 tablets		
Heroin	10 grms		
L.S.D.	20 tablets		

In addition to the above, the Garda authorities have informed me that during the same period, ten houses in the Cahirciveen area were searched for drugs with the result that assorted drug-related paraphernalia was seized. No persons have been arrested as yet in relation to those searches.

Garda Stations.

502. **Deputy Noel Grealish** asked the Minister for Justice, Equality and Law Reform the situation regarding the provision of a new Garda divisional headquarters for Galway; when he envisages that work will begin on this project; and if he will make a statement on the matter. [26298/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda authorities that it is planned to build a new Regional and Divisional Headquarters in Galway. The Commissioners of Public Works, who have responsibility for the provision, refurbishment and maintenance of Garda buildings, with the agreement of An Garda Síochána, have identified a suitable site for the project and I am informed that they are at present finalising the framework and scoping of works for the engagement of a design team. I assure the Deputy that there will be no avoidable delay in progressing this project.

Citizenship Applications.

503. **Deputy Seán Connick** asked the Minister for Justice, Equality and Law Reform the month and year in which applications for naturalisation currently being processed by his Department were originally received. [26327/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The citizenship section of my Department is currently processing applications received in February 2005.

Legal Profession.

504. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the action he has taken in relation to each of the 29 recommendations contained in the Competition Authority's December 2006 report on competition in the legal profession; and if he will make a statement on the matter. [26331/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Of the 29 recommendations contained in the Competition Authority Report on Solicitors and Barristers, 15 relate to actions by my Department some of which are also directed at the Bar Council and the Law Society. Implementation of recommendations directed at the Bar Council or the Law Society is a matter for those bodies.

The main recommendation is that legislation be brought forward to establish a Legal Services Commission to regulate both solicitors and barristers and the market for legal services. A further 7 recommendations relate to the functions of the Legal Services Commission. The Commission would have responsibility for the regulation of the legal services but would delegate many regu-

latory functions to other/existing bodies. The Commission would have statutory powers to make new regulations and to veto the rules of self-regulatory bodies. The Commission would set standards for the provision of professional education for solicitors and barristers. The Law Society and King's Inns, in common with other education providers, would be required to apply and meet these requirements. The Law Society and the Bar Council would be obliged to set out detailed criteria pursuant to which they would licence institutions to provide courses.

Government policy on the need for changes in relation to the legal professions is reflected in the Civil Law (Miscellaneous Provisions) Bill 2006 which provides for the establishment of a Legal Services Ombudsman and provides also for a number of other matters. The Legal Services Ombudsman will—

- provide a form of review for customers of legal services who are dissatisfied with the outcome of a complaint made to the Law Society or Bar Council.
- oversee the complaints procedures of the Law Society and Bar Council by examining a selection of complaints files each year taken on a random basis.
- oversee admission to the legal professions, particularly with regard to the adequacy of numbers admitted.

Consultations are ongoing with the legal professions and other Government Departments on the matter of the statutory Irish language requirements for barristers and solicitors which the Authority has recommended be abolished. I have proposals to proceed on the issues by way of Committee Stage amendments to the Civil Law (Miscellaneous Provisions) Bill 2006.

A number of other recommendations made by the Authority fall to be considered within the context of the Legal Costs Bill that is included in the Government's Legislative Programme approved by the Chief Whip on 25 September 2007. Work is underway in my Department on the development of proposals. There are no proposals for the establishment of a Legal Services Commission.

I should point out that both the Law Society and Bar Council have on several recent occasions indicated their willingness to take measures to improve the services which they offer to the public. The Law Society established a Regulatory Review Task Force to examine the procedures and systems by which the Society regulates its members and interacts with the public. The Task Force, chaired by Joe Brosnan, a former Secretary General, carried out a thorough review and made fifty-six recommendations, all of which were accepted by the Council of the Law Society. Examples of other measures are the setting up in September 2006 of a second training school in

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Cork for solicitors by the Law Society and the introduction in March 2006 of reforms by the Bar Council to update its code of conduct. The Bar Council have also improved its work practices, allowed for advertising, allowed for free transfer between the two professions and provided for cost-sharing amongst barristers. I welcome these measures which I consider to be very positive steps in embracing change rather than opposing it.

A number of the recommendations in the Brosnan Report and other matters raised in consultation between the Law Society and my Department require statutory backing (e.g. by providing for a majority of lay membership of regulatory committees and better enforcement of orders of the Solicitors Disciplinary Committee) and these are being provided for in the Civil Law (Miscellaneous Provisions) Bill 2006.

Crime Levels.

505. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the value of property stolen for each of the years 2000 to 2006 inclusive; the value of stolen property recovered for each of the years 2000 to 2006 inclusive; and if he will make a statement on the matter. [26342/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was

Station	31/12/01	31/12/02	31/12/03	31/12/04	31/12/05	31/12/06
Drogheda	89	89	90	89	93	93
Dundalk	99	96	97	101	101	109
Navan	44	47	49	46	45	48
Ashbourne	36	37	37	40	37	49

It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account. The situation will be kept under review by the Garda Commissioner and when additional personnel next become available the needs of the above Garda Stations will be fully considered by him within the overall context of the needs of Garda Districts/Divisions throughout the country.

Visa Applications.

507. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if he will issue a visa for a person (details supplied) to come to this country to be with their mother. [26362/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question

decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose.

Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Deployment.

506. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of Gardaí who are stationed at Dundalk, Drogheda, Navan and Ashbourne Garda Stations in the years 2001 to 2006; and if he will make a statement on the matter. [26343/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that the number of Gardaí stationed in Drogheda, Dundalk, Navan and Ashbourne Garda Stations in the years 2001 to 2006 are as set out in the table below.

made a Family Reunification application in respect of family members in January 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.

Garda Stations.

508. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position on the refurbishment of a Garda station (details supplied) in County Kildare; the timeframe involved; if more gardaí will be allocated to the

station once the refurbishment takes place; and if he will make a statement on the matter. [26369/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The programme of replacement and refurbishment of Garda accommodation around the country is based on agreed priorities established by An Garda Síochána in consultation with the representative associations. The programme is progressed by the Garda authorities working in close co-operation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I have been informed by the Garda authorities that the refurbishment of the station referred to by the Deputy has been placed on the Minor New Works Programme and will be progressed during 2008. I am also informed by the Garda authorities that the situation will be kept under review and the relevant Garda officials will continue to liaise closely with the Office of Public Works to ensure that the Garda accommodation requirements in this station are met.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the force taking everything into account. The needs of the station referred to by the Deputy will be fully considered by him within the overall context of the needs of Garda Districts/Divisions throughout the country.

Visa Applications.

509. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the reason a study visa was refused for a person (details supplied); if the applicant can appeal this decision; the other means available for this person to study here; and if he will make a statement on the matter. [26370/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The application referred to by the Deputy was received in the Visa Office, Dublin on 25 September 2007. It was refused by the Visa Officer on 22 October 2007 for a number of reasons:

1. There was insufficient documentation submitted in support of the application
 2. There was no clear link to the reference shown
 3. There were no social, economic or professional ties in the home country shown.
- It was the opinion of the Visa Officer that the applicant may not observe the conditions of the visa.

The decision of the Visa Officer may be appealed within two months of the date of decision, in this case before 22 December 2007. Guidelines on making an appeal can be found on the website of

the Irish Naturalisation and Immigration Service at www.inis.gov.ie.

Question No. 510 answered with Question No. 463.

Citizenship Applications.

511. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Westmeath who has applied for Irish citizenship; if his attention has been drawn to the fact that this person is over seven years here; and if he will make a statement on the matter. [26374/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Officials in the Citizenship Section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

Residency Permits.

512. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for long term residency in respect of a person (details supplied) in County Tipperary. [26375/07]

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, the application will be further processed.

Citizenship Applications.

513. **Deputy Chris Andrews** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in Dublin 6 for naturalisation; and if he will make a statement on the matter. [26382/07]

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 March 2006. 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. I will inform the Deputy and the person in question when I have reached a decision on the application.

514. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for citizenship in respect of a person (details supplied) in County Wexford; and the expected period of time it will take to complete the processing of same. [26384/07]

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 October 2005. On examination of the application it was determined that the person concerned did not satisfy the residency criteria set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing him of this was issued on 7 December 2005. It is open to the individual in question to lodge a new application if and when he is in a position to meet that statutory residency requirements applicable at that time.

515. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for citizenship in respect of a person (details supplied) in County Wexford; and the expected period of time it will take to complete the processing of same. [26385/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Officials in the Citizenship Section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

516. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for citizenship in respect of a person (details supplied) in County Wexford; and the expected period of time it will take to complete the processing of same. [26386/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Officials in the Citizenship Section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

Work Permits.

517. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in Dublin 7 holds a visa that entitles them to undertake employment; and if not, the steps they can take to be granted such a visa. [26396/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person concerned has permission to remain in the State until the 22nd February 2008 as the dependant spouse of a working visa holder. The conditions of this permission to remain does not entitle her to enter employment in the State. If she wishes to enter employment in the State it is open to the person referred to by the Deputy to

contact the Work Permit Section of the Department of Enterprise, Trade and Employment.

Closed Circuit Television Systems.

518. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the closed circuit television programme promised for an area (details supplied) in Dublin 24 may not be capable of being implemented due to a shortfall in funding; the steps he proposes to take in respect of the shortfall; and if he will make a statement on the matter. [26399/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Community-based CCTV Scheme was launched in June 2005 in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community CCTV systems. Grant aid funding of up to €100,000 is available from my Department with the Department of Community, Rural and Gaeltacht Affairs providing matching funding for successful applications from RAPID areas. Pobal has been engaged to administer the Scheme on behalf of my Department. It interacts with the applicants to the scheme, carries out evaluations of every application, oversees the installation and provides advice and assistance as required.

As the Deputy is aware, grant-aid funding of €100,000 from my Department was awarded for the system referred to by the Deputy under the Community-based CCTV Scheme. As this area is a RAPID area, the proposal also benefits from matching funding of €100,000. This is the maximum that may be awarded under the scheme. I am advised that there has been an increase in the installation costs related to the scheme in question and that considerations are ongoing at local level as to how the matter may be addressed.

Visa Applications.

519. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Westmeath who seeks to have their spouse re-united with them here; if his attention has been drawn to the fact that this person has been married for over six months and that a special appeal was made on their behalf approximately six weeks ago; and if he will make a statement on the matter. [26406/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Parliamentary Question 565 of the 23rd October, in which I stated the reason why a visa had not been approved in this case. No appeal was received within the normal two-

month timeframe. In all the circumstances of the case, however, an appeal will be considered at this stage on an exceptional basis. It should be addressed to the Visa Appeals Officer and the applicant should ensure that the reason the visa was not approved at first instance is comprehensively addressed.

Garda Investigations.

520. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if he will ask the Garda Authorities for a report stating the number of times they have been called out in recent weeks to an alarm at a premises (details supplied) in Dublin 7 which remains on all night; if the Gardaí have contacted the management of the centre concerned so that they will not be needlessly called out again; and if he will make a statement on the matter. [26430/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the premises referred to is in the Mountjoy Garda District. The alarm at the premises is monitored by an alarm monitoring company. I am also informed that the Garda authorities have not received any call outs in respect of an alarm at the premises concerned in recent weeks. Local Garda management have spoken to the manager of the premises who has informed them that problems with the alarm are currently being rectified. He has advised adjacent neighbours of these difficulties and certain measures have already been taken to deal with the situation. The owner has been advised by the Garda authorities of his responsibilities under the noise pollution regulations.

Public Order Offences.

521. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if he will ask the Garda Authorities to report on the action they are taking further to repeated telephone calls to Store Street Garda Station in recent weeks regarding the group of twenty or so persons congregating at a centre (details supplied); and if he will make a statement on the matter. [26431/07]

522. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if he will ask the Garda Authorities if they will liaise with those in charge of a centre (details supplied) in Dublin 1 to evolve a strategy to dissuade clients of the centre from congregating adjacent to the centre; and if he will make a statement on the matter. [26432/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 521 and 522 together.

The centre referred to by the Deputy provides treatment services for a large number of recovering drug addicts. I have been informed by

the Garda authorities that during the recent pharmacists' dispute involving methadone dispensing, additional numbers of recovering addicts also attended the centre. This led to some difficulties as a number of these individuals turned up at irregular and non-appointed times, during which time they congregated in the vicinity of the centre.

Additional patrols by high-visibility uniformed Gardaí and plain-clothes personnel, including the divisional drug unit, were directed by local Garda management because of the impact of the dispute, particularly in this area. The provisions of the Criminal Justice (Public Order) Act, 1994 were utilised as appropriate.

I am informed by the Garda authorities that a liaison mechanism exists between local Garda management, the management at the centre, as well as with other stakeholders involved and regular meetings take place where issues of concern in relation to the centre's operation are raised and discussed. I am assured by the Garda authorities that the location continues to receive regular and ongoing attention from mobile and foot patrols, including members of the local community policing unit and the divisional drug unit.

Residency Permits.

523. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) can expect a decision on their application for family reunification; and the reason there has been such a delay in processing this application. [26469/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the delay in processing this application is due to the high volume of applications received in the Family Reunification section.

My Department will be in contact with the person in question shortly.

524. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform the reason for the delay in granting a stamp four to a person (details supplied) in County Meath. [26472/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department will be in touch shortly with the person referred to by the Deputy outlining the options open to her concerning her immigration status.

Citizenship Applications.

525. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship through naturalisation of a person (details supplied) in County Cork. [26479/07]

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 March 2007.

Officials in that section are currently processing applications received at the beginning of 2005 and have approximately 12,300 applications on hand to be dealt with before that of the person in question. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of the application will commence in the second half of 2009.

I will inform the Deputy and the applicant when I have reached a decision on the matter.

Employment Rights.

526. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the proposals he has to ensure that seafarers are paid their full wages due to them if their ship is arrested and sold (details supplied); and if he will make a statement on the matter. [26486/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I understand that the case giving rise to the Deputy's question is listed before the Admiralty Judge. As the matter is *sub judice*, the Deputy will appreciate that I am not in a position to make any comment on the case in question other than to indicate the following by way of general information insofar as my Department may be concerned with the law that operates in this area.

In relation to admiralty proceedings generally, the High Court (sitting as the Admiralty Court) may make an order for a ship to be arrested. The High Court can also order that a ship be sold by public auction. The proceeds of the sale will be paid into court and dealt with as the Court orders. In the period between the order for arrest and the sale the Admiralty Marshal — an officer of the Court — arranges for the ship to be berthed and has power to make payments for such essential outlay as food and lodgings, if necessary, for the crew of the ship. The priority of claims against the proceeds of the sale of the ship is a matter for the Admiralty Judge.

While I have no proposals for change at present, the operation of the law in this area continues to be kept under review by my Department.

Garda Investigations.

527. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform if complaints made to An Gardaí by members of the public regarding PIPS, a bogus investment scheme originating from Malaysia, are still being investigated; the number of complaints received

at Kells Garda Station; and if he will make a statement on the matter. [26536/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been advised by the Garda Authorities that to date, a total of 15 complaints have been received at Kells Garda Station in relation to the operation of a People in Profit System (PIPS).

The Garda Bureau of Fraud Investigation is assisting in the investigation of these complaints and An Garda Síochána is continuing to liaise with the Malaysian Authorities with regard to this matter.

Crime Levels.

528. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the number of recorded headline crimes in the Louth/Meath Garda Division for each of the years 2004, 2005, 2006 and to date in 2007 with a breakdown by each district and by each offence group in tabular readable form. [26547/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Juvenile Offenders.

529. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the number of 15 to 18 year olds in custody of the Prison Services for each of the years 2004, 2005, 2006 and to date in 2007 with a breakdown for each institution in tabular readable form. [26548/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am advised by the Director General of the Irish Prison Service that the information as requested by the Deputy is set out in the table below. This table details the total number of committals per institution for persons

aged 15 to 18 years inclusive for the years 2004, 2005, 2006 and to date in 2007.

Institution	2004	2005	2006	2007
Castlereagh	19	19	21	19
Cloverhill	258	238	244	137
Cork	67	76	62	48
Dóchas	62	45	54	33
Limerick	45	61	68	58
Mountjoy	19	12	10	4
St. Patrick's	505	454	511	435
Total*	975	905	970	734

* It should be noted by the Deputy that the 975 committals in 2004 accounted for 708 individuals. The figure of 905 in 2005 accounted for 658 individuals. The 970 committals in 2006 accounted for 643 individuals while the 734 committals to date in 2007 account for 531 individuals.

Ministerial Transport.

530. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 549 of 23 October 2007 the engine capacity for each Ministerial vehicle; and the carbon emissions for each in tabular readable form. [26553/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The additional information requested by the Deputy is set out in the table below. The Deputy will be aware that the cars used by Members of the Government are operated and maintained as part of the Garda fleet. The figures provided by An Garda Síochána are those established by the vehicle manufacturers in accordance with EU standards for vehicle emissions testing.

Government Member	Vehicle cc	Emissions CO ₂ gm/km
Taoiseach	3498	281
Tánaiste and Minister for Finance	2597	238
Minister for Health and Children	2398	240
Minister for Transport and the Marine	2597	238
Minister for Foreign Affairs	2995	232
Minister for Enterprise, Trade and Employment	2521	244
Minister for Arts, Sport and Tourism	2597	238
Minister for Social and Family Affairs	2597	238
Minister for Community, Rural and Gaeltacht Affairs	2521	244
Minister for Agriculture, Fisheries and Food	2597	238
Minister for Education and Science	2597	238
Minister for Defence	2995	232
Minister for Justice, Equality and Law Reform	3199	252
Minister for the Environment, Heritage and Local Government	1498	104
Minister for Communications, Energy and Natural Resources	1498	104
Minister of State with Special Responsibility as Government Chief Whip	3456	186
Minister of State with Special Responsibility for Children	3456	186
Attorney General	2995	232

Decentralisation Programme.

531. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform further to a previous parliamentary question the grades of staff and the number of each grade of staff that will move to Navan by the end of 2007 under his Department's decentralisation programme. [26556/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I previously indicated, sixty-eight posts will transfer to Navan by the end of 2007, involving the relocation of three agencies.

The grades and numbers involved in respect of the Garda Civilian Human Resources Division and the National Property Services Regulatory Authority are as follows:

Garda Civ. HR Div. (39)	Grade	Number
N.P.S.R.A. (7)	Director	1
	A.P.	3
	H.E.O.	8
	E.O.	8
	S.O.	2
	C.O.	15
	Service Officer	2
	Director	1
	A.P.	1
	H.E.O.	2
E.O.	2	
C.O.	1	

The remaining twenty-two posts are in the Office of the Director of Probation Service and the pre-

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cise grading structure will be finalised in the coming weeks.

Departmental Expenditure.

532. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the amount that was spent by his Department on official hospitality in the past 12 months. [26585/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The cost of official entertainment i.e. the costs associated with hosting visiting dignitaries, official functions and so forth for my Department for the period January 2007 to end-Sept 2007 was €28,000.

Departmental Facilities.

533. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26614/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My Department's staff are located in a number of buildings in Dublin, and one in Killarney. A hot food service is not provided at any of these locations.

Deportation Orders.

534. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [26638/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): This applicant applied for asylum on 16 September 2002. Her application was refused and a Deportation Order was made on the 11 March 2005.

The applicant instituted Judicial Review proceedings on 18 April 2005 challenging the Deportation Order made in respect of her and accordingly, as the matter is *sub judice*, I do not propose to comment further.

Residency Permits.

535. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [26639/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): I refer to the replies given to the Deputy's questions, No 371 on 31 January, 2007 and No 704 on 26 June, 2007.

As I have previously advised the Deputy the case of the person concerned falls under the terms of the Dublin II Regulation, (Council Regulation (EC) No. 343/2003). Following investigation by the Office of the Refugee Applications Commissioner a Transfer Order was signed in respect of the person concerned on 13th October, 2005, obliging her to present to the Garda National Immigration Bureau, (GNIB), in order for arrangements to be made for her transfer to the Netherlands where she had previously made an asylum application. The GNIB attempted to effect her transfer on 28th October, 2005, but the person evaded.

The person concerned continues to evade her transfer and is illegally present in the State. I would therefore urge the person concerned to come forward and present herself to the Garda National Immigration Bureau without further delay in order to allow her transfer to the Netherlands to be effected.

Deportation Orders.

536. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [26640/07]

Minister for Justice, Equality and Law Reform

(Deputy Brian Lenihan): The person concerned arrived in the State on 26 March, 2004 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The person concerned was informed by letter dated 16 November, 2004 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3 (3) (b) (ii) of the Immigration Act, 1999 (as amended) namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State i.e. why he should not be deported.

His case was examined under Section 3 (6) of the Immigration Act, 1999 (as amended), and Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of Refoulement. Consideration was given to all representations submitted on his behalf for permission to remain temporarily in the State. On 11 May, 2005 my predecessor refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this Order was

served by registered post requiring him to present himself to the Garda National Immigration Bureau (GNIB), on 16 June, 2005, in order to make travel arrangements for his deportation from the State. He presented as requested and was given further presentation dates which he kept. He is due to present again on 6 November 2007 in Ennis Garda Station. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State.

The enforcement of the Deportation Order remains an operational matter for the GNIB.

Garda Stations.

537. **Deputy Eamon Scanlon** asked the Minister for Justice, Equality and Law Reform the plans his Department have for the upgrading of a Garda Station (details supplied) in County Sligo; and if he will make a statement on the matter. [26652/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The programme of replacement and refurbishment of Garda accommodation around the country is based on agreed priorities established by An Garda Síochána in consultation with the representative associations. The programme is progressed by the Garda authorities working in close co-operation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I have been informed by the Garda authorities that the refurbishment of the station referred to by the Deputy has been placed on the Minor New Works Programme and will be progressed in that framework. I am also informed by the Garda authorities that the situation will be kept under review and the relevant Garda officials will continue to liaise closely with the Office of Public Works to ensure that the Garda accommodation requirements in this station are met.

Communications Masts.

538. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the law regarding the placing of mobile phone masts and generators next to residential developments; and if he will make a statement on the matter. [26037/07]

542. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the guidelines that have been issued to local authorities for use in considering planning applications for telecommunications infrastructure. [26475/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I

propose to take Questions Nos. 538 and 542 together.

The legislative framework for development consent is set out in the Planning and Development Acts 2000 — 2006. In general, planning permission must be sought for the erection of an antenna support structure or mast, and generators, subject to certain exemptions, as set out in the planning regulations under the above Acts.

In addition to the legal framework, my Department also provides policy guidance for planning authorities through the Guidelines on Telecommunications Antennae and Support Structures. The Guidelines, which are available on my Department's website <http://www.environ.ie>, are designed to support planning authorities in implementing Government policy in rolling out telecommunications services in an efficient and effective manner.

The Guidelines advise that in development plan policies, planning authorities should indicate their acceptance of the need for a high quality telecommunications service. They further advise that visual impact considerations should be taken into account when considering planning applications for masts and associated infrastructure, they set out a locational hierarchy in relation to the siting of radio masts, and advise that free-standing masts should only be located within or in the immediate surrounds of smaller towns or villages as a last resort.

The Commission for Communications Regulation is responsible for ensuring that telecommunications operators comply with their licence conditions relating to non-ionising radiation. It is also the function of the Commission to ensure that all operators are compliant with international guidelines for general exposure to electromagnetic fields from telecommunications masts and antennae. Planning authorities have no function in this matter.

Under the standard licence conditions, a telecommunications operator must notify the Commission for Communications Regulation of the location (including geographic coordinates) of new base stations. The locations of the sites are published by the Commission for Communications Regulation in map form for public viewing on the website <http://www.askcomreg.ie/mobile/>.

Motor Taxation.

539. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government his most recent estimate of the number of vehicles without motor tax on the road here; and if he will make a statement on the matter. [26047/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The number of drivers without motor insurance is estimated by the insurance industry to be in the

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range of one hundred thousand drivers. This is calculated by taking the number of registered vehicles from the National Vehicle and Driver File maintained by the Vehicle Registration Unit and subtracting the number of exempted vehicles, e.g., State vehicles. The resulting figure is compared to the number of policies in force. An allowance is also made for fleet insurance where a number of vehicles are insured on a single policy.

Several steps have been taken in recent years to reduce the level of uninsured driving. The Garda Traffic Corps has been substantially expanded to improve compliance with all road traffic legislation including motor insurance requirements. Legislation has also been put in place to extend the powers of the Gardaí to permit the seizure of all uninsured vehicles. In addition, since the introduction of the Penalty Points system, 6,539 persons have received penalty points for uninsured driving up to the end of September 2007. It is also planned under the recently published Road Safety Strategy 2007 — 2012 to establish a system to ensure current insurance details for all drivers can be accessed in real time by the Gardaí to facilitate enforcement.

Turbary Rights.

540. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government the status in relation to the purchase of bog lands (details supplied) in County Tipperary; the reason for delay in the processing of this application; and if he will make a statement on the matter. [26057/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have been advised by the Chief State Solicitor's Office that a letter has re-issued to the Solicitor acting for the vendor on 23 October, seeking information originally requested on 8 August 2007. The contracts cannot be executed until a satisfactory response has been received.

Proposed Legislation.

541. **Deputy Peter Power** asked the Minister for the Environment, Heritage and Local Government if the Government is planning legislation on the regulation of professional lobbyists; and if so, when the legislation will be put before the Dáil. [26442/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Arising from previous research completed by the Institute of Public Administration on behalf of the Department in 2004, my Department commissioned further research by a Trinity College / Dublin City University joint team to establish a clear profile of formal systems for regulating lobbyists in public life in certain jurisdictions,

thereby facilitating an assessment of their relevance to public life in Ireland. This research report, entitled Examining and Assessing the Regulation of Lobbyists in Canada, the USA, the EU institutions, and Germany has been published electronically on my Department's website and copies of the report were placed in the Oireachtas Library in June 2007.

The Programme for Government includes a commitment to consider legislation to regulate lobbyists, and this will be taken forward having regard to the conclusions of the Trinity College / Dublin City University report and emerging developments at international level.

Question No. 542 answered with Question No. 538.

Planning Issues.

543. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if he will review the planning guidelines for one off rural housing; and if he will make a statement on the matter. [25951/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Among the core objectives of my Department's 2005 Sustainable Rural Housing Guidelines for Planning Authorities is the need to maintain the rural fabric of society, secure more balanced regional development which will facilitate continued economic prosperity in both urban and rural locations and reverse population decline in remoter rural areas. Accordingly, the guidelines are aimed at achieving a balance between:

- facilitating rural communities to meet their own internal housing requirements by allowing a certain number of new dwellings, and
- avoiding large-scale and widespread suburbanisation of the countryside through a highly permissive approach to development of houses in rural areas close to the main cities and towns.

My Department will continue to monitor implementation of these sustainable rural planning policies to ensure an appropriate level of consistency in the application of the guidance across all counties.

Water and Sewerage Schemes.

544. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when funding will be provided for a sewerage scheme in a village (details supplied) in County Mayo. [25952/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A sewerage scheme to serve Binghamstown was

forty-sixth on the list of water and sewerage schemes submitted by Mayo County Council in response to my Department's request to all local authorities in 2006 to undertake assessments of needs for capital works in their areas and to prioritise their proposals on the basis of these assessments. These assessments were taken into account in preparing the Water Services Investment Programme 2007-2009 which I published on 17 September 2007 and which is available in the Oireachtas Library. Given the level of competing demands for the available funding, and the priorities identified by the elected members of Mayo County Council, I regret that it was not possible to include the Binghamstown scheme in the current Programme.

545. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when funding will be approved for a sewerage scheme (details supplied) in County Mayo; the position in relation to same; if funding has been approved to date; the estimated costs of the project; and if he will make a statement on the matter. [25953/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Questions Nos. 570 and 571 of 16 October 2007.

Local Authority Housing.

546. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the number of houses completed per local authority in each of the past ten years and to date in 2007; and if he will make a statement on the matter. [25954/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Details of the number of housing units completed in each local authority in each of the past ten years to 2006 and for the 6 months to end June 2007, have been published in my Department's Housing Statistics Bulletins, which are available in the Oireachtas Library, or on the Department's website at www.environ.ie.

547. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the number of houses purchased in private housing estates by local authorities, per local authority, in each of the past five years and to date in 2007; and if he will make a statement on the matter. [25955/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Details of the number of housing units completed in each local authority in each of the past ten years to 2006 and for the 6 months to end June 2007, have been published

in my Department's Housing Statistics Bulletins, which are available in the Oireachtas Library, or on the Department's website at www.environ.ie. The tenure mix of the surrounding areas for individual acquisitions varies considerably and is not recorded by my Department.

548. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the number of social and affordable houses which have been made available, per local authority, by developers in each of the past five years and to date in 2007; and if he will make a statement on the matter. [25956/07]

549. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the number of housing developments, per local authority, where the developer did not provide social and affordable housing but rather entered into an alternative arrangement with that authority; and if he will make a statement on the matter. [25957/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): I propose to take Questions Nos. 548 and 549 together.

Details of the number of housing units completed in each local authority area in each of the past ten years to 2006 and for the 6 months to end June 2007, have been published in my Department's Housing Statistics Bulletins, which are available in the Oireachtas Library, or on the Department's website at www.environ.ie.

Detailed information on alternative arrangements to the transfer of land within any proposed development, including the provision of social and affordable housing in specific housing developments, is not available in my Department and may be obtained from the relevant local authority. Composite figures on the yield of social and affordable housing under Part V arrangements are also available in the above mentioned Housing Statistics Bulletin.

Archaeological Sites.

550. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if he will re-consider his decision to allow the Turoe Stone located at Bullaun, Loughrea, County Galway to be removed to a museum in Galway City and instead provide proper protection at this location; and if he will make a statement on the matter. [25962/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 262 of 24 October 2007. The position remains unchanged.

Water and Sewerage Schemes.

551. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government when a decision will be made in respect of the application (details supplied) for funding for Crossboyne sewerage scheme. [25978/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Mayo Towns and Villages Sewerage Scheme, which includes Charlestown, Cross, The Neale, Ballyheane and Crossboyne is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008.

Mayo County Council's proposals to service Crossboyne under a Serviced Land Initiative scheme, under which waste water from Crossboyne would be treated in Claremorris, is being examined in my Department as quickly as possible in light of additional information received from the Council.

552. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the position regarding the Letterkenny sewage system; and if he will make a statement on the matter. [26006/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Letterkenny Sewerage Scheme is approved for funding under my Department's Water Services Investment Programme 2007-2009 at a cost of €29.2 million.

Donegal County Council's contract documents for the procurement of a new wastewater treatment plant for Letterkenny are currently under examination in my Department and are being dealt with as quickly as possible. Once approved, the Council will be in a position to seek tenders for this project. Work on upgrading the town's sewage collection system under the Scheme is almost completed.

Housing Grants.

553. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government if he will provide an undertaking to reintroduce a grant scheme to provide funding for householders to allow them to install protective systems in their homes to prevent the harmful effects of radon gas. [26022/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I refer to the reply to Question No. 90 of 10 October, 2007. The position is unchanged.

Local Authority Housing.

554. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the date an application was first made in relation to the purchase of a number of housing units by a local authority (details supplied); if the local authority answered the request by his Department to the clarification sought on 12 September 2007; if so, when a decision will be reached in relation to the matter in view of the fact that the units are ready for occupancy since January 2007; and if he will make a statement on the matter. [26036/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Initial papers were received from the authority on 25 April 2007. I refer to the reply to Question No. 232 of 18 October 2007. The position is unchanged.

Archaeological Sites.

555. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government if he will review and reconsider a decision made by his Departments heritage section not to allow proposed works at a graveyard (details supplied) in County Tipperary; and if he will make a statement on the matter. [26060/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In April 2007 my Department was asked for its view on a proposal to develop an access road to the graveyard in question.

This graveyard, like many others throughout Ireland, is located within an ancient church site, which dates back to between the fifth and seventh century AD. In cases like this, the surviving walled graveyard is usually part of a much larger archaeological site defined by one or a number of concentric enclosures. The buried archeological features and deposits in the area around the graveyard can be of great importance from an archeological point of view specifically because they have not have been disturbed by burials. Where my Department, in the exercise of its functions in relation to heritage protection, is asked for its views on works at or in the vicinity of such sites it takes account, in considering the matter, of the relevant circumstances in each particular case.

A Senior Archaeologist from my Department visited the graveyard in September 2007 to examine, having regard to current levels of use of the graveyard and any accompanying requirement for an access road, whether it might be possible to improve access in a sensitive manner, while minimising any impact on the archaeological features and deposits in the vicinity of the graveyard. The archaeologist was satisfied, however, that the existing graveyard is at the core of a much larger

archaeological site on which any access road would have a significant impact.

Nevertheless, in recognition of the Committee's wish to improve access to the graveyard I have arranged for the National Monuments Service of my Department to meet with the Graveyard Committee again to see what might be possible in terms of improving access in a manner that is sensitive to the archaeological features, perhaps by way of a pedestrian pathway, rather than a road as proposed.

Architectural Heritage.

556. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government his views on providing funding for the restoration of Killarney House. [26078/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A series of works has been carried out at Killarney House in Killarney National Park over recent years: the golden gates and railings of the house have been restored, a security system has been installed; and heating pipes and radiators have been upgraded. Earlier in 2007 the Gate Lodge at Killarney House was renovated for use as an assembly and information point for walking tours, at a cost of over €250,000. Essential works are also underway, in consultation with the Office of Public Works, to avoid any deterioration to the fabric of the building. These are being funded by my Department and include works to prevent dampness, the provision of dehumidifiers to all the main rooms on the ground floor and other important trench and draining works.

The Killarney National Park Management Plan 2005-2009 sets out the policy to retain and preserve the integrity and character of Killarney House both internally and externally and to provide for visitor access to certain parts as appropriate, particularly the three main furnished reception rooms. To this end, most of the contents of the house have been acquired by my Department, including some important pieces of furniture and art dating back to the Earls of Kenmare.

Detailed specialist surveys commissioned by the Office of Public Works have made it clear that significant infrastructural works are required. In particular, adequate plumbing, heating and electrical systems must be installed before the house can be opened to the public. The total cost of these works will be considerable. Planning permission for a change of use will also be necessary. Decisions on the nature and extent of works to Killarney House will, therefore, depend on the future availability of capital funding, having regard to other demands on my Department's budget.

Environmental Policy.

557. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government if he will make funding available for the implementation of the recommendations as outlined in the Rathkeale area task force document; and if he will fund the activities of the committee which has been set up to implement the recommendations. [26092/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the preliminary report of the Rathkeale Interagency Forum is due to be completed shortly and will, in due course, be submitted to relevant Government Departments, including my Department.

National Heritage Areas.

558. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the position regarding the sale of a bog to Dúchas by a person (details supplied) in County Galway; and if he will make a statement on the matter. [26098/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department executed the contracts and issued the relevant funds to the Chief State Solicitor's Office in July 2007; that office has advised that they are preparing the transfer of title in order to finalise the purchase.

Rural Environment Protection Scheme.

559. **Deputy Eamon Scanon** asked the Minister for the Environment, Heritage and Local Government the position with regard to an application under the rural renewal scheme (details supplied); and if he will make a statement on the matter. [26100/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Following an inspection of this development in May 2007, my Department requested the applicants to complete a number of specified remedial works and to submit documentation with regard to Part L of the Building Regulations. On receipt of this documentation, together with confirmation that the required works have been completed, a further inspection will be arranged with a view to issuing Certificates of Compliance, if in order.

Architectural Heritage.

560. **Deputy Mary O'Rourke** asked the Minister for the Environment, Heritage and Local Government if he has considered the proposal put forward by Athlone Town Council for the regeneration of an estate (details supplied) in

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County Westmeath; and if he will make a statement on the matter. [26122/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): I refer to the reply to Question No. 619 of 23 October 2007. The position is unchanged.

Planning Issues.

561. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government his views on amending the relevant legislation in order to require developers to consult with local residents before applying for planning permission for a significant development; and if he will make a statement on the matter. [26149/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Planning and Development Acts 2000 — 2006, any person or body is entitled to participate in the planning process; the process provides for third party participation at all stages i.e. forward planning, development management, and appeals stages. Ireland is one of the few EU Member States to have a third party appeal system. With regard to planning permission for significant developments or strategic infrastructure developments, there is also a provision for pre-application consultation with the public.

Section 37B(1) of the Planning and Development (Strategic Infrastructure) Act 2006 provides for mandatory pre-application consultation between a prospective applicant and An Bord Pleanála. Regulations made under this section give the Board powers to require a prospective applicant to undertake a full public pre-application consultation. In practical terms this enables the Board, under article 210 of the Planning and Development Regulations 2006, to oblige a prospective applicant to do one or more of the following in advance of making an application proper: erect site notices; provide a specific place or a specific website to make available the application, environmental impact statement and any other relevant documentation for inspection or purchase at a fee not exceeding the reasonable cost of making a copy; use national or local media; and hold public meetings.

In addition the Board may also require a prospective applicant to give notice at pre-application stage to bodies prescribed for the purposes of the Act.

Water and Sewerage Schemes.

562. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the position of a sewerage scheme (details supplied) in County Mayo; the stage it is

at; when the necessary funding will be provided for this scheme to progress to construction phase; and if he will make a statement on the matter. [26160/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Achill Sound Sewerage Scheme is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008.

My Department approved Mayo Council's revised Contract Documents and the invitation of tenders for the scheme in May 2007. Further progress on the scheme is a matter for the Council.

Local Authority Housing.

563. **Deputy Margaret Conlon** asked the Minister for the Environment, Heritage and Local Government when the remedial works scheme will be approved for an estate (details supplied) in County Monaghan. [26206/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): On 15 October 2007, my Department issued approval to Monaghan Town Council to proceed with remedial works to the estate in question. It is now a matter for the Council to progress this project.

Hunting Licences.

564. **Deputy Alan Shatter** asked the Minister for the Environment, Heritage and Local Government the position regarding the licence application to hunt deer made by a hunt (details supplied); if the licence sought will be refused; and when he expects to make a decision on the application. [26210/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department wrote to the Ward Union Hunt on 22 October 2007 seeking further clarification on a number of issues of serious concern to me. The Hunt has now responded and I will make my decision on the licence application as soon as possible.

Architectural Heritage.

565. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if his Department have guidelines to prevent bus depots from being installed in architectural conservation areas without consultation with local stakeholders as recently happened when the Gardaí, Dublin Bus and Dublin City Council combined to designate a bus depot on the eastern side of Mountjoy Square at the entrance to a children's playground and crèche; and if he will make a statement on the matter. [26230/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The designation of Architectural Conservation Areas is a function of the relevant planning authority under the Planning and Development Act 2000.

General guidance in relation to development control in Architectural Conservation Areas is contained in Chapter 3 of my Department's Architectural Heritage Protection Guidelines to Planning Authorities (December 2004) which is available on my Department's website at www.environ.ie.

Community Fora.

566. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the campaign in Tallaght to set up a Tallaght community forum; if such a provision is possible under current legislation; if he will discuss the matter with South Dublin County Council; and if he will make a statement on the matter. [26295/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am not aware of a campaign to set up a Community Forum on the lines set out in the question. My Department has consulted with South Dublin County Council, which is also unaware of this matter. However, annual funding is provided by my Department to South Dublin County Council to support the work of the South Dublin Community Forum and South Dublin Community Platform.

Local Government Elections.

567. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the criteria laid down for deciding the number of elected members of a county council; and if he will make a statement on the matter. [26325/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The number of elected members in each local authority is set out in section 21 and schedule 7 of the Local Government Act 2001. Unlike in the case of constituencies for the purpose of elections to Dáil Éireann, there are no specified criteria for determining the number of members appropriate for each authority.

Local Authority Funding.

568. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 597 of 23 October 2007, if he will address the particular problem of Waterford County Council in regard to its low commercial rates base (details

supplied); and if he will make a statement on the matter. [26347/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The income that each local authority generates from commercial rates is one of a number of factors taken into account in determining annual general purpose grants from the Local Government Fund. These grants are my Department's contribution towards meeting the cost to local authorities of providing an acceptable level of day-to-day services for their customers, a general purpose grant of €22.848m has been provided to Waterford County Council in 2007, representing some 32.3% of total budgeted expenditure. The Waterford grant increased by 10.8% in 2007 over 2006 and by 199% since 1997. These increases have outstripped the national average increases in general purpose grants of 8% and 179% in the same periods.

Local variations in expenditure and in income sources are an inherent feature of the local government system and take account of local circumstances and priorities and the decisions of democratically elected local authorities. Across the county and city councils, rates income as a percentage of total current expenditure varied from 6.3% to 45.6% in 2006. In the case of Waterford County Council, its rates base increased by 12.6% in the period 2005 to 2007, compared to an increase of 7.6% in Waterford City. This reflects an expansion in the rates base of the County relative to the City over this period. I am satisfied that the level of general purpose grant from the Local Government Fund notified to Waterford County Council for 2007, together with the income available to it from other sources, will enable it to provide an acceptable level of services for its customers.

Water and Sewerage Schemes.

569. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the position in relation to the proposed sewerage scheme in Skibbereen, County Cork; when he expects work to commence; and if he will make a statement on the matter. [26348/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Skibbereen Sewerage Scheme has been approved for funding under my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in the current year.

I understand that Cork County Council is currently assessing the tenders received for the upgrade of the town's sewage collection system and expects to be in a position shortly to award this contract, with a view to work starting before the end of the year. Under devolved procedures, Departmental approval of the Council's recom-

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mended tender is not required in this case provided the Council proposes to accept the most economically advantageous tender and the tender sum is within 10% of my Department's approved construction stage budget for the scheme.

The new wastewater treatment plant for Skibbereen is grouped with other wastewater treatment plants at Baltimore, Dunmanway and Schull under a single contract, for procurement purposes. The Council's revised contract documents for this project are currently under examination in my Department and are being dealt with as quickly as possible. Once approved, the Council will be in a position to seek tenders for the project.

Housing Grants.

570. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the plans he has to increase the maximum grant payable under the disabled persons grant scheme from €20,300 to a more appropriate level of funding as the current sum is inadequate; when his plans will come into effect; and if he will make a statement on the matter. [26359/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): To facilitate the continued independent occupancy of their own homes by older people and people with a disability, my Department has reviewed the operation of the Disabled Persons, Essential Repairs and Special Housing Aid for the Elderly Grant schemes. Details of the revised framework of grant aid to assist 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.

As part of the new framework, a revised grant scheme to be known as the Housing Adaptation Grant for People with a Disability will be introduced on 1 November 2007, and will assist in the provision/adaptation of accommodation to meet the needs of people with a disability. Under the revised scheme, the maximum grant available will be increased from the current €20,320 to €30,000, and will now cover up to 95% of the approved cost of works, compared to 90% previously. The grant level will increase annually in line with the building cost index, thus protecting its value into the future.

Waste Disposal.

571. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the problems being experienced by gardeners who seek a permit to deposit waste into landfill facilities at Clondalkin and Fassaroe, Bray; the bureaucracy

and cost associated with the procedures; if he will intervene to assist this business to streamline the regulations; and if he will make a statement on the matter. [26433/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Under the Waste Management Acts statutory responsibility for the granting of a waste permit rests with the local authority (or local authorities) concerned. The Minister has no function in this regard and my Department is not aware of the particular cases referred to in the Question.

The Waste Management (Collection Permit) Regulations, 2001, which provide for a system of permitting by local authorities of commercial waste collection activities, have in the main operated well. However, in recognition of concerns expressed by the business sector, and of the need better to reflect current waste management practices, my Department is revising and amending the regulations to address issues of cost and administrative complexity. The Waste Management (Collection Permit) Regulations 2007, which I will shortly finalise, will inter alia minimise the administrative and cost burden on applicants and harmonise the administration and implementation of the permitting system.

Water and Sewerage Schemes.

572. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the latest estimate from each local authority required to meet capital requirements to provide good quality water; and if he will make a statement on the matter. [26470/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The latest assessment of infrastructural requirements for water services for each local authority is set out in the Assessment of Needs produced by each County and City Council in response to my Department's request to them in 2006 to carry out fresh assessments of the need for capital works in their areas and to prioritise their proposals on the basis of the assessments. These assessments were taken into account in drawing up the Water Services Investment Programme 2007-2009, which I published on 17 September 2007 and which is available in the Oireachtas Library. Information in relation to proposals included in the assessments for any particular area, as well as information on devolved projects that may be undertaken under the Small Schemes Programme of the Rural Water Programme, may be obtained from the relevant local authority.

Natural Heritage Areas.

573. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government if, in the context of the river

basin proposals the Frenchfort Wetlands in their entirety, that is, the current special areas of conservation to the east and the westland to the west, which are dissected by the dual carriageway, are both to be protected insofar as they are integrally related, forming the one water plain; and if the river basin study acknowledges the integral connection of the water plain and its significance as water flows through it before making its egress to the sea. [26471/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Questions Nos. 508 and 509 of 9 October 2007.

All three wetlands in this area will be listed in the Environmental Protection Agency's Register of Protected Areas. The relevant draft River Basin Management Plan is due to be published for public consultation in 2008 and to be adopted in 2009.

Water and Sewerage Schemes.

574. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the amount of money allocated to Meath County Council for future sewerage scheme works with a breakdown of proposed cost by project and the proposed timeframe for each project. [26544/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Details of sewerage schemes in County Meath, including estimated costs and timeframes, are set out in my Department's Water Services Investment Programme 2007–2009 which is available in the Oireachtas Library. In addition, Meath County Council received a block grant allocation of €750,000 under the Small Public and Water and Sewerage Schemes measure of the Rural Water Programme 2007.

575. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the position in relation to the planned Cork Harbour main drainage scheme. [26564/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Cork Lower Harbour Sewerage scheme is approved for funding under my Department's Water Services Investment Programme 2007–2009 as a scheme to start construction in 2009, at an estimated cost of over €73 million. My Department awaits the submission of Cork County Council's Preliminary Report for the scheme.

Departmental Expenditure.

576. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the amount that was spent by his

Department on official hospitality in the past 12 months. [26578/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The total amount spent on official hospitality by my Department from 1 October 2006 to 30 September 2007, amounted to €218,147.

Waste Management.

577. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government if the money raised from the Waste Management (Tyres and Waste Tyres) Regulations 2007 will be specifically ring fenced for road repairs; and if he will make a statement on the matter. [26596/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Waste Management (Tyres and Waste Tyres) Regulations 2007 impose obligations on persons who supply tyres to the Irish market, whether as manufacturers, wholesalers, suppliers, traders, or retailers and on the collectors of waste tyres. An exemption from these obligations is available to persons who participate in a voluntary compliance scheme operated by an approved body. Persons covered by the Regulations have an option of self complying or participating in a voluntary compliance scheme.

The only financial provisions in the Regulations relate to registration fees payable by self complying persons and by or on behalf of farmers who accept waste tyres from self complying collectors. The purpose of these fees is to cover the costs incurred by local authorities in the registration process. No registration fees will be payable to local authorities in the event of all persons involved opting to participate in a voluntary compliance scheme operated by an approved body.

These new Regulations will now provide a proper regulatory framework for comparing quantities of waste tyres arising with the amounts placed on the market and for tracking the movement of waste tyres from the time they are discarded until they are either reused or processed for recycling.

There is scope for the beneficial use of waste tyres for applications including in farming activities. Therefore the Regulations allow farmers, who require waste tyres to anchor silage covering, to store up to eight waste tyres for every square metre of the floor area of their silage pit, without the need to have a waste permit. Others requiring waste tyres for genuine reuse, such as marinas, will be able to source them subject to the approval of local authorities and compliance with the existing Regulations governing waste permits.

Ireland has had considerable success in improving its recycling performance for other waste streams in packaging, farm plastics and, most recently, in the successful WEEE recycling

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scheme. The tyre industry is now required to meet a similar challenge by participating in a modern approach to the management of this waste stream.

Departmental Facilities.

578. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26610/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A canteen and hot food service is only provided for staff in my Department's Headquarters in the Custom House. This service is provided by private contractors and I am informed by the company that Ireland is the country of origin of the produce in question.

Water and Sewerage Schemes.

579. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local Government the position in regard to the Glenties sewerage scheme, County Donegal; and if he will make a statement on the matter. [26618/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Glenties Sewerage Scheme was being advanced as a joint project that also includes schemes for Dungloe and Gweedore. My Department has approved Donegal County Council's Preliminary Reports for each location and the overall project is included in my Department's Water Services Investment Programme 2007-2009 to begin construction in 2008.

Donegal County Council recently submitted clarification to my Department on a proposal to proceed with the Glenties and Dungloe elements of the project in advance of Gweedore, and my Department will examine this proposal as quickly as possible.

Alternative Energy Projects.

580. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources if there are proposals to reinstate the grant rates under the greener homes schemes for heating systems based on renewable energy sources. [26473/07]

581. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources if there are plans to extend the greener

homes schemes to include log stoves, boilers and gas fires. [26474/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 580 and 581 together.

Phase I of the Greener Homes Scheme fulfilled all of its initial objectives and surpassed its targets ahead of schedule.

In light of the success of Phase I, Phase II of the Greener Homes Scheme was launched on 1st October with some adjustments reflecting market developments. The grant levels have been reduced for some technologies where the market has reached a level of maturity to allow it to continue at a lower rate of support. Other grant levels remain unchanged. The products that continue to be grant aided under Phase II are solar panels, wood pellet and woodchip boilers, combined heat and power (CHP) units and geothermal pumps.

The objective of Phase II is to consolidate the market, underpinning it with quality standards and training and providing for a long-term future that is not necessarily grant dependent. With this in mind the new phase is about ensuring that the market for the qualifying products, services and fuels continues to develop in a robust and competitive manner. In this Phase II will help secure a range of objectives including more competitive offerings, revised product standards, improved training standards and greater stability across the renewable heating industry.

I am keeping under review the future scope for including other renewable energy products under the Greener Homes Scheme. In addition to overall budgetary considerations relevant factors would include product standards, supplier capability, installation quality assurance, energy and CO₂ saving impact, market impact potential and, ultimately, value for money for the taxpayer.

Electricity Generation.

582. **Deputy Terence Flanagan** asked the Minister for Communications, Energy and Natural Resources the arrangements made to compensate ESOP as a result of his decision to alter the ESB and give away sites (details supplied); and if he will make a statement on the matter. [25949/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Energy Policy White Paper and the Programme for Government contain a range of actions to deliver greater competition, energy security of supply and a low carbon future for Ireland, including the transfer to EirGrid of ownership of the transmission assets and the sale or divestment of ESB capacity under the CER-ESB Asset Strategy.

While the decisions regarding practical implementation of the CER-ESB Asset Strategy are a commercial matter for the company, in consul-

tation with the Regulator, the mechanisms to implement the transfer to EirGrid of ownership of the assets comprise a range of legislative, commercial, legal and financial dimensions, which are currently under consideration.

In line with successive Partnership Agreements, there will be a full process of engagement with the management and unions of both ESB and EirGrid on implementation of the transfer of the asset ownership function. The process will also include engagement on legitimate concerns of the ESB's Employee Share Ownership Trust (ESOT).

Government policy will be implemented in a way that ensures the future of both EirGrid and ESB as strong Semi State companies, as well as reflecting the position of the State and the ESOT as shareholders. It is my intention that the ESB Group will remain a strong, commercially viable and integrated entity after completion of this process.

Broadcasting Services.

583. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources his views on providing a channel dedicated to the democratic discussions in Dáil Éireann and make it available on terrestrial television; and if he will make a statement on the matter. [25995/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Section 28(2)(b) of the Broadcasting Act, 2001 mandates RTÉ to provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament.

Section 45(4)(c) of the 2001 Act mandates TG4 to provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament.

Whilst both RTÉ and TG4 devote considerable resources and efforts, within the constraints of their programming schedules, to coverage and commentary of the proceedings of the Houses of the Oireachtas, I believe there is a need for direct public access to live proceedings of both Houses and to the work carried out by committees of the Oireachtas.

In that regard, and in the light of the opportunities offered by the introduction of digital terrestrial television, I propose to work with the Houses of the Oireachtas to explore the possibilities for the introduction of programming carrying live feeds of Oireachtas business.

Alternative Energy Projects.

584. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources if there is grant-aid available from his Department in respect of the proposed project

(details supplied); and his Department's policy in this area. [26440/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government is fully committed to developing both domestic and commercial scale renewable technologies. In relation to biomass heating, support has been focussed on stimulating demand for wood heating products in the market, both at domestic and commercial level. A range of measures are in place which are designed to increase market penetration of renewable energy in the heat sector and which will support delivery of our targets of 5% renewable heating by 2010 and 12% by 2020. The Greener Homes, ReHeat and CHP programmes provide grants for the installation of renewable heat technologies across a wide range of sectors including the domestic, community, voluntary, public sector, and commercial and business sectors. These grant schemes are implemented by Sustainable Energy Ireland.

These support mechanisms are stimulating significant demand for renewable heat technologies which in turn is supporting the expansion of market opportunities on the supply side including wood pellet production facilities. I welcome the growth in economic activity in the Renewable energy sector and we will continue to support that growth through incentivising the demand side as necessary.

I can also advise the Deputy that my colleague Deputy Mary Coughlan, Minister for Agriculture, Fisheries and Food, has introduced a special scheme of supports funding €1.2 million to grant aid biomass harvesting machinery, such as harvesters and chippers for processing of forest biomass.

Communications Masts.

585. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources the person who is responsible for testing emissions from telecommunications masts; the legislative framework for monitoring and testing masts. [26475/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Commission for Communications Regulation (ComReg) is responsible for ensuring compliance by mobile network operators with certain conditions, one of which relates to non-ionising radiation emissions from radio installations associated with Mobile Telephony networks.

Section 5(4) of Statutory Instrument No.339 of 2003, entitled Wireless Telegraphy (GSM Mobile Telephony Licence) (Amendment) Regulations, 2003, sets out as a condition of a licence requirements in relation to the control of non-ionising radiation emissions from radio installations

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associated with mobile telephony networks operated by companies licensed by ComReg.

The way in which ComReg ensures compliance with these statutory obligations is a matter for ComReg and I have no function in the matter.

More generally, since 1st May, 2007, all matters pertaining to the potential health effects of electromagnetic radiation are the responsibility of the Minister for the Environment, Heritage and Local Government.

Departmental Expenditure.

586. **Deputy Damien English** asked the Minister for Communications, Energy and Natural Resources the amount that was spent by his Department on official hospitality in the past 12 months. [26573/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I wish to advise the Deputy that an amount of €52,750.06 was spent by my Department in

respect of official hospitality, including official entertainment and official gifts, in the period 1 October 2006 to 30 September 2007.

Departmental Facilities.

587. **Deputy Damien English** asked the Minister for Communications, Energy and Natural Resources the number of buildings within his Department that have a canteen or hot food service for staff; the location of each building; the country of origin for beef, pork, chicken and lamb sourced for each building; if he will provide the information in tabular readable form; and if he will make a statement on the matter. [26605/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): There are staff restaurants in two buildings operated by my Department at the following locations: DCENR, 29/31 Adelaide Road, Dublin 2, and DCENR, Leeson Lane, Dublin 2. Both restaurants are operated through external franchise by Regent Catering, which purchases its meat from certified Irish sources.