



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 1 November 2007.

Visit of US Delegation...	1481
Requests to Move Adjournment of Dáil under Standing Order 32 ...	1481
Order of Business ...	1482
Private Members' Business:	
Civil Unions Bill 2006: Restoration to Order Paper (<i>resumed</i>) ...	1491
Criminal Law (Human Trafficking) Bill 2007:	
Second Stage (<i>resumed</i>) ...	1523
Referral to Select Committee ...	1551
Charities Bill 2007: Second Stage (<i>resumed</i>) ...	1551
Ceisteanna — Questions	
Minister for Community, Rural and Gaeltacht Affairs	
Priority Questions ...	1561
Adjournment Debate Matters ...	1584
Adjournment Debate	
Health and Safety Regulations ...	1585
Unemployment Levels ...	1589
Schools Building Projects ...	1593
Telecommunications Services ...	1595
Questions: Written Answers ...	1601

DÁIL ÉIREANN

*Déardaoin, 1 Samhain 2007.
Thursday, 1 November 2007.*

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

Paidir.

Prayer.

Visit of US Delegation.

An Ceann Comhairle: Before proceeding with the Order of Business, I wish, on my own behalf and on behalf of the Members of Dáil Éireann, to extend a céad míle fáilte, a most sincere welcome, to a delegation from the United States of America, led by the Governor of Oklahoma, Brad Henry. I hope the delegates will find their visit enjoyable, successful and to our mutual benefit.

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 on 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 haphazard development of the family law system which has led to overcrowded lists, lengthy adjournments and sittings late into the night, particularly in country areas, with justice being delivered from 8 a.m. to 9 p.m., to the detriment of families and the welfare of children.

Deputy Paul Connaughton: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, retrospective payments of State pensions to persons such as old age pensioners, widowers and other such categories of people who, for a variety of reasons, did not make an application for their pension until after their relevant birthday, at which point eligibility had passed, and were subsequently denied retrospective payment despite the fact that they would have been entitled to their pensions had they applied on time and in view of the fact that legislation was introduced in the Dáil last week to allow such retrospective payment be made to a former Government Mini-

ster; and if the new law applies equally to all citizens in similar circumstances.

Deputy Johnny Brady: Fine Gael got the same after 1973. There was not a word about that.

Deputy Paul Connaughton: The Deputy is hurt.

(Interruptions).

An Ceann Comhairle: The ball has not been thrown in yet.

Deputy Brian O'Shea: In accordance with the terms of Standing Order 32, I seek the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention, namely, the need for the Taoiseach and Government to outline the urgent action they propose to take to minimise potential job losses at Waterford Crystal, bearing in mind the devastating effect the indicated level of job losses would have on the workers, their families and the Waterford economy. In view of the importance of this issue, I hope the Ceann Comhairle will agree to my request.

Deputy Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 32 to address the following matter of urgent national importance, namely, the announcement that 470 jobs are to be lost at Waterford Crystal; the necessity for the Minister for Enterprise, Trade and Employment to outline what steps were taken by his Department and other relevant Government agencies to avert these job losses; and the necessity for the Minister to make a statement to the House outlining in detail what is being done by the Government to ensure the creation of new jobs in regional towns which have been left devastated as major manufacturing employers have closed down in recent months.

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

Order of Business.

The Tánaiste: It is proposed to take No. 13, Criminal Law (Human Trafficking) Bill 2007 — Second Stage (resumed) and No. 14, Charities Bill 2007 — Second Stage (resumed). Private Members' business, No. 24, motion re Civil Unions Bill 2006 (resumed), is to be taken immediately after the Order of Business and to conclude after 90 minutes.

Deputy Enda Kenny: The Tánaiste stated in the House that it was intriguing that the requirement to apply for a pension within six months does not apply to any other public service pension. Is it intended to make the application system for all pensions equitable, in the sense that

[Deputy Enda Kenny.]

a number of people who did not apply in time for what might be called public service pensions, having reached pensionable age, were denied their full pension? Is it intended to change the law to create equity in that regard?

An Ceann Comhairle: Is legislation promised?

The Tánaiste: No.

Deputy Enda Kenny: In 1992, the Labour Relations Commission produced a code of practice to deal with disputes in essential services. Today, we are told that ten operations have been cancelled in Tralee General Hospital because of a dispute involving electricians. There has also been an announcement by the flagship company, Waterford Crystal, to move 500 jobs abroad. In other areas, particularly in the health service, disputes involving essential services now occur. In view of the fact that nothing has been done since the code of practice was produced and adopted in 1992, is it the Government's intention to introduce legislation based on the code of conduct for the provision of essential services with a view to moving the matter forward and arriving at a position in which such disputes can be prevented or dealt with in a more cohesive and coherent fashion?

An Ceann Comhairle: Is legislation promised in these areas?

The Tánaiste: I am not aware that legislation is promised to place the guidelines the Deputy mentioned on a statutory footing. The problem with all industrial relations disputes is that they usually arise when people do not engage in best industrial relations practice. On the particular issue causing a problem at the moment, the public will look askance at the fact that determining who puts a light bulb in a light fitting requires the sort of actions being taken at present which have discommoded patients and affected activity in hospitals throughout the south and south east. Given that we are setting up a health forum to try to get people to work together and deal with issues surrounding reform of the health service, that such circumstances would arise out of such an issue marks a failure by unions and management to resolve matters in a sensible way. It is an indication of how steep the incline seems to be in terms of reforming the health service when this sort of disproportionate consequence arises out of an issue which should be resolved in a common sense manner, particularly given the challenge facing everybody in trying to provide a health service that meets the expectations of the public.

Craft workers who are members of the TEEU are engaged in industrial action in the HSE southern area. They withdrew from on-call and call-out services from 16 July. The issues in dispute have been the subject of five conciliation

conferences, most recently on 9 October. The management is satisfied that progress has been made on all issues, namely, maintenance structures, contractors, on-call and call-out, promotions, the Labour Court recommendation on the change agenda at Cork University Hospital and retrospective payments for increases due under Sustaining Progress and Towards 2016. However, agreement has not been reached and the union has refused to refer the matter to a full hearing of the Labour Court.

People must resume normal activities and enable the industrial relations machinery to be utilised, as is being done in a range of other ways, to avoid a situation in which patients or operations are put at risk. There are enough issues and problems in the health service without being exacerbated in this way. I ask everyone to take responsibility and deal with the matter in the way to which the public is entitled to expect.

As Minister for the public service, I examined the other matter under discussion on the basis that a conditionality applied to the category of public servants into which politicians fall that did not apply elsewhere. The same criteria should apply across the board where one's right to entitlement is not compromised or undermined by a failure to apply in writing within a specified period, a criterion that is not the case in respect of other public service arrangements. It was necessary to put this category on a similar footing. A case was made and I received advice and discussed the issue. There were opinions on both sides of the fence and I reached a decision. Instead of exceptionalising an individual, putting the individual in the same position as other public service workers was the basis of my decision.

Deputy Enda Kenny: While I understand the Tánaiste's point of view, there is inequity in the treatment of people who apply for an ordinary old age pension, which could be described as a public pension in the sense that it is paid for by the public. Is it intended to provide equity across the board for public servants and those who apply for pensions from the State?

The Tánaiste: I dealt with this matter as Minister for the public service in the context of how all public servants are treated when the right to an entitlement to a pension arises. The question of social welfare policy is a matter in the first instance for the Minister for Social and Family Affairs, but the legislative provisions relating to late claims for social welfare benefits are set out in section 241 of the Social Welfare Consolidation Act 2005, which provides a mechanism for the back-dating of State pension claims up to and beyond five years where there are grounds for doing so. It amounts to 100% for the first year's arrears, 50% for the second year, 30% for the third year, 20% for the fourth year and 10% for the fifth and subsequent years.

Deputy Eamon Gilmore: I wish to raise two matters with the Tánaiste. Does the Government intend to do anything about the significant job losses at Waterford Crystal or to meet the owners, management or employee representatives to discuss yesterday's announcement? What knowledge has the Government concerning the location to which the jobs are being transferred? Are they being transferred to the Czech Republic, as reported in Irish newspapers, or Slovenia, as reported in the Slovenian press?

The second matter relates to the next banana skin on which the Government is about to step, namely, the reduction in funding for community child care facilities. Currently, they are in receipt of certain funding for staff, but it will be withdrawn except in respect of the children of parents on social welfare payments or the family income supplement. Parents working and in receipt of low or middle incomes will experience considerable increases in child care costs in the middle of next year. Given the number affected, this will be a significant issue. What are the Government's plans to address it and will the Minister of State with responsibility for children abandon or change his plan to reduce the funding?

An Ceann Comhairle: Is legislation promised on either of these matters?

The Tánaiste: I am not sure whether legislation is promised, but I can reply to the Deputy if he wishes. At Waterford Wedgwood's AGM on 11 October, the company outlined that its sales were down by 9% due to the impact of the dollar exchange rate, which has since deteriorated further. That issue is not within the Government's control. The group announced that it was in final talks to place 50 million preference shares with a major international investor and a significant root and branch restructuring of the business. Enterprise Ireland has been in constant contact with the company to give every assistance possible.

Yesterday, the company spoke to its workers and stated that it would be seeking voluntary redundancies, which could mean a loss of up to 500 jobs during the next 18 months to two years. It is a disappointing development for the workers and their families. The Government is urging the agencies to be on alert to assist workers in finding alternative employment following the redundancies and extra skills training will be provided to those who need it.

Two years ago in Dungarvan, 300 workers were made redundant, but only approximately 20 of them are currently on the live register thanks to the co-operation of Government agencies. This shows what can be done with a proactive approach. Alternative employment was found for 280 people and every effort will be made to repeat that success in respect of the people who received yesterday's bad news.

This issue arises against a backdrop of significant job announcements in Waterford in the past five years. The latest development in the case of a major company so closely associated with the city and county is disappointing. It is trade-related and we must use the previous Dungarvan example to determine how to assist workers at this difficult time.

Deputy Gilmore referred to the child care subvention scheme for 2008-10, which arises from a timely review of the development of child care facilities since the Government first began providing significant funding in this necessary area. The scheme will provide child care services to disadvantaged parents at reduced fees. It is not a cutback, rather it will receive €157 million in the next three years, 16% more funding in 2008 than was allocated to the 2007 staffing grants. It is untrue to state that 10,000 child care places are at risk or that community child care facilities might be forced to close.

The scheme is part of an overall funding package for the next three years of more than €575 million under the national child care programme and it will create 50,000 child care places in addition to the 35,000 created under the previous scheme. Grant funding under the previous scheme was capped, but such is not the case under the new scheme. Subvention rates under the new scheme are €80 for people on welfare and €30 for people on FIS, with an additional supplement of €30 in the case of a baby place. All parents using these services will benefit from child care at a lower cost than is generally available.

An Ceann Comhairle: We had a full debate on that yesterday evening. We cannot raise matters that are not appropriate to the Order of Business because we could ramble all day. We must insist on the items being in order.

Deputy Kathleen Lynch: It is unresolved. It must be dealt with.

Deputy Eamon Gilmore: It will save time when it becomes a problem.

Deputy Joanna Tuffy: Today's newspapers carry a report that alcohol consumption is rising. The strategic task force on alcohol proposed that legislation to reduce children's exposure to alcohol advertising, sponsorship and promotions be enacted without delay. In 2003 the Taoiseach promised that the Minister for Health and Children would shortly bring forward legislation to protect young people from exposure to alcohol marketing. At what stage is that legislation? I understand there was an alcohol products Bill which would require off-licences to label products. At what stage is that?

The Tánaiste: Legislation promised in this area relates to the alcohol products control of advertis-

[The Tánaiste.]

ing, sponsorship and marketing practices-sales promotion Bill, which is designed to protect children and adolescents from over-exposure to alcohol advertising. The Minister has received the first report from the monitoring group established to oversee adherence to the voluntary codes. The Department and the Minister are considering the report and a decision on whether the legislation will be reactivated has not been made. I take the Deputy's point that alcohol abuse, as we see in that report, has long-term and short-term consequences for the health of the nation. It requires constant vigilance on our part to implement alcohol policies which lead to responsible drinking and avoid abuse. Unfortunately we have seen recently what many would regard as irresponsible behaviour from a cohort of people, particularly at weekends. Responsible Ministers in various areas will have to take the matter on board and respond more effectively.

Deputy Caoimhghín Ó Caoláin: I wish to ask about two Bills under the Department of Education and Science for which the heads have not been agreed by Government. The education Ireland Bill is proposed to establish a body to regulate the provision of education services primarily in the field of language education and the teaching of English to non-English speaking visiting students. The George Mitchell Scholarship Fund Act 1998 amendment Bill is to amend the legislation to facilitate an increase in Ireland's contribution to the fund over the next five years. In each of these cases publication is expected in 2008. Will the Minister indicate whether the heads of the Bills have been agreed in each case since the legislative programme was published in September? They do not strike me as being of major complexity. It would be interesting to note whether progress is being made towards publication in each of these cases.

Reflecting on the earlier point I raised, will the Minister for Enterprise, Trade and Employment address the House on the continual haemorrhage of real jobs in major towns around our country?

An Ceann Comhairle: The latter question is not in order.

The Tánaiste: In both cases the heads of the Bills have not been agreed. Preparatory work continues on both Bills and the expected publication date is next year. I will bring the Deputy's inquiry to the attention of the relevant Ministers and see how they can be expedited. It is a question of priority legislation taking precedence, but I take the point that they are both important Bills in their fields. The unfortunate announcement in Waterford yesterday is against the backdrop of significant job announcements in that city in recent years. A French pharmaceutical company, Servier, announced the creation of 155 jobs in 2006, and there are several others.

An Ceann Comhairle: We cannot discuss that now.

The Tánaiste: It is in the context of job creation in Waterford, although that is not of immediate consolation to those whose jobs are at risk. When there were similar losses at the Dungarvan plant there was a successful rate of return to the workforce for many of those skilled workers because of proactive efforts on the part of State agencies.

Deputy Richard Bruton: It is predicted that housing completions next year will be half of this year's number. The Government's policy on housing for people in need had been dependent on a quota of private houses becoming available for social and affordable housing. Those targets are not being met. When will the social housing miscellaneous provisions Bill come forward for debate? This is an important issue. We will see a collapse in availability of social and affordable housing units next year while the waiting lists for them are growing. The House must try to anticipate the problems this will throw up and plan for them now.

The Tánaiste: The Bill mentioned is designed to provide for a programme of social housing reforms aimed at improving services and their delivery, including strengthening local authority powers to deal with anti-social behaviour, expand the paths to home ownership for tenants and provide for the rental accommodation scheme. The heads of that Bill have been approved and the publication date is early 2008. The Minister of State at the Department of the Environment, Heritage and Local Government with responsibility for housing, Deputy Batt O'Keeffe, made a full statement on housing policy in the Seanad yesterday evening. I commend it to Members for the continuing significant investment he indicates for social and affordable housing in the coming months and years.

Deputy Bernard J. Durkan: In view of the recent sad loss of Shannon Airport's Heathrow landing slots, when is it intended to introduce the new aviation commission, lest there be further losses in that area? It is promised legislation and it could be fortuitous to bring it into the House as soon as possible.

The Tánaiste: The aviation regulation Bill is intended to provide for the separation of the safety regulation role of the Irish Aviation Authority and the establishment of a new aviation commission. It is not germane to the issue the Deputy raised but its publication date is next year.

Deputy Bernard J. Durkan: It could be related to safety. It is a belt and braces job.

Deputy Ciarán Lynch: In the programme for Government there is a recommendation that an

all-party committee on property rights be established. When is it intended that committee will be set up? Will the private residential tenancy board be considered under the Bill that is due to come before the House next March? A loophole in the legislation allows landlords to opt out of registering with the PRTB by declaring themselves as licensees. This practice is widespread throughout the country. Will the housing miscellaneous provisions Bill close that loophole?

The Tánaiste: I do not have the answer to the Deputy's second question but I will make inquiries from the Department and have them communicated directly to him. A previous committee made recommendations on the first matter and it could go on the agenda of the All-Party Committee on the Constitution, which was established under new arrangements.

Deputy Thomas P. Broughan: Further to Deputy Durkan's question, is legislation on Shannon and Cork airports planned? On the long-promised package for Shannon Airport, €53 million was advocated earlier in the summer for route promotion and so on. Will the Tánaiste make an announcement on that before or in the budget?

In many parts of this and other cities throughout the country householders had a terrible time last night. The fireworks legislation introduced by the Tánaiste's former colleague, *11 o'clock* former Deputy Michael McDowell, was of some benefit but there was still a good deal of irresponsibility on the part of businesses. Many households endured a terrifying night with fires lit beside their back or front gardens. There was mayhem. When I travelled through my constituency around midnight I saw the impact of this. Perhaps the Minister, Deputy Ó Cuív, could be given a role in this regard, although I am not sure what that Minister actually does——

Deputy Eamon Gilmore: The Minister for Hallowe'en.

Deputy Bernard J. Durkan: Guy Fawkes.

Deputy Thomas P. Broughan: Perhaps he could be the Minister for Hallowe'en. Nobody takes responsibility for it.

An Ceann Comhairle: Deputy Broughan is out of order, as he well knows.

Deputy Thomas P. Broughan: Last night many people were terrorised——

An Ceann Comhairle: The Deputy must find another way to raise the issue.

Deputy Thomas P. Broughan: The Tánaiste understands this as it probably happened in his home town. What can we do about it?

The Tánaiste: Was the Deputy going around Dublin North-East wearing a black cape?

Deputy Michael D. Higgins: The Tánaiste always wears a long black coat.

Deputy Michael Ring: If I had my way I would have sent out Willie O'Dea.

The Tánaiste: I commend the Deputy on his assiduous attention to his constituency, even at that hour of the night. It is obviously a competitive constituency.

Deputy Thomas P. Broughan: It is a big constituency.

The Tánaiste: Fortunately, no legislation has been promised on Hallowe'en, nor was legislation required or promised with regard to the separation of the airports. The Deputy mentioned the group from that region who spoke about an allocation of €53 million for route promotion. That was a recommendation from a group in that area, not a Government commitment.

Deputy Jan O'Sullivan: It was a promise from a former Minister.

The Tánaiste: There is obviously an economic and tourism package being dealt with and the reference to €53 million comes from that.

Deputy James Bannon: In light of a report in *The Irish Times* today about a grieving mother who could not understand why an off-duty garda was not tested at the scene of an accident, when will legislation be introduced to deal with mandatory alcohol testing at the scene of an accident? Will several accidents be required to compel the Government to take action?

The Tánaiste: Legislation on mandatory breath testing is due to be introduced next year.

Deputy Charles Flanagan: It is a year since legislation was introduced to establish a legal services ombudsman. The Bill was referred by the House last year to a committee. There are indications by the Government that the Bill is parked indefinitely so there is a degree of uncertainty about the matter. Will the Minister confirm that the legislation will be dealt with at the earliest opportunity, having regard to the urgency of the matter?

The Tánaiste: I understand it will be dealt with in this session.

Deputy Charles Flanagan: Will it be passed in this session?

The Tánaiste: It will be published in this session.

Deputy Charles Flanagan: This is the difficulty. I accept that the general election intervened but this legislation has already been published. It appears to be in limbo rather than sent to a committee. Can this be clarified? It was included on yesterday's Order Paper as a live Bill, as it were, but there appears to be uncertainty on the part of the Government about its status. The difficulty is that I do not believe the Government has the will to proceed with it. It was introduced by the former Minister, former Deputy Michael McDowell, but has been parked in a way that causes uncertainty. Will the Tánaiste clarify if it is the Government's intention to proceed with the legislation to provide for the appointment of a legal services ombudsman, having regard to current difficulties in this area?

The Tánaiste: It is probably best to ask the Minister for Justice, Equality and Law Reform who took office following the election what priority it has. I will ask the Minister to communicate with the Deputy.

Deputy James Reilly: Will the Minister use the opportunity of the budget to correct the current disgraceful low income threshold for medical cards, which is just above half of the minimum wage?

An Ceann Comhairle: There is no legislation promised in that area. I call Deputy Penrose.

Deputy Bernard J. Durkan: It is disgraceful.

Deputy Willie Penrose: The Tánaiste will be acutely aware that the Company Law Act was passed in 1963 and that 13 further Acts were passed pertaining to company law. When is it envisaged that a company law consolidation Bill to amalgamate the Company Law Acts will be introduced? This would make the law in this area more clear for directors, shareholders and, importantly, the general public.

The Tánaiste: That important legislation will be introduced next year. Indeed, I recall that the last committee to deal with this some years ago included the late Deputy Cluskey and former Deputy John Bruton.

Private Members' Business.

Civil Unions Bill 2006: Restoration to Order Paper (Resumed).

The following motion was moved by Deputy Brendan Howlin on Wednesday, 31 October 2007:

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.

Debate resumed on 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."

— (Minister for Justice, Equality and Law Reform).

An Ceann Comhairle: Deputy Deasy is sharing time with Deputy Bannon. The Deputies have five minutes each.

Deputy John Deasy: I wish to raise an issue that affects not only same sex couples but also unmarried couples. In the last couple of days the Taoiseach and others have spoken about introducing legislation within months to deal with civil

partnerships and the issues that go with it. However, people might not be aware that the Finance Act 2007, enacted last February, strips some basic rights under the tax laws from unmarried couples, be they same sex or not. While the Government talks about extending rights, some basic tax rights have been removed in the last nine months.

Section 130 of the Finance Act 2000 provided relief from capital acquisitions tax for many home sharers upon the death of a partner. In his speech on this section in 1999, the then Minister, former Deputy Charles McCreedy, spoke about those in family and personal relationships who, under tax law, are treated as strangers. The section was passed to ensure that when somebody in a long-term but unmarried relationship who suffered the death of their partner and subsequently inherited the family home would not be subject to massive inheritance tax where a will was not made. One can understand the reason for it. It did not provide for equality perhaps but provided some element of fairness for unmarried couples under the tax law.

Speaking on the Finance Bill 2007 the current Minister, Deputy Cowen, said he was introducing a provision to deal with such manufactured situations that came within the scope of a section that was contemplated for a completely different, more bona fide set of circumstances. He tabled the amendment to close off any use of the provision in a manner that was not contemplated originally. He went on to say that he did not discern endemic fraud in this regard. What happened however was a blanket change that affected cohabiting couples. Section 116 of the Finance Act 2007 was passed. It effectively abolished the relief except for reasons of old age or infirmity. Deputy Cowen said the amendment was supposed to address some anomalies but the result was a blanket change in the law.

I have been contacted by a number of solicitors in Waterford about this. They have given me some examples of its effect. Take the example of two people in a long-term relationship where the dwelling house is owned by one of them. If the property owning partner dies leaving the dwelling house to his surviving partner and if the dwelling house was worth €400,000, the tax liability will be €400,000 less €25,000 tax exemption which leaves €375,000 taxed at 20% and amounts to approximately €75,000. That is the difference between being married and unmarried in this country. In this case it is €75,000. One solicitor told me he contacted the Revenue Commissioners on behalf of a client and was informed there have been numerous complaints about this but that they can do nothing because the law is passed.

The purpose of the amendment to the Finance Act 2007 was to limit the relief and restrain high net worth individuals from abusing the tax code and evading tax. Unwittingly, the amendment did not take account of the different types of human relationships that exist in a modern secular

society like ours and the effect a law like this can have on lives. We are talking about extending rights to same sex couples in the areas of tax, social welfare and inheritance, and that is fine, but some of the vital tax rights that were balanced by previous legislation have been taken away within the past eight or nine months.

In the 2006 census there were 2,090 same sex couples in this country and there were more than 121,000 unmarried couples so we should get the proportion correct because that is 11.6% of all family units. I understand the Labour Party's goal for this motion and I support it but it is not the complete picture. We should spare a thought for heterosexual couples that are not being treated fairly under our tax code. If rights are to be extended to same sex couples under civil partnership, unmarried couples must also be dealt with fairly and this should begin with this year's Finance Bill, rather than wait for a Civil Unions Bill in March. If we are to make a practical difference in people's lives, be they in same sex or unmarried couples, we can start with this year's Finance Bill and amend the Finance Act 2007. This would make a practical difference for people facing massive tax bills on inheritances when a will has not been made.

Deputy James Bannon: I support this motion and thank the Labour Party for bringing this important issue back before the House. With my Fine Gael colleagues, I call on the Government to legislate for civil partnerships early in the life of this Dáil. I ask the Government to reactivate the Civil Unions Bill in the interest of equality.

In a U-turn last night, that was, of course, presented as a new idea, the Government had another conversion on the road to extinction, which is becoming shorter by the minute. Do rights of citizenship apply only to the current Government? It is easy to believe that they do. What Government, when it is not covering its back and feathering its nest, would oppose a Bill that would allow all citizens, regardless of sex or status, to share equal rights to property, inheritance, tax benefits, social welfare entitlements, next of kin rights, workplace entitlements and full pension provisions? The answer to this is clear to all. The Fianna Fáil-Progressive Democrats-Green Party Government is ensuring, by blocking this legislation, that Ireland is one of only two major western European states with no legislative provision for same sex relationships. What will be the price of the Green Party support for the Bill as evidenced last February? How will that party's avowed support for equality for same sex relationships marry with the Fianna Fáil-Progressive Democrats' stalling on the issue?

We must bear in mind that we have benefited greatly from our membership of the European Union. We must embrace matters other than those with immediate financial benefits for the country. Equality in Ireland should reflect equality throughout the European Union and

[Deputy James Bannon.]

those seeking it should be encouraged. If the Minister waits much longer on this issue he will be forced to take action by an EU directive.

In the High Court judgment on Gilligan and Zappone v. the Revenue Commissioners on 14 February 2006 Ms Justice Dunne stated that people in the position of the plaintiffs, be they same sex or heterosexual couples, can suffer great difficulty and hardship in the event of the serious illness or death of a partner. Dr. Zappone spoke eloquently when giving evidence to the court and said that ultimately it is for the Legislature to determine the extent to which such changes should be made. The ball is back in The Minister's court.

As a result of an amendment passed on a report in the House of Lords the UK's civil partnership bill provides for close family members to register as civil partners, whether of the same sex or the opposite sex. Ireland lags behind the rest of the EU in its recognition of same sex relationships and risks falling further behind, to the detriment of many of our citizens, if the Government does not take action to reactivate legislation. Three extensive reports on this were published in 2006 but none of the options outlined has been acted on.

Last February, in voting down the Labour Party's Private Members' Bill, the Government argued it was unconstitutional but it failed to say why. Surely this is a cut and dry matter and the Government's legal advisers can outline their reasons for rejecting it. It was pointed out at the time that all the speeches on the motion supported the concept of same sex civil unions and it was also noted that sympathetic speeches came from the Government backbenches. As they say, where there is life there is hope, and Fine Gael has hope on this issue. It was the first party to publish a comprehensive civil partnership plan in 2004, following a commitment in the viable justice document of 2002. We support the reactivation of the Civil Unions Bill and call on the Government to do likewise today. I appeal to the Minister on this matter.

Deputy Martin Mansergh: I wish to share time with Deputies Kitt, O'Connor and White.

I welcome the opportunity presented by the Labour Party's Private Member' Bill to discuss an important subject that will clearly be an early part of the legislative programme of the Thirtieth Dáil.

In the programme for Government, there is a commitment to legislate for civil partnerships at the earliest possible date, taking account of the outcome of a Supreme Court case and a range of options and recommendations put forward by various bodies listed by the Minister in his speech. He might include in those options a paper, for which I wrote the foreword, just issued by the Iona Institute and written by David Quinn called Domestic Partnerships: A response to

recent proposals on civil unions, which was circulated to Deputies and Senators.

It goes without saying that any legislation to be supported by the Government must be deemed, following proper examination by the Attorney General, to be constitutional until otherwise established by a court later. There is no point in passing legislation in this House that we know in advance is unlikely to pass the constitutional test.

My belief is that even those who would have approached the subject of this debate with some hesitation or reluctance in the past accept that it is a problem that now has to be tackled. While, like all Deputies, I have received a number of messages urging me to support the Labour Party's Bill, it is not a matter that I can recall being raised with me, face to face, in my constituency from any angle, either for or against. While not of pressing concern to most people, it is extremely important to a minority. If two unmarried people share a house in circumstances where they have been deeply attached to each other, very often over a long period, it must be a cause of dismay to the survivor if, when something happens to one of them, the relationship is abruptly ended and the law, the Revenue, society and perhaps even the extended family treat them as if they had been perfect strangers. There is clearly a need for reform. Unlike, for example, the decriminalisation of homosexuality, this involves not just a change in the civil law, but a significant Revenue cost. As became clear to me when I was a member of the tax strategy group, chaired by the Department of Finance, as an adviser between 1997 and 2002, capital taxes today are a big earner for the State and, unlike married couples and direct descendants, fall heavily on other categories of relations, not to mind those who are unrelated. There is literally a price to be paid for a fairer, more equitable society.

Like the late Douglas Gageby, former editor of *The Irish Times*, I believe that liberalism is inherent in republicanism. I would be broadly comfortable with the changes in social legislation that have been enacted, from the lifting of literary censorship by the Minister's father and distant predecessor in 1967 to the passage of the second divorce referendum in 1995. The decriminalisation of homosexuality, by then Minister Máire Geoghegan-Quinn during the Fianna Fáil-Labour partnership Government in 1993, was a model of radical legislative reform. Indeed, in the case of civil partnership there should be no necessity for there to be a physical relationship, though of course the public may tend to draw its own conclusions. There is a danger to be guarded against in any legislative scheme that confers tax advantages, that people will adopt a civil partnership that is in practice normal or non-existent purely to avail of the tax advantages.

The mantra of that earlier era was to keep the State out of the bedroom. It is important that any legislation on civil unions or partnerships does not bring the State back into the bedroom. The

question of consummation, for example, as grounds for nullity does not arise outside of marriage. Have the promoters of this legislation worked out whether they want the same elaborate safeguards for the termination of a partnership, as exists for marriage, viz. five years separation, before being made absolute?

Two issues of principle require reflection. First, whether the primacy of marriage under the Constitution should be maintained and, if so, what that might mean in practice *vis-à-vis* civil unions or partnerships, and, second, the importance of equitable treatment of all who live together, including, for example, siblings, who are debarred from participation in partnership arrangements. With regard to the latter, it is indispensable that siblings living under the same roof should enjoy no less favourable tax arrangements on the decease of one of them than any other cohabiting couple. I would favour complete equality in all non-marital domestic partnerships.

Notwithstanding the variety of social arrangements, the value and social utility of marriage and the family based on marriage remains paramount, particularly for the upbringing of children. The social disadvantages of marriage breakdown, including its waning as an institution, are well documented. A fundamental flaw in Deputy Howlin's Bill and that of Senator Norris, which I debated in the Seanad a few months ago, is that they legislate *de facto* for same sex marriage and would give rise to an emotive debate which we are far better to avoid. The use of terms like "conjugal status relationship" and "an equivalent status parallel to marriage" make this plain to anyone who understands the English language. Anyone who trusts opinion polls on these types of issues should go back and study their very poor record over the past 22 years as a guide to the outcome of a referendum, once the public becomes engaged in the argument and battle lines are drawn.

Many people would not accept that a cohabiting relationship, heterosexual or gay, is an ideal just as worthy of promotion by educators as marriage. One could envisage in that event interesting clashes between a radical equality ethos and the ethos of the vast majority of our schools.

I do not on the other hand wish to underestimate the value of life-long companionship and caring relationships to society, whatever the gender of those involved. By way of illustration, I would like to mention the former partnership between Hilton Edwards and Micheál MacLiammóir, who founded the Gate Theatre. I was shown the other day letters written by Micheál to the Minister for Finance, Charles Haughey, in 1969 and again after his resignation in 1970, thanking him profusely for the first grant he gave to the Gate Theatre, which enabled it to keep going and to flourish. The Hilton-MacLiammóir partnership was of great value to Irish society. One might think back to the ladies of Llangollen,

Eleanor Butler and Sarah Ponsonby, who eloped to avoid an arranged marriage, and who held court in Plas Newydd for about 40 years, where they had a steady succession of famous visitors, and whose home is still worth a visit. There was also a partner or companion, who, with great distinction, a few years ago helped our most senior elected official in this House represent this country abroad. However, one does not need to be famous or well-known to justify a happy caring relationship.

There are two approaches to progressing difficult and complex socio-moral issues. One is a divisive and confrontational approach, which is essentially counterproductive. The other is to try to build the maximum consensus. We need detailed, workable legislation that addresses all the issues and the wide variety of situations equitably.

In response to Deputy Flanagan, the only long-playing record being heard in this House is the tedious and repetitious jibes at the Green Party, mainly from Fine Gael, for not remaining in pristine opposition. If he thinks the Green Party is the vulnerable partner, I am sure our Green colleagues will be more than ready to show him his mistake over the next four and a half years.

Deputy Charles Flanagan: And every Tuesday and Wednesday in the meantime.

Deputy Mary Alexandra White: I welcome the debate on this Private Members' Bill. Like many other Deputies, I praise Deputy Howlin on the work he has done in drafting this Bill and enhancing the debate on civil partnerships for same sex couples. The Bill attempts to deal with a range of complex issues, such as one's capacity to enter a civil union, pre-nuptial agreements, breakdown, disputes and cohabitation, areas where, until now, people in same sex relationships have had no legal protection.

I take pride in the Green Party's contribution in raising this issue in recent years. The Green Party produced a radical document in 2006 in which we put forward a range of proposals to address the fundamental inequalities which exist between those in opposite sex relationships and those in same sex relationships. Our party stands for liberty and equality. It does not believe the law should discriminate against minority groups in their needs for the legal security and protection the majority enjoy.

The issue of protection for same sex couples, and recognition of their right to have their partnerships formally recognised, has for too long been ignored. People are being legally ignored or punished for being in the minority. Same sex couples have often felt the need to live in secrecy because of unnecessary shame. The State's lack of recognition of such couples has played a part in fostering this situation. Now more than ever, we live in a diverse society where traditional family structures and relationships are becoming

[Deputy Mary Alexandra White.]

less conventional. The nuclear family has changed. Last year's census reported 121,000 cohabiting couples in Ireland, over 2,000 of whom were same sex couples. We need to accept these realities and recognise them in legislation. Acknowledging traditional prototypes is one thing, but failure to protect those outside the norm is another.

As we debate this Bill, we should also acknowledge the report produced by the 2006 Government working group on domestic partnerships, chaired by Anne Colley. It produced a comprehensive report on options to be considered on different kinds of cohabiting relationships and addressed many of the legal issues involved. Another report which examined these issues was the Law Reform Commission report on the rights and duties of cohabitants. This report is very important in debating the Private Members' Bill before us. While this Bill is broad-ranging and progressive in spirit, it does not deal with all the complexities the legislation must cover if it is to survive the test of legal challenges and time. The report alludes to entitlements to relief for the purposes of stamp duty, thresholds for the purposes of capital acquisitions tax, social welfare provisions, amendments to the Residential Tenancies Act 2004, the Domestic Violence Act 1996, the Civil Liabilities Act 1961 and the Powers of Attorney Act 1996. I do not believe these areas are covered sufficiently by this Bill. Let us remember that rushed legislation is bad legislation. Moreover, a Bill on civil partnerships will probably need an accompanying Finance Bill, which this does not have.

I thank Deputy Howlin for bringing the Bill before the House. It provides a timely reminder of the need for comprehensive legislation to establish equality in the area of relationships.

The Labour Party and, indeed, the rest of the House can rest assured that this Government will deliver on its promise to provide legal protection for same sex couples at the earliest possible date, in fulfilment of the Green Party-led provision for such legislation in the programme for Government. Only real debate prevents politics from becoming bland. Such debate can bridge the increasingly wide gap that separates people from politicians and brings democracy alive. This debate will ensure that new legislation will be delivered by this Government to support civil partnerships.

Deputy Charlie O'Connor: I am pleased to have the opportunity to contribute once again to this important issue before the House. I warmly compliment Deputy Howlin and his Labour Party colleagues on their work in this regard. I also wish to acknowledge the many calls and emails I have received, not only from across my constituency of Dublin South-West but also from other areas in Dublin. I have received co-operation and infor-

mation from GLEN, the Gay and Lesbian Equality Network.

On the last occasion the House debated this matter, I made it clear that I was committed to using my energies to ensure that civil partnership legislation is introduced for same sex couples at the earliest possible time. I therefore welcome the opportunity to debate this matter again today. I am particularly pleased that the positive views of my colleague Deputy Barry Andrews and myself, as expressed in the previous debate, and our trust in the Government to move the issue forward, are not only reflected in today's amendment but also in the programme for Government.

There has been significant progress in six months. In supporting this amendment, we are firmly on the right road to providing for proper civil union for same sex couples in the short term.

I am a strong supporter of civil union. Next year will mark the 20th anniversary of the Norris judgment in the European Court, which led to our Government decriminalising homosexuality in 1993. We followed this with strong protections for gay people in employment and in accessing goods and services under equality legislation in 1998 and in 2000. It is just and logical that we should now provide for civil union.

I am not in favour of a watered down or lesser status union for same sex partners, and I am pleased to note the support this amendment gives to the findings of the Colley report and the Law Reform Commission's recommendations. The need for civil union for same sex couples is urgent and now upon us.

Much has also been made in recent times of the legitimate plight of cohabiting, perhaps elderly, siblings and I have no doubt that there is a need to protect all vulnerable people from discrimination. I trust these matters can be addressed elsewhere in a compassionate and fair manner.

There is a major difference in the status of same sex cohabiting couples and heterosexual or sibling cohabitants. The latter can, if they are single, marry under Irish law but gay couples cannot.

The trend in certain areas of the current debate to equate loving same sex couples, without rights of next-of-kin or inheritance, with cohabiting siblings who do have kinship rights and inheritance benefits, is offensive and deliberately designed to continue to undermine the status of same sex relationships.

I am pleased to note the Colley report, which advocates the extension of marriage to same sex couples and/or the creation of a system of civil union which will have parity of status and of rights with marriage. We have civil union and marriage for heterosexual people. It is time to move forward to ensure the same status and rights for same sex unions. The Government's amendment sets out the approach to achieve this fully and that is why I support it today.

In my previous contribution, I stated clearly that it is the responsibility of every legislature to ensure protection for children in providing them

with good parents. Good parents are not the exclusive prerogative of one particular faith, ethnic origin, ability or sexual orientation. Civil union with full rights and status means all this and more for the children of gay parents.

We have waited a long time for civil union. The least same sex couples deserve after this period is fully comprehensive civil union with all the rights associated with marriage, including parenting. For too long, children of gay people have been left vulnerable from full legal provision and guardianship from the two loving adults who raise them. I trust the Government's Bill will provide such security for children of gay parents, as this issue is now of paramount importance.

The opportunity created by the same Labour Party Bill six months ago to debate this important issue has accelerated the process for the provision of same sex rights. It has allowed us on the Government benches to clearly state our support for this measure. It has added momentum to the urgency and sincerity of the Government's commitment to introducing comprehensive and fair legislation at the earliest opportunity. I welcome that wholeheartedly.

Many on the Opposition benches criticised our sincerity on this issue just six months ago. Today's amendment shows not only that the excellent reports to help shape this new legislation are in place, but also that their recommendations will form the bedrock of our proposals. These reports also indicate the work done by the Government and others to get this legislation right. It is good progress. We now need to continue with this work urgently.

Under the Good Friday Agreement we all voted for parity of rights between North and South. At present, there is something like a two-year waiting list for civil union in Belfast. It is essential that we keep our word to the electorate of this entire island — that whatever human rights are available to people in the North, in the event of a United Ireland, we too will honour those rights.

The creation of a new system for same sex couples is constitutionally possible and I look forward to the Government bringing forward legislation that is compassionate, well argued and of such clarity that it will not be subject to any delaying constitutional challenge. These ambitions cannot be rushed, but they are urgent and necessary. The commitment in the programme for Government reflects a sincerity on the Government's behalf to legislate comprehensively in this area. Today's progressive amendment is a further step in the right direction.

Like many of my Government colleagues, I do not like voting down a measure to provide same sex partnership rights. I am pleased with the comprehensive nature of the Government amendment. I commend the Labour Party on opening up this debate early in this new Dáil and, with like minded colleagues, I am committed to maintaining positive pressure to ensure the earliest

production of legislation providing for full civil union and the proper recognition and status of the lives and love of same sex couples in our society. It is in this context that I am happy to support the Government amendment.

Deputy Áine Brady: It is important to point out at the outset that the Government is not against the spirit of this Bill. Indeed, there is cross-party support for it as its intention is to remove inequalities in our legal system and continue progress in moving towards a more inclusive society. However, to be fair to all concerned, we have a responsibility to ensure that we have sufficient time to debate this subject and its legal complexities with a view to enabling a more comprehensive approach to the question of civil partnerships to be brought before this House in 2008. This Labour Party Bill was debated extensively in the House earlier this year and as outlined then and again yesterday by the Minister for Justice, Equality and Law Reform, it is constitutionally unsound. The Bill seeks to provide a civil registration scheme for same sex couples equivalent to civil marriage. If such a Bill was implemented it would be unlikely to survive a constitutional challenge and the Government cannot therefore support it in its current form. It is the Government's responsibility to ensure that, as far as possible, legislation is constitutionally sound.

In its legislative programme, the Government has provided for the drafting of a Bill to legislate for civil partnership. This will also fulfil its commitment in the Programme for Government and, as reflected by the Minister's contribution yesterday, the Cabinet is anxious to have the scheme of a Bill prepared before 31 March 2008. Notwithstanding this, however, I welcome the opportunity to contribute to this debate. It is truly remarkable how far we have come from the early 1990s. We have moved from an era where homosexuality was criminalised and stigmatised to a debate not on whether but on how we can establish a legal framework to provide equality to couples in a committed relationship.

There is now a general consensus and eagerness to press for legislation in favour of treating gay and lesbian people as full and equal citizens in society. It is complex and challenging to give effect to this principle in legislation as it involves thinking about a host of related matters. Ireland's lesbian, gay and bisexual community has both contributed to and benefited from the extraordinary success of the economy. In fact, there is growing evidence to show that societies that embrace diversity and difference are more successful economically than those that do not. They are also more comfortable, exciting and safer places in which to live. Economic and social progress are inherently interlinked and associated policies should complement and reinforce each other. The enactment of equality legislation propelled Ireland to the front of the international stage with legal protections combating discrimi-

[Deputy Áine Brady.]

nation against lesbian, gay and bisexual people. Ireland has the ambition and capacity to move to the next level in facilitating, and legislating for, this kind of positive integration nationally.

Recently, with a good degree of cross-party support, a range of equality legislation has been introduced giving Ireland a reputation for having one of the most modern and extensive equality codes in Europe. The comprehensive Employment Equality Act 1998 outlawed discrimination on nine distinct grounds including sexual orientation in work-related areas, from vocational training to access to employment. The Equal Status Act 2000 provides protection for the first time against discrimination outside the field of employment, and Ireland remains one of the few European countries to specifically outlaw discrimination on the grounds of sexual orientation in respect of access to goods and services. The Social Welfare Act 2004 outlaws discrimination in occupational pensions on nine grounds, including sexual orientation. The Parental Leave Act 2006 extended the *force majeure* leave entitlement to employees in respect of persons, including same sex partners, with whom they have a degree of domestic dependency. It is therefore important to continue to address the remaining equality issues and I strongly support the Government's commitment to introduce legislation to provide for civil partnership.

Same sex couples require heightened legal protection. Many cohabiting couples share property, home life, and income and want to care for one another, to be next-of-kin to each other, and to have the legal rights to be cared for in that context. It is desirable to provide legislative safeguards and obligations but we must do so in a manner compatible with the requirements of the Constitution. The Government's legislative record shows that it has put in place a comprehensive framework of equality legislation, backed by a strong equality infrastructure to ensure people cannot be discriminated against on the basis of their sexual orientation. I look forward to supporting the Government's Bill in 2008. It is better to put in place a law even if it takes longer than we would wish, that will be legally and constitutionally watertight.

There is no lack of support from the Government for a system of rights for same sex couples. I support the amendment and commend the Government's plans to provide legislation for civil partnership which will see greater rights, duties and entitlements available for same sex couples who choose to formalise their relationships.

Deputy Mary O'Rourke: I too am pleased to speak on the Government amendment. I have great respect for Deputy Howlin who speaks from a long-held conviction and determination that his ideas would find voice. I do not say this blithely.

There seems to be a determination to denigrate the smaller party in Government and to run down everything that it does.

Deputy Charles Flanagan: Never.

Deputy Mary O'Rourke: I think this is born out of envy but I shall not go on about it.

Deputy Áine Brady: Green envy.

Deputy Joe Costello: They are green with envy.

Deputy Charles Flanagan: The Deputy is sitting in the place of the smaller party.

Deputy Brendan Howlin: The Deputy is a member of the Lenihan party.

Deputy Mary O'Rourke: I am very happy to be a backbencher, which I never was before. I guard my lovely seat back here safely and thank the voters of Longford-Westmeath whose resounding vote enabled me to return here, as Deputy Flanagan did. He is welcome back.

Deputy Charles Flanagan: It is a form of semi-detachment.

Deputy Mary O'Rourke: If the Opposition wishes to speak about equality and parity of esteem why does it seek to denigrate, or caterwaul about, a party that is quite up front and determined to put its stamp on Government? I wish the party well and am really happy with our bedfellows.

It is the duty of Government to ensure that legislation it brings forward will withstand constitutional challenge but the Bill put forward by Deputy Howlin and the Labour Party would not. If and when such a challenge were mounted the Government of the day, not the Labour Party, would have to fight it in court. We should heed this point. Why go into a matter on which legal advice has been obtained and can be made public if necessary?

I support the idea of same sex unions and the Government amendment. The Minister for Justice, Equality and Law Reform will ensure the heads of the Bill will come forward.

Deputy Ciarán Lynch: He is no relation to the Deputy.

Deputy Brendan Howlin: Is the Deputy declaring an interest?

Deputy Mary O'Rourke: I do not understand why the Members in the Front Bench of the Labour Party are laughing. They must have taken their happy pills this morning.

The Minister will bring forward the heads of the Bill by the end of March as outlined in the Government amendment. It ill behoves those of

us who have known the delights of happiness in marriage and mourned its passing to be smug about our happy state or relationships. How can we be when we know there are many others who do not enjoy the opportunities given to those in traditional marriages? We seek to bring these opportunities forward for them, not through marriage but in the form of a partnership. The point of no return in the Labour Party Bill is that it would lead to challenges on the explicit issue of safeguarding marriage as defined in our Constitution. Everybody would agree with that safeguard. That does not mean we do not have regard for, and determination to bring forward, legislation which will withstand any challenge and to which we can give our full consent.

There will be no challenge to bringing it forward. Why should we not consent to it? I support the Government amendment and look forward to debating the heads of the Bill next spring and to the legislation. It was included in the programme for Government and the debate over these two days has been useful because it allowed us to restate the firm commitment of both parties to bringing it to fruition.

Deputy Joe Costello: I wish to share time with Deputies Kathleen Lynch, Ciarán Lynch, O'Sullivan and Gregory. I was amazed at some of Deputy O'Rourke's remarks.

Deputy Brendan Howlin: I am afraid Deputy O'Rourke is not interested in listening to Deputy Costello.

Deputy Joe Costello: It seems that the Lenihan clan, which includes the Minister for Justice, Equality and Law Reform and the good Deputy, are playing a spurious constitutional card. I would like the Minister to publish the advice of the Attorney General in the matter so we can see precisely the position. It seems impossible that there is any offence to the Constitution which refers to marriage as the union of a man and woman when we are talking about same sex couples.

I am delighted to have the opportunity to speak on this Bill and I compliment Deputy Howlin on reintroducing it, having first introduced it early in the last Dáil. The purpose of the Bill is to give legal recognition to the partnership of two persons of the same sex. It seeks to create an equivalent status relationship for people of the same sex who cannot marry under our Constitution. It provides as closely as possible for the rules of law applying to marriage to apply also to these civil unions. As a result the Bill comprises only ten short sections and prevents an awkward knock-on effect which would require amendments to other complex areas of legislation.

Irish society has changed dramatically in recent decades, although having listened to Deputy Mansergh, one might wonder about some sections of Fianna Fáil. I must admit I was

impressed by Deputy O'Connor's remarks and his commitment to this area. Irish society is now far more mature, extrovert and understanding. Church and State have a much greater awareness of their respective roles. The role of the State to legislate for all its citizens is clearly respected and recognised by all the churches. Indeed the State now fully recognises its duty in this regard.

Gay and lesbian citizens are entitled to expect that the State will provide for them the same basic rights as for all other citizens in Ireland. As legislators in the Dáil and Seanad, we therefore have a duty to address the issues where inequalities arise in the treatment of gay and lesbian citizens. We have a duty to address the constitutional bar on marriage of same sex couples with the consequent denial of a host of rights, privileges and benefits on the one hand and a host of obligations, penalties and sanctions on the other. The status relationship conferred by this Civil Unions Bill provides an avenue for approximating the rights of gay and lesbian couples under the Constitution. Indeed in the area of adoption it enhances the rights of the child. It provides for parties to a civil union who are living together to apply to adopt a child, which is welcome. More importantly, it establishes categorically in section 8(2) for the first time that the principle that the first and paramount consideration of adopting is in the best interests and welfare of the child, throughout his or her life. It also establishes the concomitant principle that no person, whether by virtue of membership of a particular class of persons or otherwise, has a right to adopt a child or any particular child or a right to preferential consideration of his or her application to adopt a child or a particular child.

Therefore, it is disappointing that this fine Bill was postponed cynically by the then Minister for Justice, Equality and Law Reform in February 2007 for six months until after the general election. That Minister prided himself on his liberal and egalitarian views, as well as his membership of Amnesty International. It is more disappointing that the new Minister, Deputy Brian Lenihan, should follow in the same footsteps and play a spurious constitutional card. I would like to see the publication of the Attorney General's advice on this. The Minister has deleted the entire Labour Party motion and replaced it with a standard Fianna Fáil amendment that kicks to touch. The Minister stated that the Government will prepare a scheme of a Bill providing a supportive legal framework for same sex couples in committed relationships sometime in the unspecified future. In spite of what people have been saying, we have no date for this.

Even more disappointing is the alacrity of the Green Party in settling so snugly into the comfort zone of the Fianna Fáil tent. Nothing illustrates that better than Deputy White, who stated today that rushed legislation is bad legislation. This Bill was published in 2006 and was debated in February 2007. It was promised within six

[Deputy Joe Costello.]

months, but eight months have now gone by and all we get is an unspecified promise of something in the unforeseeable future. I hate to mention this as he is Acting Chairman, but it amazed me even more to listen to Deputy Cuffe on "Morning Ireland" today stating that his enthusiastic principled support for the Bill while in opposition has now become a pragmatic support for it. That is why he will be voting against the Bill today.

However, it is the Independent Deputy Finian McGrath who takes the biscuit in principled U-turns. Speaking on this Bill in the Dáil on 21 February, Deputy McGrath said:

I support this progressive legislation and unlike the Tánaiste [former Deputy Michael McDowell], I am standing by the republic. We must build and develop a republic based on equality and respect for human rights.

He ended with a ringing endorsement for the Bill:

Deputies should open their minds and hearts and support the Bill. It is concerned with accommodating and enjoying difference, diversity, powering success and the gay, lesbian and bisexual people at the heart of Ireland's progress. It is the right thing to do and I urge Deputies to support the legislation.

None of us on this side of the House could have put it better. I hope that Deputy Finian McGrath, Deputy Cuffe and the other Deputies now in the Fianna Fáil tent will examine their principles enunciated so clearly in February 2007. I hope that they will do what they know to be right and support the Bill.

Deputy Kathleen Lynch: Ireland has changed dramatically in the past ten years. We have become a very confident nation. When one went for a job before one was asked "who do you know?" The reason one was there was that one knew someone else. Now the questions are "what do you know?" and "what can you do?" People in this country can stand up and tell us what they can do, what they know and how they can do it better. That attitude has taken us all over the world, has contributed to every society and has brought us back. We now have the type of confidence that will allow us to introduce a Bill like this one, brought before the House by Deputy Howlin. It is about being confident about who one is, what one is and how one wants to live one's life. That confidence does not mean impinging on someone else's life and it does not mean interfering where interference is not necessary. It is a confidence that comes from people who are content with themselves. That is what this Bill is about.

What we have seen from the Government benches today and last night has been all about that lack of confidence that we used to have. It is about the terrifying spectre of someone taking something from us, but that is not today's Ireland.

Today's Ireland is confident. It allows others to get on with their lives in whatever way they wish. The last census statistics showed us that 2,000 gay couples were cohabiting in this country. As a nation, we are saying that they cannot enjoy the same rights in law that we have.

I listened to an interview a few months ago about a famous woman who was living happily for 16 years with her partner. It never entered her head to marry as she did not feel the need for it, until he got sick. It suddenly occurred to her that she had no rights. She had no rights to decide what treatment he would get, nor any rights to be present while he was being treated. As soon as he recovered they got married because she needed that type of security in law. That is what we are offering to people.

I suggest that the Green Party Deputies be extremely careful about the speeches they have heard today. If the common thread of the Government speeches is that this Bill is unconstitutional, are they suggesting a referendum? That is the only way out of it. If they truly believe that this is unconstitutional, they must offer a referendum, and we know where that will take us. The same people spoke in the same tones about divorce and about the decriminalisation of homosexuality. The same uncertain voices have said "what we have, we hold". That is not the Ireland in which the majority of the people wish to live.

The Labour Party has been to the fore in pushing the equality agenda.

It has not quite made it yet and this constitutes one of the barriers that must be overcome. Other barriers still exist and while the Labour Party introduced equal pay for women, this
12 o'clock has not yet been completely achieved. The Labour Party will continue to push such barriers aside and ensure that contemporary Ireland is a society in which all can feel comfortable and in which one is no longer obliged to go around in the shadows.

However that was the tenor of the speeches Members heard today. If the Government truly believes this Bill is unconstitutional, what is its solution? Its solution should worry us all. I am aware of some within Fianna Fáil who would have no problem with such legislation and Deputy Charlie O'Connor surprised Members this morning in this regard. Others, from whom Members expected better and who one would imagine to be so widely read, intelligent and well-travelled that they would consider this to be nothing, were deeply opposed. Such Members are deeply opposed because of the insecurities they feel within themselves. Members should not permit such insecurity to hold us all back. As legislators, Members have an obligation to minorities and the gay community is one such minority. Members have the opportunity to ensure the progression of this Bill to Committee Stage, where any flaws it contains can be teased out. However, Members should not wait any longer or rehearse the same old arguments.

Deputy Ciarán Lynch: I thank Deputy Howlin for tabling this motion and acknowledge the multitude of people who have contacted me in recent days to support it. The Labour Party's Civil Unions Bill is the first realistic attempt by any political party in this House to put forward a serious and practical recognition of the manner in which our complex society operates today. It challenges us to become a society that is no longer limited to viewing itself in arrangements that were developed in the distant past under some form of monarchy or confined theocracy under which we existed in former times. Instead, it challenges us to live in a modern republic that provides each citizen with responsibilities and rights in equal measure. The purpose of the Bill is to ensure that those who wish to have the responsibility of a civil union are provided with such a right to have that responsibility granted to them. Fundamentally this issue pertains to those who wish to take responsibility being granted that responsibility and having that right enshrined in law.

In the not too distant past, Ireland acted shamefully towards people in a manner that when considered today, fills us with embarrassment and shame. Members should draw a lesson from this experience for the future. For example, in recent years a child born outside wedlock was ridiculed, outcast and denied equal citizenship. If one considers today what happened then, one can discern both the anomaly and the issue of second-class citizenship and the repugnance of the practice itself. The introduction of the proposed amendment to this House is in itself a repugnant act because it mirrors the confined thinking that existed previously. Recently in official Ireland, this has been a repetitive theme that one has come to expect from Fianna Fáil, a party that opposes any measure of progress in any area of social reform. This motion sets out to correct an anomaly and to bring to an end the second class citizenship encountered at present by couples who are prohibited from forming a civil union.

The response of the Government to the motion is a mixture of the expected and the unexpected. While Members may have hoped, realistically no one expected Fianna Fáil to respond to this issue in any positive or progressive fashion. All Members are aware that Fianna Fáil has been dragged screaming towards any single measure of reform, be it divorce or any other issue pertaining to the creation of a modern Ireland that acts as a republic and that considers citizenship, without regard to the identity of the citizen, from the perspective of equality. The unexpected aspect was the response of the Green Party, particularly considering the support it gave to this Bill earlier this year. It is highly regrettable that it now colludes with the continuation of Fianna Fáil's former attitudes in the adoption of the approach of sticking one's head in the sand as these are social issues that one does not wish to acknowledge.

Last night and this morning on radio, I listened with astonishment to Green Party Members attempting to rationalise and explain its change of position. A few hours ago I listened to the Acting Chairman, Deputy Cuffe, on the "Morning Ireland" radio programme. He spoke in anecdotal or comparative terms about being in a relationship in which the Green Party also sought recognition. While Deputy Cuffe and his Green Party colleagues may be complaining to the public that they are looking for recognition from their new partner, they should be in no doubt that in the public's mind and to its knowledge, the Green Party has consummated that relationship and continues to consummate it every day in this House. It was consummated in respect of Tara, incineration and Ministers' wage increases. Today, it has been consummated once more by undermining the Civil Unions Bill.

My colleague, Deputy Kathleen Lynch, spoke about confidence and ultimately, this issue is a matter of confidence and whether this nation has the confidence to recognise this society's diversity. A positive feature of young people today is that they are not tied by the bonds and conditioning with which many Members grew up. Young people do not understand the problem that exists in this House as they consider this to be a natural development that should happen and should be legislated for, as well as being something on which Members should make progress without debate. More broadly, this issue affects Members' family members, friends and colleagues. Like any other workplace, I am sure it also affects work colleagues and people walking around this House.

It is natural for people in relationships to wish to form unions and in many cases to underpin such unions with legislative measures. The Labour Party Bill recognises the rights, responsibilities and necessities of a civil union and what is required of it. Moreover, it recognises that this issue must be legislated for and a framework must be put together. I call on the Acting Chairman, Deputy Cuffe, and other Members to ensure the Labour Party's Bill will be accepted and that today's amendment will be seen for what it is, namely, a device to throw another shadow over a matter that should be brought out into open daylight and dealt with.

Deputy Jan O'Sullivan: I also commend my colleague, Deputy Howlin, on re-introducing this Bill. However, Labour Party Members had hoped he would not be obliged to do so. Were they to believe the Government's amendment the last time this Bill was debated in February, Government legislation now would be before the House and would be passed. I find this to be deeply disappointing. As for the Government amendment, despite receiving praise from several Government representatives who declared themselves proud to stand by it, it says nothing. It notes a number of matters and goes on to state its support of the

[Deputy Jan O'Sullivan.]

“commitment in the 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”. No timetable is included in this amendment although such a timetable was contained in the six-month period that the previous Government suggested the last time the Labour Party brought forward this legislation. The situation is now worse and no time commitment has been made.

Members have the word of the Minister for Justice, Equality and Law Reform that the heads of the Bill will be brought forward in March 2008. I refer to those who have been sending e-mails and otherwise contacting Members in the last week or so. As Deputy Ciarán Lynch has just observed, all Members know these people personally. However, there is nothing substantive in the Minister's statement that provides comfort to those people that their relationships will be recognised in the near future. In essence, such relationships do not exist at present. Consequently, they lack the rights enjoyed by those who can get married or who can form heterosexual relationships. This is to do with very practical issues such as tax, housing inheritance and the right to obtain local authority housing together.

I feel particularly strongly about couples in which one partner is Irish or European and the other is not, who have real personal difficulties in staying together because the non-European partner may not be allowed to stay in this country. I will quote from an e-mail I received in this regard:

I am an Irish citizen with an American partner — we have lived here in Ireland for a few years and it is now likely that my partner cannot stay. If this legislation passes we can hopefully register here as partners.

Later in the e-mail, the correspondent states:

I ask you to vote for this so that my relationship and the thousands of other lesbian women and gay men like me can become legally recognised by the State. It is time for Ireland to stop dragging its heels on this issue and bring in legislation now.

This is an example of a person who is suffering due to the problems caused by this delay. That is why I am so disappointed that no work has apparently been done since March in the Department of Justice, Equality and Law Reform, under either the previous Minister or the current Minister, although a considerable amount of work could have been done in that time towards the introduction of Government legislation or of proposals to amend the Labour Party Bill.

When I entered the House in 1998 I introduced a Private Members' Bill dealing with the statute of limitations for people who had suffered abuse

as children. The then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, who is now the Ceann Comhairle, accepted the Labour Party Bill and, although he amended it — we were not happy with some of his amendments — he passed the legislation. Similarly, when Deputy Shatter of Fine Gael introduced law reform measures they were amended and accepted by Government. If the same thing had been done with the Labour Party Bill, we would now be in a position to regularise the situation of people who are currently in a suspended state in which they have no rights. The last six months represent an opportunity that was not taken.

My colleague, Deputy McManus, said last night, “Come back Michael McDowell, all is forgiven.” We should bring back former Deputy Máire Geoghegan-Quinn and people like her. In 1993, Máire Geoghegan-Quinn, under the Fianna Fáil-Labour Party Government, brought in legislation to decriminalise homosexuality. That took a lot more courage at that time than it would take to do what we are asking now. As pointed out by my colleagues, Deputies Kathleen Lynch and Ciarán Lynch, there was a very different social atmosphere back then. To make changes such as those that took place, Governments actually had to show leadership. It took a lot of leadership at the time, but once it was done it was no longer an issue. It also takes leadership to introduce changes now, but a lot less of it, because most people agree that these changes are needed. Deputy White mentioned that it is great to have real debate on this issue, but real debate achieves nothing. We have had enough debate. What achieves something for people's lives is legislation.

Most people in this House and across the country, with the exception of Deputy Mansergh, agree that we need equality for gay couples and that we need it now. Most people also accept that there is absolutely no constitutional impediment to this legislation. Although I do not wish to personalise the debate, the Acting Chairman, Deputy Cuffe, was with me on the All-Party Committee on the Constitution and he knows this. The definition of marriage in the Constitution refers to a man and a woman, whereas this legislation is concerned with two men or two women. There is no constitutional impediment so let us get that out of the way. This Bill could be adopted now and people would not have to wait.

I am concerned that the sentiments expressed by Deputy Mansergh may represent those of others within Fianna Fáil. I found his contribution disturbing and reactionary. He was certainly not standing by the Republic of which he often speaks in other contexts. I hope that feelings of this type are not holding back the Government from presenting legislation in this area. Views such as those of Deputy Mansergh are in the minority in this country and I am concerned that somebody of his knowledge and breadth of experience would express such anti-equality sen-

timents in the House. I cannot interpret his words in any other way than that Deputy Mansergh does not believe in equality in this area and that is disturbing.

I hope the Government, having listened to this debate, will appreciate the need to introduce its own legislation urgently. Preferably, if possible, it should have a change of mind before the vote today.

Deputy Tony Gregory: I thank the Labour Party for reintroducing this important measure and for sharing some of their time with me to allow me once again to put my position on the record. It now seems inevitable, unfortunately, that this measure will be defeated in the vote later this morning. It is ironic that if those Members of the House who voted for this measure in the last Dáil and were re-elected to the current Dáil were to vote for it again this time, it would be carried. This Bill will be lost today for a second time, but this time it will be lost due to the votes of people who spoke passionately in its favour on the previous occasion. In view of this, is it any wonder that politics is in such disrepute in this country?

I state my unequivocal support for the Civil Unions Bill 2006. It is a matter of civil and human rights. This Bill is a clear-cut, unambiguous measure which, if accepted, would advance equality by providing for the recognition and legal registration of civil unions. Although this Bill is being debated in the Dáil for a second time, it follows on the initiative of the great and courageous campaigner, Senator David Norris, who introduced his Bill in the Seanad some time ago to advance this issue. This Bill is concerned with respect for individual choice, which is surely the essence of equality. The vast majority of Irish citizens are ready to support this measure but regrettably the Fianna Fáil-Progressive Democrats Government did not have the courage to allow it to progress on its first introduction. Now, although it is difficult to believe, the Fianna Fáil-Green Party coalition is again putting it on the backburner with the casual promise that the heads of a Bill will be completed by April 2008 but with no timeframe for legislation to be implemented. This cannot be acceptable to anyone who genuinely supports this measure. It is certainly not acceptable to me.

That this is happening a second time will be a heart-breaking disappointment for many thousands of people around the country. For reasons to which I have referred, the disappointment and disillusionment will be all the greater this time. The Bill may well have imperfections — very few Bills, Private Members' or otherwise, ever prove to be perfect in the initial stages — but it is clear that if the Government had shown goodwill, this measure could have helped to bring a speedy end to the second-class citizenship conferred on so many of our people. It would have helped to ensure that all our citizens stand equal in the eyes

of the law. It is tragic that this will not now happen.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Seán Power):

The speeches made by Deputies today and last night emphasise the major shift in public opinion that has taken place in recent years. In 1993, when the then Minister for Justice, former Deputy Geoghegan-Quinn, introduced her Bill to decriminalise homosexuality, there was reluctance in many quarters even to talk about the matter, never mind debate it on the floor of the House. It is nice to see that we are becoming more mature in some respects, although I understand that the Opposition is unhappy with the stance being adopted by the Government on the Labour Party Bill.

As Minister of State for equality matters, I welcome the commitment in An Agreed Programme for Government to legislate for civil partnerships and I welcome the Government's decision that is reflected in the Government legislative programme, which was published in February last, to prepare a scheme of a Bill.

The Government is committed to putting in place a statutory framework in which same sex couples can live in a supportive and secure legal environment. My colleague, the Minister, Deputy Brian Lenihan, outlined to the House the fact the Government had dealt with this matter at Cabinet and that he had been given instructions to bring forward the heads of the Bill by the end of March next year. People who doubt the commitment of the Government will not have too long to wait to find out how committed we are to bringing forward this measure.

It is worth noting that in terms of individual rights as opposed to relationship rights, the past two decades mark an unprecedented era of positive change and progress for lesbian, gay and bisexual people. In Ireland change has been particularly rapid and in many areas such as measures to address discrimination the country has been to the forefront internationally. Discrimination against the exclusion of lesbian, gay and bisexual people had already been recognised before the reform of the criminal law on sexual orientation had been included as a category of protection under the Prohibition of Incitement to Racial, Religious or National Hatred Act 1989 and the Unfair Dismissals (Amendment) Act 1993. Discrimination in public service employment on the grounds of sexual orientation or HIV status has also been banned, since 1988, and subsequent significant legislative reform to promote inclusion and equality for lesbian, gay and bisexual people has included a number of measures which include the Employment Equality Act 1998 which prohibits discrimination in employment on the basis of, *inter alia*, sexual orientation, the Equal Status Act 2000 which extends anti-discrimination protection into the provision of goods, services and accommodation in education,

[Deputy Seán Power.]

the Refugee Act 1996 which allows the granting of refugee status on the basis of the fear of persecution arising from one's sexual orientation and, more recently, the 2006 amendments to the Parental Leave Act 1998 which allow for the extension of *force majeure* leave to include provision for same sex couples — that was a simple measure in many respects, but very effective and it means a great deal to the people who avail of it.

These legislative changes propel Ireland into the forefront internationally in terms of legal protection against discrimination and exclusion and Ireland has also played a central role in having these protections extended throughout the European Union. In 1997 Ireland played a central role in promoting the adoption of Article 13, the anti-discrimination clause of the Treaty of Amsterdam 1997 which includes sexual orientation as a protected ground. On the views that have been expressed here that the Government has been backward or reluctant to come forward with progressive legislation, one will find on looking back on the history of the matter that the opposite is the truth.

Legislation alone will not address all the issues facing lesbian, gay and bisexual people. In 2003 the National Economic and Social Forum published a report entitled Equality Policies for Lesbian, Gay and Bisexual People: Implementation Issues and the active involvement of representatives of the gay and lesbian community, along with officials and social partner representatives, in the preparation of the report contributed immensely to its quality. The report is being implemented and my Department funds the Gay and Lesbian Equality Network to enable it to employ a full-time officer charged with liaison with the various Departments. As a practical example of what can be achieved within the remit of my Department, the Garda authorities have established a national advisory panel which includes members who represent the gay perspective to assist and inform gardaí. Designated gardaí have received special familiarisation training and have been appointed as liaison officers to both the gay and lesbian communities. A political consensus——

Acting Chairman (Deputy Cuffe): Under Standing Orders I must call on Deputy Howlin or a Deputy nominated by him to conclude the debate.

Deputy Seán Power: If I could conclude, one need not be gay or lesbian to appreciate the importance of the necessity to introduce legislation for civil partnerships. It is a basic human right. I know what it would mean to many couples throughout this country for the State to recognise the positions in which they find themselves and the relationships which they are enjoying at present, but the Government has given a commitment to bring forward the necessary legislation

and I will play my role as Minister of State for equality to ensure that commitment is honoured.

Deputy Michael D. Higgins: I propose to share time with Deputy Gilmore in the ratio of six to nine minutes.

Deputy Seán Power: Is the leader to get nine?

Deputy Michael D. Higgins: I want to begin with the Minister of State, Deputy Seán Power's, assertion that he recognises that we are speaking about a basic human right and in the few minutes available I want to lay out a few fundamentals. If he recognises that what my colleague, Deputy Howlin, has proposed, for which I congratulate him, in the name of the Labour Party for the second time deals with a matter of right, a right delayed is a right denied. That is a fundamental. We are not speaking about a concession and we are not speaking about a concession that is adjusted to the social prejudice of the day. I have been through all of that in all of the different referenda and I want to make a few points clearly.

I saw the number of people who were wounded when we had a debate about the right to civil divorce and we had to go through the entire exercise again. At that stage, my colleague and former Deputy, Mervyn Taylor, was a Minister and we were members of the Cabinet in 1993. There have been many references to courageous decisions that had to be taken, including the decriminalisation legislation associated with former Deputy Máire Geoghegan-Quinn. I supported her in that and I recall her thanking me publicly in Galway for supporting her as a Labour member of the Cabinet when her own colleagues were undermining her in the constituency and elsewhere. The truth of it was when we negotiated our participation in Government on every occasion, the Fianna Fáil Government was forced to accept reforming legislation on divorce. It was forced to accept reforming legislation on family planning and it has been forced, yet again, to recognise that we are speaking about a human right.

Second, the Government does not have legislation proposed. What they have in the Government programme is a scheme for legislation. As a former member of Cabinet, I can say that a scheme for legislation is not legislation and the heads of legislation are very far from the text of legislation. It is clear that many of the Minister of State's colleagues intend to introduce such extraneous matters as to completely obfuscate the issue.

We are speaking of a rights issue and a citizenship issue. We are speaking about people who are citizens in the institution that includes a sexual relationship and let us recognise that such a thing exists, that they have the same right to participate personally and institutionally in the life of the State as equal citizens with protection and

responsibilities before the law. That is what is at stake.

If the Minister of State intended to add all of the other different forms of people who find themselves living together — Deputy Mansergh is worried about very elderly people who manage to be brothers and sisters and of course we have compassion for that — and if he were to take Deputy Mansergh's rubbish and take, for example, all of the members of a monastery and divide them into couples and state for the purposes of doing the adjustment in law that the Minister will now have to deal with that as well, it would be not only a distracting but a dangerous nonsense because Deputy Mansergh does not have the guts to face up to what is a rights issue and it makes a mockery of his much vaunted support for republicanism in the general sense. No republican can vote against legislation like this and if the Minister wanted to extend it to include all of the taxation benefits, all of the other legal adjustments and whatever, he could accept this Bill and tag them on because then he would be doing the task of administration.

We are in a difficult position in our Parliament in any event. I say this as somebody who has been here more than 20 years and nine years in the Seanad. The Executive has an exclusive monopoly over the right to introduce legislation in practical terms. We have just heard speeches that give instances of the very few occasions on which Government accepted legislation that came from this side of the House but if the Government claims a monopoly on the right to introduce legislation, why then not take this legislation and use it as a framework and make it perfect if they wish? If the Minister wants to be republican as Deputy Mansergh put it, why not go on and recognise civil marriage as well? Deputy Lenihan, in a totally confusing speech, stated marriage is challenged and he quoted, for example, the Article of the Constitution, Article 41.3.1°:

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.

I can tell the Minister of State, and the Fianna Fáil Party in its different Governments and the Progressive Democrats, that they have done more to undermine marriage because of their contract with speculation than anybody proposing legislation on this side of the House. Was it strengthening and protecting marriage when people were compulsorily forced into mortgage slavery, when people can no longer afford a house, or where people are committed to commuting such long distances they can no longer spend some time with their families? Let us cut the nonsense about all of this. The exclusive reliance on the market undermined marriage and the family so systematically and so uncritically that it——

Deputy Seán Power: Deputy Higgins is going off on a tangent. He should stick to the subject.

Deputy Michael D. Higgins: —rings hollow for us to be taking lectures from the Minister, Deputy Brian Lenihan.

Acting Chairman: Deputy Higgins should be allowed to speak without interruption. Six minutes remain in the slot.

Deputy Michael D. Higgins: It is an issue of rights and equal citizenship. The invocation of a threat presented by civil union to marriage is a distortion and a camouflage. The Bill is constitutional. I support it and pay tribute to Deputy Howlin for bringing it forward again. Even at this late stage I call on Members to vote for it because it is nothing less than a modest reforming, equality measure.

Deputy Eamon Gilmore: I thank my colleague, Deputy Howlin, for bringing this Bill back before the House. I also thank all Members who contributed to the debate, especially those who expressed support for the Bill.

I do not in any way dispute the personal commitment of the Acting Chairman, Deputy Cuffe, or that of his colleagues, to the Bill. I assure him that bringing the Bill back before the House was not intended to cause him political difficulty or embarrassment in any way. If one looks back on the history of the measures that have been proposed by the Labour Party in this House to modernise our laws and liberalise the way in which we conduct our affairs, it is evident we have always introduced them on their merits. I refer to the legalisation of contraception, the introduction of divorce, the decriminalisation of homosexuality in 1993 and, likewise, this Bill.

The Acting Chairman and his party have been hopelessly outwitted and outmanoeuvred by their far more experienced Fianna Fáil colleagues who are pursuing an agenda on this issue that is a lot closer to the reactionary comments made by Deputy Mansergh——

Deputy Michael D. Higgins: Hear, hear.

Deputy Eamon Gilmore: —than they are to the views I know Deputy Cuffe holds. The truth is the Green Party has been sold a pup and been outwitted on the issue. The commitments his party have received are virtually meaningless and are actually a retreat from what was on offer from the then Minister for Justice, Equality and Law Reform, former Deputy, Michael McDowell, in February 2007. At that time the Minister sought a deferral of Second Stage for a period of six months with a view to enabling a more comprehensive approach to the question of civil partnership to be adopted by this House.

If passed, the Government amendment on this occasion, to which Deputy Cuffe has subscribed, will simply kill off the Labour Party Bill and kick the issue into the indefinite future. I heard Deputy Cuffe trying to explain this issue on the radio this morning. He sought to take credit on

[Deputy Eamon Gilmore.]

behalf of his party for the production of the heads of a Bill by next March. He sought to represent that as somehow a great victory on this issue. Either he is being incredibly naive in selling that line to the public or he is simply trying to sell on the pup he himself has been sold.

If the March deadline is so significant then why is it not included in the Government amendment? Anyone with even a passing knowledge of how the legislative system works knows there can be a significant interval between the heads of a Bill being agreed and the legislation being published, never mind being enacted. I draw Deputy Cuffe's attention to one example. The Ombudsman (Amendment) Bill is on the Government's current legislative programme. The heads of the Bill were agreed in autumn 2003. This is autumn 2007 and the Bill has yet to be published, much less to be enacted.

I understand how parties operate in a coalition government. One has to accommodate to the agenda of one's Government partners in the manner expressed in the House by Deputy Mansergh earlier today. The Green Party made a fatal parliamentary mistake. The amendment that should have been brought before the House was an amendment to restore the Labour Party Bill to the Order Paper and then do whatever it was the party wanted to do about Committee Stage. If the real position is that the party is preparing to introduce its own Bill on which the Attorney General has to give advice and all the complicated matters to which Deputy Cuffe alluded yesterday, then it could have been decided not to set a date for Committee Stage but the Labour Party Bill would have been restored to the Order Paper.

In restoring the Labour Party Bill to the Order Paper the Green Party would have strengthened its own hand in Government if its position was to ensure a Bill would be produced. Deputy Cuffe has been coddled by his partners into killing off the Labour Party Bill because it does not appear to me there is a genuine interest on the part of the Green Party's partners in Government to bring this legislation forward.

The Green Party has also been coddled in respect of all we have heard about other forms of partnerships and the Colley report. We are told the Government legislation for civil partnerships will now include cohabiting brothers and sisters. I fully recognise there is an issue to be addressed in terms of taxation and inheritance in such circumstances but I insist — and my party insists — that this is not the issue for this debate or this Bill.

The Government says it will draw on the Colley options paper and the recommendations of the Law Reform Commission on the rights of cohabitants. However, there is one basic, fundamental fact that is fully recognised in the Colley paper but which the Government still refuses to recognise; there are heterosexual couples who wish to cohabit and there are gay couples who

wish to cohabit. There are also heterosexual couples who wish to marry and there are gay couples who wish to marry. The heterosexual couples have an option but gay couples do not. The Colley group recognised this point and the Colley proposals are in stark contrast to the Government proposals.

What Ms Colley and her group said was that full civil partnership for same-sex couples, in contrast with opposite-sex couples, should be viewed as a distinct institution, separate from and not competing with marriage. The Colley group believed that full civil partnership for same-sex couples did not suffer the same constitutional vulnerability as full civil partnership for opposite-sex couples. What Colley said — and I would imagine the Attorney General would concur — is that if equivalence is given to cohabiting couples who could get married but decide not to, as is given to married couples, then the institution of marriage is arguably being attacked and undermined. However, as her group and our Bill recognises, if one is giving legal recognition to same-sex couples who cannot constitutionally marry, then what injury is being done to the concept of marriage?

The Bill is proposed on an analysis that accords with the observations of the Colley group. We propose a civil registration scheme which extends the full range of rights and duties of marriage for same-sex couples. We agree, as they did, that there are no obvious additional benefits to introducing an alternative to marriage in the form of civil registration for opposite-sex couples, apart from offering a marriage-identical commitment without the marriage title to couples who object to marriage *per se*. We agree, as the group did, that introducing such an alternative for opposite-sex couples is vulnerable to constitutional challenge. Like the working group, we are not convinced that there are many cohabiting opposite-sex couples who are unwilling to marry but may be willing to enter a registration scheme which has all the attendant obligations of marriage.

Our Bill is underpinned by one single overriding principle, the principle of equality.

Deputy Michael D. Higgins: Hear, hear.

Deputy Eamon Gilmore: As Deputy Howlin wrote this morning, the principle of equality is at once simple and unsettling, often unwelcome, yet ultimately unquenchable and undeniable. The principle of equality is founded on the bond of our common humanity. It is based on our recognition in each other of an essential shared human experience. To deny equality is to look another in the eye and proclaim him or her to be a lesser person. It is to deny the bond of our common humanity.

Deputy Mansergh has given voice to the unspoken but real and reactionary mindset which is blocking the passage of the Bill.

Deputies: Hear, hear.

Amendment put.

The Dáil divided: Tá, 66; Níl, 59.

Tá

Ahern, Michael.
Andrews, Barry.
Andrews, Chris.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
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.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hector, Máire.
Kelly, Peter.
Kenneally, Brendan.

Kennedy, Michael.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lowry, Michael.
Mansergh, Martin.
McGrath, Finian.
McGrath, Mattie.
McGuinness, John.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Brien, Darragh.
O'Connor, Charlie.
O'Dea, Willie.
O'Flynn, Noel.
O'Hanlon, Rory.
O'Keeffe, Batt.
O'Keeffe, Edward.
O'Rourke, Mary.
O'Sullivan, Christy.
Power, Seán.
Roche, Dick.
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.
Byrne, Catherine.
Carey, Joe.
Clune, Deirdre.
Connaughton, Paul.
Coonan, Noel J.
Costello, Joe.
Coveney, Simon.
Creighton, Lucinda.
D'Arcy, Michael.
Deasy, John.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Feighan, Frank.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Gregory, Tony.
Hayes, Brian.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.

Lynch, Ciarán.
Lynch, Kathleen.
McEntee, Shane.
McGinley, Dinny.
McHugh, Joe.
McManus, Liz.
Morgan, Arthur.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Donnell, Kieran.
O'Mahony, John.
O'Shea, Brian.
O'Sullivan, Jan.
Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.
Sheahan, Tom.
Sherlock, Seán.
Shortall, Róisín.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Brian O'Shea and Paul Kehoe.

Amendment declared carried.

Motion, as amended, agreed to.

**Criminal Law (Human Trafficking) Bill 2007:
Second Stage (Resumed).**

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

Deputy Simon Coveney: I wish to reinforce the point I made in the debate last week, namely, that the Minister has consistently taken an incorrect position on the issue of human trafficking in Ireland. It is not true that human trafficking is a potential rather than existing problem. While the number of victims of trafficking and the level of exploitation here may not equate to those of other European countries — this is due purely to geographical location — Ireland still has a significant human trafficking problem.

It is important to remind the House of the level of human trafficking and criminal activity in this area worldwide. According to figures released by the International Labour Organisation in 2005, each year up to 12.3 million people fall victim to forced labour and, of these, 2.4 million are victims of human trafficking. Between 600,000 and 800,000 men, women and children are trafficked across international borders each year. According to the US State Department, approximately 80% of this group consists of women and children and 50% are minors. According to UNICEF, 1.2 million children are trafficked each year for the purposes of exploitation and abuse. The criminal proceeds generated on the back of the trafficking of women, children and men for the purposes of exploitation are estimated to be up to €7 billion globally.

Anyone naive enough to believe that a country as wealthy and prosperous as Ireland is immune to this criminal activity has his or her head in the sand. Approximately 100,000 people are trafficked across borders in Europe each year. Anybody who believes that none of the victims of this crime comes to Ireland or is transported through this country is being deliberately misleading or is naive. I appeal to the Minister for Justice, Equality and Law Reform, who is in a position of responsibility in this regard, to change tack when he give interviews on this issue. He should cease using dismissive language about the trafficking problem and arguing that Ireland may need to counteract it at some point in the future and state instead that trafficking is a problem which will grow if we do not legislate to address it.

In terms of the evidence of trafficking in Ireland, I and other speakers have noted the role of Ruhama, an organisation that has encountered up to 200 female victims of trafficking in recent years and provided assistance to 132 of these women. It found that 73% of the group originated in eastern Europe, 21% were from Africa, 4% from South America and 2% from Asia. Any-

one who knows anything about the level of secrecy and criminal organisation involved in trafficking or the fear instilled in victims by the criminals who make money from this activity will realise that the figure of 200 constitutes a tiny proportion of the actual victims who have either suffered or are suffering abuse.

Apart from being a destination for traffickers, Ireland has serious questions to answer in terms of its role as a transit country or easy route, specifically into the United Kingdom, used by gangs organising trafficking activity. In recent months, evidence of this problem emerged in a BBC programme and a report published by the Welsh Assembly. Let us face the fact that trafficking is a problem.

I welcome the Bill and I am particularly pleased that the new Minister for Justice, Equality and Law Reform is treating the issue of trafficking as a priority to be addressed early in his term. While it is welcome, the action taken thus far is not sufficient.

The Bill criminalises trafficking and a number of linked activities. This important legislative area needed to be updated in terms of defining the trafficking of a child or adult for the purposes of labour or sexual exploitation, organ harvesting and so on. I welcome the Bill in that regard.

The Government must concentrate its efforts and focus on three matters, namely, prosecution, prevention and the protection of victims. I will not waste too much time on the prosecution element, which is predominantly about defining in law the problem and putting in place the necessary legislation to make it as easy as possible for the Garda to get tough convictions. I welcome the legislation as it imposes life sentences and significant fines on the gangs involved.

However, it is unfortunate that the Bill does not attempt to address the other two matters. The most controversial is prevention, but what is not controversial is ensuring gardaí are trained in the most up-to-date methods of dealing with trafficking. We must ensure cross-border co-operation within the European Union between so-called source and destination countries. Opting out of the reform treaty's provisions on cross-border co-operation on crime gives an unfortunate signal to criminal gangs. To be fair to the Government, we will decide to opt into most of the areas of co-operation, specifically those dealing with drug and human trafficking and other cross-border criminal activity.

The most controversial element is the need to target demand for the services provided as a result of exploitation, abuse, violence, intimidation and organised trafficking of vulnerable people, primarily from outside Ireland, for the purpose of sexual use or abuse, whether in a brothel or in the informal setting of an apartment or basement in a town or city. Our efforts will amount to nothing unless we are serious about targeting the user or the client of brothels.

While there is a demand for the services of the nastier side of the sex industry, it will be met by supplying victims for exploitation, primarily through trafficking. Judging by the increased numbers of foreign prostitutes versus young Irish women who find themselves in that situation, people are being invited, encouraged or forced into Ireland to meet demand. I would like the Government to take a braver and stronger stand against demand and to target the businessman, farmer, accountant or unemployed man who uses the services knowingly of teenage girls or young women brought to Ireland to service demand.

The protection of victims is the most worrying aspect of the proposed legislation. The explanatory memorandum reads: "The protection of and provision of services for victims of trafficking will be dealt with administratively and immigration issues will be included in the Immigration, Residence and Protection Bill." The message is that legislation will deal with victims and their protection in the context of a debate on illegal immigration and the related issues that must be addressed. In terms of legislative development, the Government will put people brought here illegally for exploitation in the same category as illegal immigrants. The message sent out will be that we do not want them, that they should not have come to Ireland, that they are illegal and should be repatriated and deported. Irrespective of whether we do this, it is the message being sent. We must do everything we can to encourage the victims of exploitation and trafficking, whether they work on mushroom farms or in brothels, to come forward, speak out and go to the Garda.

If we are unable to address the protection of victims in legislation that deals with human trafficking specifically, to make it easier to secure prosecutions by making people brave enough to come forward or to guarantee protection, we are putting the debate off until another day. The matter will be immersed in a complex and difficult debate on illegal immigration, deportation, repatriation and the other controversial issues concerning immigrants. That is the wrong way to go about it. The people in question are victims and should be treated like we would treat a 17 year old Irish girl were she forced into a brothel to be abused by clients nightly. Were she a 15 year old or 16 year old Irish girl, there would be a national outcry if she came forward. If the girl comes from Nigeria, Latvia, the Ukraine or the Balkans and does not speak our language, the attitude seems to be that she should not be here in the first place, that she is illegal and that the problem will be solved by sending her home.

The issue is not so simple. Before we consider whether someone should be returned home to the streets of Albania, Moldova, Nigeria or wherever, in circumstances that resulted in his or her being trafficked in the first place, we have an obligation under a series of EU, Council of Europe and UN protocols and conventions to treat those who

have been exploited or trafficked as victims and to give them the protection of the law and the support of the State through health services, be it in respect of mental or physical health.

I support the Minister and I welcome his tabling of legal definitions for a crime that will not be a crime until this legislation is passed, namely, the trafficking of adults into Ireland. Other legislation addresses the trafficking of children. For the purpose of human rights, we must get it right for the victims. If someone comes to Ireland and is abused by our people or the citizens of other countries living here, the State has a responsibility to encourage the person to come forward, to support him or her and to provide temporary residency, as we are obliged to do under a European Council directive so that he or she need not worry about deportation until his or her health is restored with the support for the State, be it for three, five, six months or whatever. Once the person is capable of finding his or her feet and going home, repatriation must be discussed. Let us deal with victims on the basis of crimes that have been committed against them, not on the basis of where they have come from. That is where this legislation falls down and we will introduce amendments on Committee Stage to that effect.

Deputy Ciarán Cuffe: I wish to share time with Deputy O'Brien. Unlike the previous legislation we discussed, I argued for this legislation while in Opposition and I am pleased to support it in Government. It is a modicum of progress in the right direction. I wish to dwell on protection for those who are trafficked, on which Deputy Coveney touched. It is crucial that while we deal with the criminal justice aspects of trafficking, we put in place support mechanisms for those who are brought to this country against their will. It is important to realise that these people are vulnerable in terms of language skills and legal status. Often their accommodation is substandard and they are worried about landlord issues. Particularly in the case of those who have been trafficked for sexual purposes there is a dependency on a criminal underworld. These people are vulnerable and one of the most significant issues in their minds is that they may be deported at a moment's notice. We must examine how we can provide greater support for those who have been exploited.

This theme runs through this kind of legislation for the past 100 years. The legislation on prostitution is often unfairly used to target the provider rather than the user of such services. We must examine how to better protect the provider and in this case the trafficked, rather than concentrate all our resources on criminalising the trafficked. I am not convinced we have dealt adequately with this. Young female drug users still sell their bodies on the streets of Dublin to support a drug habit and we do not have enough joined up thinking between the Garda, the HSE and voluntary

[Deputy Ciarán Cuffe.]

support agencies. We do not have enough support services to prevent this from happening. This also applies to underpaid and exploited workers. I think of the plight of the Turkish workers who came to Ireland, whose case former Deputy Joe Higgins raised in the previous Dáil.

Exploitation and trafficking, as defined in the legislation, still occur. We must get the support structures right for those who are vulnerable. I am not convinced we have enough training in the three bodies that deal with those who are trafficked, the Garda, the DPP and the courts, for these people to deal with the trafficked. We must examine this issue in detail. The comment in the explanatory memorandum that “there will be no direct cost implications to enacting and implementing the proposed criminal offences” worries me. That is fair enough if it allows for the resources to be allocated correctly, however with any new legislation there is a learning curve and a need to ensure that those implementing the law are adequately trained in its legal complexities and the difficult support structures required for those who have been trafficked.

The Bill deals with all aspects of trafficking, including trafficking for organ harvesting. This is an almost unthinkable issue, but it happens, if not in Ireland. We have heard stories from members of Falun Gong who are concerned about organ harvesting in China and enormous human rights abuses there. Once enacted I hope we can use this legislation to send a strong signal through our foreign policy that we do not want to stand idly by while other vulnerable people are abused in the most horrific means possible in other jurisdictions. It is important to say that.

I am pleased with section 6 of the Bill, which refers to offences by bodies corporate. Often in Ireland the best way to tackle criminal law abuse is to follow the money. If we can follow the trail of landlords or companies to target the individuals and the bodies corporate behind the abuse, that will help.

I welcome the legislation. I noted Deputy Coveney's mention of temporary residency for those who have been trafficked. That issue must be teased out in detail. I worry that because much of what happens in this area is underground and invisible, this legislation may deal only with the criminal law aspects of trafficking and not put in place mechanisms to deal with those who have been trafficked. This exists in other legislation before the House. I would hate to think we would deal with the criminal law aspects in isolation and not concentrate resources on the administrative protection and provision of services that will be dealt with in the Immigration, Residence and Protection Bill.

Deputy Darragh O'Brien: I thank Deputy Cuffe for agreeing to share time. I was interested in Deputy Coveney's contribution and I ask the Minister to take his proposals on board. I wel-

come this legislation. We must examine the human side of this. I will encourage my Government colleagues to examine the notion of temporary residency. The legislation has the right thrust about it in protecting people. We must consider the human side and ensure that when trafficked people are found they are not deported at the earliest opportunity. Like many previous speakers on this much needed Bill, I welcome the fact the Minister has brought it to the House so speedily. Shortly after his appointment the Minister flagged the issue as a priority. I commend him for dealing with the legislation in such a focused manner. Before the election many of us received organised representations from constituents asking us to ensure this legislation on criminal law and trafficking was brought forward to ensure Ireland is compliant with the EU framework decision, the Council of Europe convention and the UN Protocol on the criminal law and law enforcement elements of human trafficking. I hope my constituents in Dublin North who were in touch with me over the last few months will see that we take it seriously. Our goal is to move toward ratification of the Council of Europe convention, which deals comprehensively with victim protection. Ratification of the convention cannot take place until changes are made through this legislation. I look forward to this country ratifying the convention in the near future.

Any legislation that helps to protect the most vulnerable in society must be embraced wholeheartedly. Organised criminal gangs make substantial profits from the exploitation of poor people, both young and old. Organised crime across Europe and the world simply uses human beings as commodities. It sees people as a means of making profit and has no regard for human rights. The people involved in such crimes are devoid of scruples or morals. Ireland must take a stand and play a part in smashing these criminal gangs. It must do its best to eliminate human trafficking in Ireland and across Europe.

I welcome the establishment of a high level group, which will include representatives of the Garda Síochána and relevant Departments, to combat human trafficking. The group will draft a national action plan. It is important that we deal with this issue in a focused fashion. The main purpose of the action plan is the prevention of trafficking and raising awareness of the issue. Many people do not realise how prevalent trafficking is in Irish society and throughout Europe. The EU has produced stark figures on the worldwide trafficking of human beings. The action plan aims to raise awareness of this among the public and, most importantly, to prosecute traffickers and anybody else involved in such operations.

We must also carefully consider how to protect the victim. The points made by Deputy Coveney on how we should deal with the human side of this problem are most important when considering amendments to the Bill. The most important aspect of protecting the victim is a focused

approach to child trafficking. Ireland and its people are known worldwide as a nation that cares for the vulnerable, poor and needy. We should strive to be an example to the world in how seriously we take the problem of the exploitation of human beings. Legislation is required but real action must follow. We must make Ireland a country in which the criminal gangs know they cannot operate and a country that continues to be known as one of the foremost countries in the protection of human rights.

The problem of human trafficking, particularly child trafficking, must be a priority for the Government. The EU estimates that 1.2 million children are trafficked worldwide. A portion of them would be in Europe and would have crossed our shores. These children are mainly from poorer nations, such as those in the old Soviet bloc, eastern Europe and Africa. Legislation and enforcement will undoubtedly help but the Government must also consider how to tackle the root causes and the economic reasons for the prevalence of human trafficking in poorer nations. We must continue to further improve Irish Government foreign aid to developing nations and ensure the continued support and expansion of fair trade, which will help the countries involved deal with the problem.

Unfortunately, in developing nations life is cheap, economies are poor, there is little employment and some families give their children to be trafficked. We are aware that this happens so we must examine how Ireland can do its best as an EU member state to tackle the root causes, such as through the foreign affairs committee which met this morning and discussed the work it will do in the next year. We must try to tackle the root causes of these problems.

I support the Bill and thank the Minister for bringing this much needed legislation to the House.

Deputy Michael D. Higgins: I welcome the opportunity to speak on the Bill. When important legislation is introduced it should be welcomed. I also welcome the priority the Minister, Deputy Brian Lenihan, gave to this legislation and the speed with which it was brought before the House. I commend my colleagues from all sides of the House, but particularly in the Opposition, for their thoughtful contributions to the debate. We must ensure that whatever amendments are made on Committee Stage will make the Bill a genuine instrument that will be of assistance to the victims of trafficking.

What was impressive about the contributions to the debate so far was the stress on vulnerability. When one examines the structure of trafficking beyond the numbers, the person who becomes a victim of trafficking is generally extremely vulnerable. Previously I worked as a sociologist with an interest in the sociology of migration. The first striking aspect of this issue is that the recruitment of people at the point of

origin is an exploitation of vulnerability. This vulnerability can be beyond gender and age. With regard to the journey itself, Deputy Naughten referred to the appalling experience of the people who were trapped in a container in Wexford, what happened to them and the purpose of that.

At the destination a new set of vulnerabilities is introduced for the victim. The victim is often deficient in language skills in the new environment. More importantly, they are quite confused and perceive themselves as either illegal or as people who, if discovered in the public space, might face imprisonment, as happened in the Sligo case referred to in the study by NUI Galway. The contributions to the debate which stressed adequate treatment of the victim are entirely correct in their emphasis.

It is a feature of the research into crime over the years, particularly in the case of the old fashioned approach towards prostitution that was referred to by Deputy Cuffe, that the person who is the client walks away while the person who is the provider of the services becomes the focus of attention. That still happens with regard to the victim of trafficking. The first perception a person will have, and it will be used as a mechanism of control over them, is that they are illegal, have nowhere to go and have no way to attract attention to themselves and their vulnerability, even if they had the capacity to do so with their language skills.

The first approach that must be dismissed is the suggestion that one discovers the person as a participant in a crime setting. The person has to be rescued from that setting. It is, therefore, extremely important that the practical proposals that have been made for granting temporary residency and for providing for a period of recovery be accepted. The 12 recommendations made by Dr. Ward and Dr. Wylie in their comparative study on best practice for the delivery of services are valuable. It would be useful if the Minister gave a commitment, as was sought by my colleague, Deputy Rabbitte, to the 12 modest proposals they made. What is more significant than the difference between the figures in Dr. Ward's and Dr. Wylie's study and Ruhama's figures is that we desperately need to resource research in this area. We must also resource vigilance.

I am concerned about the public silence on a related matter, namely, the disappearance without trace or account of unaccompanied young minors who arrived in this country and were in the care of the old health boards and later of the HSE. I spoke to some of them as they made their way through the school system, some of them in this city. They worried that they would face deportation on reaching 18 years of age as no transition to Irish citizenship was possible for them.

Regarding residency and citizenship the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, has suggested he will not follow the Spanish and Dutch proposals. This is

[Deputy Michael D. Higgins.]

entirely wrong as their arrangements are well thought out and enable a regularisation that is very practical. The Minister relies on the notion that such proposals send out the wrong message. This is the stuff of the 19th century and it is time we dropped this attitude. We are addressing the movement of people in social space and legislative proposals should deal with this.

Most contributors to this debate have rightly concentrated on the victim and if one found oneself in the position of the woman in Sligo what would one do? One would face arrest, deportation and return to the previous context of vulnerability from which one was originally abstracted. It does not matter whether a friend, neighbour or relative is involved because the fact is it is a modern form of slavery. We should also remember, regarding international law, that when the yield is great from drugs, trafficking and armaments the matters become harder to deal with. People like Manuel Castells examined globalisation in terms of what information technology can facilitate and, tragically, states and institutions are far behind the trades in drugs, armaments and trafficking in terms of technology. Due to the high yields from drugs, trafficking and armaments these trades have adopted new technologies. The international community must catch up in its response to this challenge.

I accept the point made by others on Irish compliance with some of the international instruments that have been developed. This may not be the appropriate time to mention this but I am beginning to think we should examine again our monist and dualist options on ratification. There are so many instruments now, perhaps between 25 and 30, and responsibility falls on the Department of Justice, Equality and Law Reform to ensure compliance. It will become a lead Department in seeking the adjustment of domestic legislation to enable the ratification of what has been signed. There is a case for and against this as some countries sign in bad faith and do not proceed to deliver the protections detailed in the instrument. Regarding instruments that cover fundamental human rights it may be time for us to consider a change of tack as there are other ways of doing this. We could farm out the review necessary on domestic legislation, farm out the drafting of legislation to see if it can be delivered faster and so on.

People have referred to the 200th anniversary of Wilberforce's reforming legislation on the slave trade but they should remember that this did not mean slavery was abolished, only the slave trade within the British Empire. Unfortunately some countries, particularly in Asia, may have up to 250,000 youngsters in bonded labour but I do not want to be distracted by that issue. It has been suggested that the horrific trade in human trafficking may be worth \$32 billion and \$10 billion of this is derived from the sale of individuals which presents a huge challenge to

humanity. Deputy Coveney quoted the figures of the State Department in Washington which suggested that 800,000 people are trafficked worldwide each year. International experts suggest that 2.5 million people are recruited, trapped, transported and exploited.

To progress this legislation between now and Committee Stage we should closely examine the 12 modest proposals made by Doctors Ward and Wylie who studied this matter in detail. We must resource organisations such as Ruhama and it is important to include them when we consider how to establish best practice. Comparative research is very important but I do not want to argue whether the problem in Ireland is serious or not because if the human rights of one person are abused we have a problem. Two people conducting research with inadequate resources may produce differing figures in terms of people trafficked to Ireland, such as 105 or 175, but this is not the issue because Ireland has a problem. There must be specific legal protection and specific measures to allow a person make the transition from exploited victim to new citizen.

I hope my comments are taken in the spirit in which they are offered but a framework is too weak a suggestion. It is necessary to respect the sociology behind a situation and know the circumstances in which the person was originally acquired, moved and entrapped. It must be possible to consider the international information that is available to us and it may be necessary to give a person six months to consider his or her options. Temporary residency is necessary because the person must be able to move into a safe environment. Migrants sometimes spend years in a city before they gain the confidence to know the institutional fabric of the place they find themselves. Frequently migrants have language difficulties and have often been forced to cut their link to bonds with the point of origin from which they may have been sold. Such individuals have nobody and nothing but the vigilance of the State, which sees an illegal interaction between the trafficker and the person exploited. There must be an effective agency in these circumstances that can discover the problem, invigilate to know the extent of it and provide an escape mechanism for the exploited individual. This agency would also need to manage the individual's transition into society and this cannot be done through something as vague as a framework.

I am not blaming any agencies regarding the example I quoted on unaccompanied minors but people were lost and this worries me. At their request I called to see some young people who were preparing for State examinations whose only places of study were the tops of their beds. These young people were in accommodation with adults and had few opportunities because going into the leaving certificate they had only deportation to look forward to. These young people were unaccompanied minors in Ireland for whom we have a human rights obligation in inter-

national law. Some unaccompanied minors in Dublin are missing and cannot be accounted for so how can we say they are not being exploited?

I welcome many aspects of the Minister's speech because he says he will take a holistic approach to this issue. The example I gave illustrates how cooperation is needed between health agencies, agencies dealing with children, the Department of Justice, Equality and Law Reform and others. It is not satisfactory to suggest that this is a matter for the Health Service Executive, or previously a health board. All that does is pass the parcel with regard to responsibility. I do not suggest that is what people tried to do, but we need a mechanism of joined-up responsibilities within the different areas if we are to deliver.

There are good and sensitive proposals in the Bill, for example, respect for dignity and privacy in respect of people transferring from victim to a new situation, which is a difficult transition. As a sociologist, I must point out that the evidence is not good and the figures are not very encouraging in respect of people who have been damaged by exploitation and their capacity to make this transition, mainly because of what they have been put through both psychologically and in terms of the social setting in which they find themselves.

We need to examine policing or first line enforcement. We also need to consider the attitudes of judges, who desperately need re-education in some areas. Take, for example, the appalling situation we had recently relating to a judge who made the comment about Romanian women selling flowers late at night, "One wonders what they were at". He then went on to make further appalling remarks. I am told the Minister for Justice, Equality and Law Reform has no responsibility for what eccentric judges may say, and the Courts Service has no duty of care either. Judges, therefore, can just ramble on. In light of the position of victims and those trapped by trafficking, we need re-education for judges, just as we do on enforcement.

It is important also that we resource the academic research conducted by Dr. Éilis Ward and her colleague Dr. Wiley, but not as a challenge to Ruhama. We need to resource both groups and take their views into account when crafting the new Bill. I look forward to the opportunity for my colleagues to fine tune this overdue, but welcome, Bill on Committee Stage. I look forward to consideration by the Minister of how we may have speedier compliance with our international obligations so as to ratify the international instruments, either by fast-tracking legislation here or by reconsidering the monist and dualist relationship we have towards the ratification of international instruments and human rights.

Deputy Deirdre Clune: I am delighted this Bill has come before the Dáil. Trafficking is a global issue, compared by many to the slave trade. It is an indictment on us all that 200 years after the

abolition of the slave trade the trafficking of humans takes place under our noses in cities and towns throughout Europe. Like dealing in drugs and arms, the trafficking of humans is very lucrative and attracts the interest of criminals whose sole purpose is to abuse vulnerable people, most of who find themselves trafficked into the sex industry. Others are trafficked for labour purposes and some for the supply of human organs, which is shocking.

It is estimated that between 700,000 and 4 million women and children are moved across international borders each year. The US estimates that 80% of those trafficked are women and girls and that 50% of them are children and that the bulk of these are forced into prostitution. The trafficking of humans is a growing problem in Europe, where an estimated 100,000 are trafficked each year. The UK estimated that 330 children were trafficked into it in 2004. These are only the figures we can identify, but most people acknowledge they are only the tip of the iceberg.

I welcome the Bill because for too long now the profits raised from human trafficking outweigh the punishment. I hope the result of this legislation will be to force those involved in this sordid business to consider whether the reward is worth the risk. Crime lords do not know borders and humans to them are no different to drugs, just a different product. Often the return is greater. Human trafficking is a lucrative enterprise, the estimated returns from which were €6.5 million last year.

A few weeks ago the Dáil debated the Government's decision to opt out of the EU attempt to set up criminal structures. I said at the time that our opt-out was a retrograde step, particularly in light of the trafficking issue where we must try to deal with criminals who move people from Asia, Africa and Europe across European borders. We need full co-operation in dealing with criminals at police and justice level. I hope we will not come to regret the Government's decision to opt-out of those measures in the new treaty.

We have had calls for this legislation for some time and it is welcome. Ireland is the last European Union country to introduce it. Trafficking has been termed the most serious human rights issue of this world and I am delighted we are finally tackling it and standing up and being counted in that regard. The Government has been embarrassed by media focus on the discovery of human trafficking rings across Europe and has delayed on the issue for a long time. The UN's human trafficking rapporteur, Ms Sigma Huda, criticised Ireland's lack of legislation for the area last January.

I do not agree with the statement by the Minister for Justice, Equality and Law Reform that human trafficking is a small, but growing, problem here. Much of the evidence from the media and organisations such as Ruhama, which works with people involved in prostitution, refutes this. Ruhama reported that up to end-2006, it was

[Deputy Deirdre Clune.]

aware of 200 women who had been trafficked into Ireland for the purpose of prostitution and had assisted 132 of these women. Some 73% of the women came originally from Eastern Europe, 21% from Africa, some from South America and 2% from Asia. Ruhama also reported assisting a further 22 cases in 2005 and another 18 in 2006. It is aware of trafficking of women for involvement in an illegal sex industry.

Ruhama was recently to the fore in participation in the EU anti-trafficking day on 18 October, where it launched an important awareness campaign which is much needed for the victims of this serious crime. Female victims of trafficking who are involved in prostitution find it difficult to make contact with anybody who could help them, whether for welfare purposes or through the Garda Síochána. I am delighted to see that the Garda Síochána is involved in offering support to Ruhama. It makes sense for Ruhama to work with gardaí throughout the country. The awareness campaign is important and I hope it will reach many vulnerable people who find themselves in a difficult situation. We cannot repeat often enough how important it is to give people such a lifeline, which can provide the hope of being rescued from their appalling situation.

Ruhama works with the Garda Síochána on its training courses, helping gardaí to recognise victims of trafficking. Such co-operation ensures that victims will obtain the necessary support and services that should be available to them. The director of Ruhama, Kathleen Fahy, has said we must face up to the fact that women are being trafficked into this country for the purposes of prostitution and it is necessary to have legislation to deal with this horrendous crime. That is exactly what we are doing here today, facing up to the fact and introducing legislation to address that crime.

Human trafficking is well organised, subtle and brutal and can be very cruel. In 2005, 25% of the victims that Ruhama assisted were from outside Dublin. That figure rose to 40% in 2006. This year, none of the 16 victims Ruhama has assisted was from outside Dublin. Overall, however, the figures show that victims of trafficking who are forced into prostitution are in small towns the length and breadth of the country.

Most of those who are trafficked end up working as prostitutes in brothels. There are some horrific stories of people shackled to beds and being abused as victims of sex crimes. Most of the criminal activity in our towns and cities is related to drugs and every middle-class dinner party at which cocaine is used is feeding into that situation. In addition, those who use the sex industry are also guilty.

In recent weeks, it was reported that a Russian woman who came here surrendered her passport and was confined to a small apartment in Dublin. It was reported that she lodged €10,000 per week

on behalf of her overlords. That is the kind of money we are talking about, yet the woman only received €70 for her efforts. Such activity is going on all over the country. People are paying money for sex and they know the girls or women involved have been trafficked. Prostitution is illegal but those who avail of the sex industry are facilitating the illegal trafficking of victims of this appalling crime.

The NUI Galway study, referred to by Deputy Michael D. Higgins, claims that many women were trafficked into Ireland for the purposes of sexual exploitation between 2000 and 2006. The research project was carried out over two years, surveying agencies and organisations working in the area of prostitution. The report highlighted that 76 women were trafficked over that period. Apart from the evidence that people are being trafficked here, Ireland is also being used as a gateway to the United Kingdom. A recent BBC programme interviewed a trafficker who said he had used the port of Rosslare to bring such people into the UK. As an island nation, which in many cases is a gateway to Europe, we have a responsibility to individuals who find themselves being trafficked here for the appalling crime of prostitution.

In his speech, the Minister said it was his intention to put in place a framework whereby a victim of trafficking would be afforded a period of recovery and reflection. In addition, if victims so wish, they can participate in subsequent criminal proceedings. I was disappointed that the Minister referred to a framework and that he is not examining this Bill with a view to ensuring that victims are viewed in a more compassionate light. As a nation, we must all bear responsibility for ensuring that victims are not criminalised. I do not think that is the Minister's intention, but nonetheless there were reports of gardaí finding a woman in Sligo who was a victim of trafficking involved in prostitution and she ended up in Mountjoy jail. That is certainly not a solution to the problem.

At present, there is an *ad hoc* approach involving NGOs, the Garda Síochána and the National Bureau of Immigration. Each case is worked on individually and there is no co-ordinated response to assist victims. There have been reports of victims being returned to their own countries without any form of rehabilitation or assistance in coming to terms with the horrendous crimes to which they have been subjected. I am thinking of the girl who was found in Dublin shackled to a bed with cigarette burns all over her body. She was used for sex and was certainly in no fit state to be sent back to her country. She needed the support of this State. I think people here do not want to see such people classified as illegal immigrants or dealt with under immigration laws. They must be seen as victims and we have a duty to support and rehabilitate them. They should be provided with all the necessary medical, psychological and social welfare assist-

ance the State can offer to ensure that they can rebuild their lives. Many such victims, who may have been kidnapped and sold or traded illegally, cannot return to their country of origin.

Ireland has signed up European Council Directive 2004/81/EC on granting temporary residence permits to victims of trafficking so we have an obligation in this regard. The purpose of the directive was to give victims time to get support and recover before returning home. Ireland has also signed up to international conventions which state that victims need protection and support. They should be classified as victims, rather than being dealt with as an immigration problem. This legislation does not adequately address the need to support victims but rather classifies them as immigrants. We need to regard them as victims and recognise that they have had some horrendous experiences and offer them support. This is one of the flaws in the legislation which Deputy Naughten will consider in the detailed analysis of the Bill on Committee Stage.

I welcome the Bill on this issue about which we have heard and read in the media. The absence of legislation on human trafficking has been a matter of deep concern to us all. The world is changing but it is frightening to think that 200 years after the abolition of slavery people are treated as sub-human often under our noses in this city and in towns around the country. While the Bill is welcome we must consider the victims rather than those who are classified as illegal immigrants.

Deputy Frank Feighan: I welcome the publication of the Criminal Law (Human Trafficking) Bill and congratulate Ruhama, the only group dealing with prostitution here. It made significant inroads into our perception and knowledge of prostitution and human trafficking which most people assumed did not exist. Ruhama made a presentation to a committee which shocked me and many other Deputies. I also pay tribute to the former Deputy Monica Barnes from my party who many years ago was one of the first Deputies to highlight the growing area of prostitution and to say that many involved were not there of their own free will and had no control over many issues. I acknowledge too the work of the former Minister for Justice, Equality and Law Reform, Michael McDowell, who almost brought the Bill to fruition. Legislation has already been passed in this area including the Illegal Immigrants (Trafficking) Act 2000 and the Child Trafficking and Pornography Act 1998.

I wish my constituency colleague, Deputy Naughten, well in his challenging brief of immigration and integration. He has the enthusiasm and ability to address serious problems such as this one.

The Bill started with the title “criminal justice (trafficking in persons and sexual offences)” but because of the pressure on the Parliamentary Counsel’s office in the run up to the general elec-

tion there was a long delay in drafting the Bill. Had the subject matter not been split there would not have been a Bill until the end of this year. Given the urgent need to legislate for human trafficking offences a delay would have been unacceptable. Sometimes we put important Bills on the back burner which was unfortunate on this occasion. Can we not find more resources to deal with these urgent cases?

The splitting of the Bill is welcome. This Bill deals with the criminal law while immigration issues will be included in the immigration, residency and protection Bill which will provide protection for victims of trafficking and services for them while they remain in the country. Section 13 makes technical amendments to the Sex Offenders Act 2001, two of which provide for the smoother operation of that Act. A failure to comply with the sex offenders register will be an arrestable offence and probation and welfare officers will be able to prosecute persons for any breach of the conditions attaching to an order for post-release supervision of sex offenders, which is welcome.

Human trafficking is a modern form of slavery and is the third largest source of income for organised criminals. Given the secret nature of the crime we do not know the extent of the trafficking. We rely on statistics but have no idea of its extent because the people involved are the only source of information. The Garda has a significant role to play in this respect but its resources are stretched in dealing with gun and drug crime. For example, in my town last weekend the gardaí had to deal with many incidents. The Minister of State might be able to tell us whether the Garda has the resources to deal with this crime.

Some 100,000 people are trafficked into Europe every year and forced to work as prostitutes. This is a serious and deplorable situation. We all need local information. Our society was rural and local up to ten or 15 years ago when people knew what their neighbours were doing, what anyone who went to Dublin did, with whom they went and so on. While we may not want to hark back to those times we seem to have conveniently become very insular and pay no heed to others, saying this is not our problem. If someone sees a young boy or girl hanging around a hotel lobby and thinks there is something wrong he or she should ring the Garda. We should probe deeper into these matters. People in these communities get involved in football and basketball clubs, or various societies. People from eastern Europe, especially Poland, are involved in the church. There is a fine line between being interested and nosy but if we hear of, or think there is, something wrong we should call the Garda or the social services. Teachers may know things about their pupils or the brothers and sisters of pupils.

We are talking here about the second oldest profession in the world. There are customers. If

[Deputy Frank Feighan.]

they felt that something was not quite right, should there not be some kind of whistleblower's law? They could call the Garda Síochána and express their concerns, but would they be then prosecuted? I just do not know and I hope the Minister of State can answer these questions.

We can talk all we want in this Chamber and that will go into the record, but it will not go any further until we become more open about this. We must have a publicity campaign, but there are Irish people who are equally guilty because years ago it was brushed under the carpet, to be dealt with by the agencies. No agency or law can deal with this and we need further information.

Ruhama is an Irish non-profit organisation involved in providing outreach services to women engaged in prostitution. It certainly operates from a form of empathy, respect and compassion. Ruhama reported that up until 2006, it was aware of 200 women who had been trafficked into Ireland for the purposes prostitution, 132 of whom were assisted by the organisation. Of that group, 73% were originally from eastern Europe, 21% from Africa, 4% from South America and 2% from Asia. There were 23 cases of assistance to trafficked women in 2005 and 18 cases in 2006. We should show our appreciation to those volunteers who do great work for Ruhama. This organisation has got State funding in the past, but it should get very generous financial assistance as it is doing the work on which the State often turns its back. However, I accept that something is being done. Ms Kathleen Fahy, the director of Ruhama, stated that Ireland must face up to the reality that women are being trafficked into the country for the purposes of prostitution, and that legislation is being put in place for this horrific crime.

In 2004, Italy led Europe in recognising the need to protect victims of trafficking and 1,940 victims, including 118 children, received assistance under social programmes. We seem to have adopted an *ad hoc* Irish solution to an Irish problem. Hopefully we are introducing more effective legislation, but this needs to be backed up by more resources for the Garda Síochána, Ruhama and the health services. It is estimated that between 700,000 and 4 million women and children are moved across international borders each year. We know the profits to be made are similar to those of illegal drugs and the arms trade, as they are worth €8 billion annually. We are not immune in Ireland to international trends. Under the Celtic tiger, many people are coming into this country and unfortunately some are coming against their own free will. They are coerced into prostitution, but we need to send a message that this modern day slavery will not be tolerated in our country. That is why this legislation is being put in place.

I never thought of a young woman as a commodity, but these women are bought and sold to maximise profits. It is a multi-billion dollar busi-

ness and we need to prosecute these crimes immediately. A few years ago, the former Minister for Justice, Equality and Law Reform, Deputy McDowell, made a serious move when he closed many lap dancing clubs in this city. It was a good move because he obviously had information that there was an east European gangster element involved. He took the tough decision to close these clubs and I am sure he stopped an increase in human trafficking. Some of these clubs were bringing in girls against their own free will. I am not saying that all lap dancing clubs are involved in such activities, but on this occasion he had very definite information and he acted. I have never been a great admirer of Michael McDowell, but I praise him for that.

One of the recommendations of the Irish Refugee Council is that Ireland should sign the Council of Europe's convention on action against trafficking in human beings, as well as the protocol to prevent, suppress and punish trafficking in persons. The Irish Refugee Council also recommends that Ireland should ratify the optional protocol to the convention on the rights of the child and the sale of children, child prostitution and child pornography. The upcoming Immigration, Residence and Protection Bill 2007 must include provisions for the immediate granting of visas to victims of trafficking on humanitarian grounds. Legislation must be drafted to prosecute traffickers and must be enacted as soon as possible.

In China, the State council, the local party commissions and government agencies attach a huge importance to human trafficking, as do the police, the courts, civil departments, the media, schools, women's federations, trade unions and the even the communist youth league. We all know what's going on in the street. In the last five or ten years we have got so affluent that maybe we do not want to know. It is time for us to be looking out for the tell-tale signs that something is not right. In Sligo and Louth there were cases of young girls being kept against their will. A call to the Garda Síochána would be an idea.

We have also been accused of being too successful in implementing EU directives, but on this occasion we have been lax in implementing directives that would prevent labour exploitation, including directives on working time and agency workers. The local newspaper in Sligo carried a report on a 17 year old west African girl who came to the attention of gardaí while working as a prostitute in the area. It emerged that she was a minor and had been trafficked to a country where it was intended she would be exploited by a prostitution ring. While we may not get rid of this type of outrageous crime, if the information is passed on to the Garda Síochána or the relevant authorities, it certainly can be curtailed. Although this debate has been worthwhile, information is required and I call on people who notice something unusual to bring their information to the relevant authorities.

Deputy Caoimhghín Ó Caoláin: Sinn Féin has called for this legislation for several years and we will support it notwithstanding our concerns about its limitations, some of which have been outlined by my colleague, Deputy Ó Snodaigh. In particular, we disagree strongly with the Minister's decision to exclude protection for victims of trafficking from the scope of this Bill. It has become increasingly clear that the official data on the number of persons trafficked to Ireland grossly underestimate the real extent of the problem. These victims cannot wait until the passage of the immigration Bill through the Houses of the Oireachtas. I believe that failing to ensure that victims can come forward without risk of arrest, imprisonment and deportation will also undermine the effectiveness of the Bill before the House today. Consequently, I urge the Minister to reconsider this matter, which has been raised by a number of Deputies during the course of Second Stage debate, and to bring forward protection measures when the Bill is debated on Committee Stage. It would be very helpful to signal clearly such intent in the concluding remarks to Second Stage.

While there is no question that this legislation is needed, we must be realistic about what it can achieve. The vast majority of trafficking victims in this State are trafficked to the State from another country where this law will not apply and where the sanctions it contains will have no deterrent effect. Hopefully they will deter some of those who will be on the receiving end of the trafficking chain in this State and we support the sanctions on that basis. However, the likelihood is that this will simply divert the problem rather than prevent it. The traffickers will find another country to which to send their victims. From a human rights perspective, therefore, measures such as the proposed legislation are not sufficient in themselves and do not stop people from falling victim to human trafficking in the first place.

By focusing excessively on the criminal justice aspect of the problem there is a danger that we are simply closing the barn door after the horse has bolted. The Minister in his opening remarks referred to the different levels on which human trafficking is being targeted. He omitted one aspect which I think is very important and which his colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern, touched upon last week in his response to a parliamentary question. He stated:

The majority of people have no wish to uproot themselves from their communities, frequently leaving their families behind, to undertake often dangerous journeys to unknown and uncertain destinations. If people are provided with a minimum level of economic opportunity and the security provided by a functioning accountable Government and basic public services, they will choose to stay in their own countries, towns and villages.

In this instance, the Minister referred to asylum seekers but a similar statement can be made about many of those who fall victim to human traffickers while trying to find employment. They are given the promise of work abroad, earning significantly more than they could in their home country where, in most cases, life is a day to day struggle to provide for their families. Were opportunities available to them at home, far fewer would be vulnerable to the approach of traffickers. From our own experience in Ireland, we are familiar with the relationship between standards of living and outward migration. There is also a clear link between abject poverty and child trafficking as parents in dire circumstances — I suggest circumstances absolutely beyond our imagining — may come under extreme economic pressure to sell their own children. These children may end up as sex slaves, labourers, domestic servants, child soldiers and worse.

Poverty is the underlying issue and the prevention of human trafficking must start with real measures to address it. Ireland alone cannot resolve this problem, but we could do much more about it. We could play a constructive role in challenging the structural adjustment programmes that leave developing countries in debt bondage to the West. We could lobby for power to be given to the United Nations Economic and Social Council to ensure fair regulation of the global economy. We could stand up to US imperialism rather than facilitating it through the use of our airports. The Minister for Justice, Equality and Law Reform spoke of the need to take a holistic approach to trafficking, and I agree with him, but a truly holistic approach would begin with a genuine effort to eradicate the negative factors that lead people to leave their homes in the first place. That is the starting point; that is where we must begin.

The Minister also referred to the immigration aspect of human trafficking. I am concerned that we are adopting a dangerous approach to this aspect, relying on increased border controls as a solution. Ireland, like all western states, has tightened its borders considerably in the past decade and during this time the problem of human trafficking to the West has grown and worsened. It is clear the controls are not operating as deterrents to traffickers who know how to get around them and how to use them to their own advantage. Such controls close down the options available for safe and legal migration so that people who believe they need to leave their home, whether out of fear, danger or economic necessity, have recourse only to unsafe and-or illegal options. Sadly, if this means turning to traffickers, they will do so.

Some studies suggest that up to 50% of all trafficking victims have been re trafficked, that after returning or being forcibly returned to their home country, they wind up being trafficked again because the conditions that led them to leave home in the first place remain unchanged and

[Deputy Caoimhghín Ó Caoláin.]

they have no other means of escape. It is hard for people in Ireland, which is now one of the wealthiest countries in the world, to imagine the desperation that could drive someone into the arms of traffickers not once but twice or more often. However, the evidence is there and it is indisputable. Migration is increasing on a global level and clearly it cannot be stopped simply by border tightening. If the international community is serious about preventing people from falling into the hands of traffickers, we must address the dearth of options available for safe and legal migration.

In some cases, the issue of border controls may not even arise. People can be and are trafficked within state borders. Their traffickers may also be in a position to obtain valid visas and work permits for them, usually for a substantial fee. In a recent study by Migrant Rights Centre Ireland entitled *No Way Forward, No Going Back: Identifying the problem of trafficking for forced labour in Ireland*, only one of the victims interviewed had been smuggled into this State. In the other cases, the traffickers made use of our immigration laws to provide a means by which the victims could enter the country and a means to bind them to their abusive employers. There is a tendency for these workers to be overlooked when the subject of trafficking is discussed. They may be seen simply as victims of labour exploitation. The victims interviewed in the report I cited did not identify themselves as having been trafficked. Many of them blamed themselves for having trusted the person or persons who promised them a better life. It is important to remember that the internationally accepted definition of human trafficking, as contained in the UN Palermo Protocols, makes clear that trafficking occurs when fraud or deception is used to control a person for purposes of exploitation. There must be no exclusion of these workers from the protection made available to victims of trafficking. All too sadly, I reflect that there are many of those of whom I speak in every constituency across the State.

In this regard, I call on the Government to strengthen its efforts in the fight against labour exploitation. The recent decision to opt out of an EU directive penalising employers who knowingly hire trafficking victims, repeatedly violate fair employment practices or are particularly exploitative is extremely disappointing. That it was done at the behest of IBEC, who complained about the bureaucracy that companies would be subjected to, is nothing short of reprehensible. It calls into question the Government's commitment to tackling the problem of human trafficking. I also note that with the ending of the Common Travel Area, the Government will lose one of its excuses why it cannot ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. I urge that we revisit that issue

and ratify the convention without delay. Again, I respectfully request that in his closing remarks the Minister of State should give a clear indication of intent in that regard.

While there is much more that needs to be done to address the problem of human trafficking, I welcome the fact that we are at last taking the elementary steps contained in this legislation. I hope the Minister and his colleagues consider the other issues I have raised so that we can work toward developing a truly holistic approach. I conclude by asking the Minister once more to reconsider the decision to delay the introduction of protection measures for trafficking victims. It appears that the Opposition Members are united on this matter. We are not taking this position merely for the sake of political opposition. It is a crucial element in fighting trafficking, an issue on which all parties in this Chamber should and must find common cause. We must help to restore the dignity and human rights of those men, women and children abused by this terrible crime.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Seán Power):

I thank the many Deputies who contributed to this debate for their generally positive comments. It is clear that we all share an abhorrence of the evil trade of trafficking in human beings and wish not only to tackle it in Ireland but to contribute to tackling it internationally through police co-operation and heightened awareness.

The provisions of the Bill were generally well received and the debate centred largely on what is not in the Bill. Deputy Clune and a number of others concentrated on that area in their contributions. Their chief concern was the protection of victims. The Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, mentioned in his opening address that he was adopting a holistic approach to the challenge of dealing with trafficking. I will not repeat in detail how he is giving effect to that policy as it is on the record of the House. This Bill represents one of four strands of a comprehensive strategy to tackle trafficking in human beings. All four strands will develop side by side so that, for example, the establishment of criminal offences, the creation of a more structured scheme of victim protection, and the provision of services to victims will take place contemporaneously.

Our goals in the field of trafficking are to ensure that the criminal gangs involved in this evil trade are put out of business and that victims will have no fear in giving evidence in court, and to ratify the relevant international instruments, particularly the Council of Europe Convention on Action against Trafficking in Human Beings. Before this can be done, the proper structures will have to be in place. Chapter VII of the convention establishes a strict monitoring mechanism for the implementation of the convention by GRETA, the group of experts on action against trafficking in human beings. The evaluation pro-

cedure for the parties to the convention may include country visits. That is, as the Minister explained in his opening address, why this legislation alone is not sufficient for ratification of the convention. For this reason he has established a high-level group to recommend the most appropriate and effective response to protecting victims in line with the requirements of the Council of Europe convention. Where legislation is needed, such as in criminal and immigration law, it is being provided, and where administrative measures are required they will also be provided. Deputies can be assured that victims of trafficking will receive all the necessary protection and services that are provided for in the United Nations and Council of Europe instruments on trafficking. If we cannot do that, we cannot ratify these instruments.

Ireland's participation in the police cooperation provisions of the new reform treaty was mentioned by Deputies Naughten, Creighton and Coveney. Ireland has always been positive in terms of building up practical police cooperation between the member states and we have strongly supported the adoption of EU initiatives in this field. These have covered, in particular, improved sharing of information and other operational measures to prevent and detect serious cross-border crime. There will be no change in Ireland's general approach to police cooperation under the arrangements made for Ireland under the new treaty and we will actively pursue our policy of strengthening such cooperation.

The Government attached particular importance to police cooperation when it considered the arrangements to be made for justice and home affairs matters under the reform treaty. This is reflected in the declaration the Government has submitted in connection with the treaty, which specifically states: "Ireland will, in particular, participate to the maximum possible extent in measures in the field of police cooperation". The declaration confirms the importance of police cooperation for Ireland and when it comes to the practical aspects of improving cooperation there will not be any difficulty with Irish participation. The Minister outlined in his opening speech the level of Garda involvement at present in international cooperation to tackle the trade in trafficking in human beings and this will, if anything, intensify over the coming years.

Deputies Rabbitte, Enright and Coveney raised the question of rebalancing the law with regard to supply of and demand for the services of prostitutes, which has also been discussed widely outside the House. Some countries have created an offence of paying for sex. Opinion is divided on whether that policy has been successful. It is accepted by many experts that it reduces street prostitution but that there is a corresponding increase in prostitution via the Internet and mobile phone. The simple truth is that a change in the law does not in itself reduce demand. It re-emerges in other ways. Some reports indicate that

demand increases in neighbouring countries, and there are also reports of the phenomenon of "sex ships" or floating brothels in international waters.

A change in law for the purpose of reducing the level of street prostitution would have little impact in Ireland. Public soliciting is already an offence. The offence can be committed by the client or by a third party such as a pimp as well as by the prostitute. Prostitution and being a prostitute are not offences in this country. The offence, as I said, is one of publicly soliciting. In other words, the law makes no moral judgment but simply protects communities from the nuisance caused by public soliciting. We should not assume other countries have better policies than ours.

An allied question raised by Deputy Coveney is whether we should create an offence of having sex with a trafficked person. Such an offence would be impossible to prosecute and could be counterproductive. As mentioned by a number of speakers during the debate, trafficked women are usually kept in circumstances in which they have little contact with persons other than their clients. In such cases a person's best hope of being discovered and freed from the control of traffickers is for a client who suspects that the person has been trafficked to tip off the authorities. However, the client is less likely to do so if he leaves himself open to prosecution. The answer lies in greater public awareness of the sad plight of trafficked persons. The G6 initiative to which the Minister made reference in his opening speech will have four strands of activity. Ireland will lead the strand on awareness and will host an international meeting in Dublin next January.

Finally on this point, any person who has sex with a child, whether trafficked or not, commits a serious offence. Also, if a person has sex with an adult against her will, the crime of rape may have been committed.

I will deal with a number of the other questions and issues raised by Deputies in the course of the debate. Deputy Naughten questioned excluding the press from court proceedings in trafficking cases. The press is not being specifically excluded. Section 10 removes an automatic right of the press to be present which is found in some analogous legislation such as the Rape Acts. The judge will have the power to allow members of the press to be present; it will be at the judge's discretion. The reason the press is not being given an automatic right to be present is that some members of the press from, say, the victim's home country, may wish to be present but their bona fides may be difficult to establish. The significant difference between alleged rape victims and alleged victims of trafficking is that the life of the trafficking victim and possibly that of her family and relatives in the home country may be at risk from persons who would stop at nothing to prevent evidence being given in court.

Deputy Naughten also referred to the operation of the sex offenders register. The register

[Deputy Seán Power.]

has operated quite successfully since its introduction over six years ago. Unfortunately, there are now over 1,000 names on it. However, after six years it is due for a complete appraisal of its operation and this is now well under way in the Department of Justice, Equality and Law Reform. A new sex offences Bill will almost certainly include several changes to what is more accurately called the notification system.

Deputies Rabbitte and O'Rourke asked if the periods of reflection and recovery would be placed on a statutory basis and the answer is yes, in the forthcoming immigration, residence and protection Bill. Subject to Government approval, Deputies will have an opportunity to examine and debate the Minister's proposals once the Bill is published.

Deputy Naughten said there had been no convictions under the Child Trafficking and Pornography Act 1998 and the Illegal Immigrants (Trafficking) Act 2000. While he is correct that there have been no trafficking convictions under the 1998 Act, there has been a recent conviction under the 2000 Act.

Deputy Denis Naughten: That is good to hear.

Deputy Seán Power: Nonetheless, the Minister is reviewing the 2000 Act and will be recommending changes to it in due course.

Deputies Terence Flanagan and Feighan mentioned that we had not signed the Council of Europe convention against trafficking. In fact, Ireland signed the Council of Europe convention on 13 April 2007. Deputy Flanagan also inquired about the confidentiality of reporting suspected cases of trafficking and whether a dedicated website or telephone number was available. The Minister is not convinced that a website would be the best way of communicating with victims of trafficking or for reporting suspected cases. Last year Crimestoppers ran a campaign which provided a telephone helpline for potential trafficking cases and the number of calls made to the helpline was minimal. Various awareness raising initiatives are at present being examined as part of the G6 initiative. I already mentioned that we are leading the strand on the awareness project and will co-lead with the UK the strand on victim protection. At present the Garda Síochána is assisting Ruhama with an awareness campaign and the progress of this is being monitored before decisions are taken on the next steps. The awareness campaign is designed to encourage women who are engaged in prostitution and may be victims of trafficking to make contact with Ruhama so that they can be offered assistance and support. Regular contact is maintained between the Garda National Immigration Bureau and Ruhama to ensure that victim welfare is prioritised in dealing with suspected cases of human trafficking and that those engaged in the criminal acts are brought to justice.

A number of Members paid tribute to the work being done by Ruhama and, indeed, inquired about funding. The Department of Justice, Equality and Law Reform, through the Probation Service, provides funding for Ruhama. This amounted to €275,000 this year. It received a similar amount last year. Ruhama also received about €380,000 under phase I of the equality for women measure. This was provided over a three year period that commenced in 2001. In addition, Ruhama received this year from the Department €50,000 towards the provision of a court accompaniment service scheme and direct victim support. This included an element of salary costs for a trafficking co-ordinator to enable Ruhama to make contact with and provide support to women who are trafficked into Ireland. We are very much aware of the good work they are doing and are quite happy to assist them in that important work.

Deputies Enright and Cuffe also raised the issue of Garda training, and Deputy Feighan wondered how qualified we were and what sort of resources we had to deal with the situation. A total of 150 police officers from An Garda Síochána and the PSNI have been trained in prevention, protection and prosecution measures relating to trafficking in human beings in the period 2006-07. The officers who received the training were selected as being those most likely to encounter victims of trafficking in border, immigration and detective units nationwide. The training was designed by An Garda Síochána in conjunction with the International Organisation for Migration. Non-governmental organisations such as Ruhama and Migrants Rights gave presentations to participants based on their experience from interaction with the victims of trafficking.

Deputy Naughten alleged that passports issued by Irish embassies abroad are of inferior quality to those issued by the Passport Office in Dublin. This is a point with which we could be keen to deal. The Minister mentioned in his opening address that while false or stolen documents are an inevitable feature of smuggling, it is not necessarily a feature of trafficking. Nonetheless, it is important that the record be put straight on the integrity of Irish passports. I am informed that since the introduction of the automated passport system in late 2004, production of passports has been centralised in Dublin. Applications submitted abroad are sent electronically to Dublin for passport production. The passports are highly secure with the holder's details laser engraved on a polycarbonate data page. Passport security was further upgraded last year with the introduction of the epassport which includes an integrated circuit, or chip, embedded in the data page. The chip stores the biographical information and a digital photograph of the passport holder. This is the same detail that is displayed on the data page. The chip is locked and the data on it cannot be changed.

In urgent situations embassies and missions abroad can issue an emergency passport which is of limited validity, usually not more than 11 months. This passport has its own security and is laser printed so that photo substitution cannot take place. Handwritten passports are no longer issued.

Deputy O'Rourke would like to see a non-punishment clause for victims of trafficking in the Bill, as provided for in the Council of Europe convention. Article 26 of the Convention states:

Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

This is a greatly watered down version of the text of the original article. Many countries, including Ireland, could not agree to a non-prosecution clause as, in our case, it would interfere with the independence of the Director of Public Prosecutions. Once a prosecution has been initiated we could not interfere with the independence of the courts. We could not, for example, provide a criminal offence in our laws and tell the courts that in certain circumstances they could not impose a penalty on conviction. That is why Article 26 is worded in a way that allows countries to implement it in a way that is compatible with their legal system. In our case, it is incompatible with our legal system. What is compatible with our legal system is the power of the DPP to use his discretion on whether to prosecute in each case.

There is some confusion as to the number of persons trafficked into Ireland and the number trafficked worldwide. The numbers vary widely and this is not surprising for such a clandestine activity. The recently published research project funded and supported by the National University of Ireland, Galway, estimated the probable minimum number of women trafficked into Ireland for sexual exploitation since 2000 as 76. A number of Members in their contributions stated that this is an area where it can be difficult to have accurate figures such is the nature of the game, but that is the most recent figure we were given.

One of the problems at present in estimating the numbers is the confusion between smuggling and trafficking. This is readily conceded in the research. Researchers allowed those interviewed to offer their own definitions of trafficking thus allowing for and containing disputing views. This is not a criticism of the research; we did not have a single definition of trafficking which clearly distinguished it from smuggling. In future, with the definition of trafficking in the Bill, there will be no confusion and it may be easier to estimate with more confidence the numbers trafficked into Ireland.

Deputy Ó Snodaigh raised the question of children being trafficked for adoption. In the context of adoption, trafficking is not an issue. Other issues may arise, such as smuggling and the payment of money to so called intermediaries.

I understand the Department of Health and Children is drafting legislation that will allow for ratification of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. Considerable progress has been made in drafting this legislation and it is expected the Bill will be published around the end of the year. A core principle of the Hague Convention is that inter-country adoption should be child-centred and that in all stages, the child's interests must be paramount. Adopting across international borders brings with it many more issues than those that apply to children adopted domestically. Legislation and specifically the regime of the Hague Convention are assurances for individual children, their families and the State that appropriate procedures have been followed and that the adoption was affected in the best interests of the child.

Deputy Ó Snodaigh also referred to children being trafficked for the purposes of welfare fraud and ritual killing. Again, if that were to happen it would, most likely, constitute smuggling and if ever identified could be prosecuted under other legislation. It is important to distinguish smuggling from trafficking. That is one of the primary purposes of this legislation and in that context we should comply with international understandings of what constitutes trafficking. Otherwise, we would be back in a position of uncertainty and confusion.

Deputy Costello inquired why Ireland has not implemented the European directives on working time and agency workers. I am informed that both directives are still in draft form and that negotiations on them are continuing. There is nothing in the present text of the working time directive that is of concern to Ireland but apparently several other countries have reservations which have caused the negotiations to stall. With several other member states, we are concerned with the text of the agency workers directive. In our case the concern relates to how long should elapse before pay parity should become obligatory.

Deputy Creighton referred to the EU Council Directive 2004/817 EC on the residence permit issued to third country nationals who are victims of trafficking or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities. This directive was adopted by Council in April 2004. Ireland is not bound by or subject to the directive. However, under the fourth protocol to the Treaty of Amsterdam, Ireland may decide to opt to participate in the instrument. In this regard, the question of participating in the directive remains under consideration. The Council of Europe convention is more extensive than the directive,

[Deputy Seán Power.]

although the instruments share common features as regards provision for a period of recovery and reflection and in certain circumstances the issue of a residency permit.

It has not been possible to respond to all the issues raised by Members but I hope I have responded to the main points raised in the debate. If Members wish to have further clarification they can feel free to make contact with the Department and we will do our best to respond to them. The debate ranged widely, sometimes away from the immediate purpose and content of the Bill but was no less interesting for that. It is to be hoped Committee Stage will be equally constructive and that this short but important Bill can be enacted without undue delay. I thank Members for their contributions which were much appreciated. It is unusual to have such agreement on proposed legislation.

Question put and agreed to.

**Criminal Law (Human Trafficking) Bill 2007:
Referral to Select Committee.**

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Seán Power): That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Charities Bill 2007: Second Stage (Resumed).

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

Acting Chairman (Deputy Charlie O'Connor): I understand Deputy Moynihan was in possession. As he is not in the House I call on Deputy Mansergh. Fourteen minutes remain in the slot.

Deputy Martin Mansergh: I welcome the Bill. It is an ideal model of complex legislation in that it has been discussed with the various interests and agreed. It is long-needed and long-awaited legislation.

Irish people are very generous but it is important their donations go to bona fide charities. I remember being struck some time ago in regard to overseas aid, which is the subject of a number of charities, that voluntary individual contributions in Ireland are the highest in the OECD. I do not refer to the Government contribution which has considerably improved in recent years. There is a tradition of generosity.

We sometimes hear complaints about the difficulty of getting people nowadays to engage in active citizenship and volunteering. My experience down the country is that this spirit is still

very alive and active. Many people are prepared to give a great deal of time and money to local organisations. I appreciate that sports clubs are one form of community activity that is covered by separate legislation but in most cases they are quasi-charitable institutions that include community halls, theatres and various social schemes funded by voluntary fundraising. It is amazing to see, even in what appears to be the smallest village with one shop and a few houses, the amount of money that can be raised for a worthwhile purpose.

Most familiar charities are well run but we are all approached by charities with which we are not particularly familiar. It is very important for confidence and generosity that the system is transparent so people can have confidence in it.

I did a radio programme on Newstalk 106 called "Talking History" and the subject was Gladstone. Looking through a book my eye was drawn to a bit of a fiasco Gladstone had with the charities legislation of 1863, which is presumably one of the predecessors of an Act, which shows that even the greatest statesmen sometimes have to mend their hand when it comes to legislative intentions. He wanted to tax charities and there were delegations of the great and good, including archbishops, dukes and the lot to prevent him. His philosophy was that since all money was on trust from God it should all be equally taxed. That approach was not followed.

He also had a view which is held by many contemporary philanthropists that money should be given away during people's lifetime not necessarily after their deaths. In those days there was an occasional scandal masquerading as a charity. I came across one nice quote from his speech: "It is too much to suppose that hospitals are managed by angels and archangels and that their governors do not, like the rest of mankind, stand in need of supervision and occasional rebuke." Public grants in many cases to charities in our jurisdiction make the public a party to the management of such funds.

There is perhaps one aspect of charities about which I have a little reservation in specific instances. I refer to the question of political advocacy. That should be kept strictly to the purposes of the organisation. A charity to which I subscribe, Oxfam,

engages in what I consider to be partly misguided advocacy in regard to the Common Agricultural Policy — I have said this directly to some of the people involved. It is possible this aspect of Oxfam's advocacy is funded by the British Government, which purely coincidentally happens to be a major critic of the CAP. The fallacy in this instance is that the poorest of the African, Caribbean and Pacific countries have a stake in the CAP and it is the much more developed countries such as Brazil that tend to be against it.

I had some personal involvement as a member of the tax strategy group in the 1990s in what I thought was a very valuable legislative reform

3 o'clock

whereby individual contributions were offset against tax. Prior to 1998, corporate contributions only could be offset. There is of course a *de minimis* figure and the contribution must be significant but this reform has extended and facilitated charitable giving.

In a previous generation, this country, although poor, was nonetheless the recipient of some very important and valuable philanthropic or cultural contributions. One thinks of Chester Beatty, who left a priceless library of oriental documents and artifacts, or Sir Alfred Beit, who left the nation Russborough, or even Lord Gort, who left Bunratty Castle to the nation in the early 1960s, which was the foundation of much of the tourism effort in the Shannon area. I have just read — partly, I admit, for the purposes of this debate — a new biography by Conor O’Clery of Chuck Feeney, who for a long time was completely anonymous but who has made quite enormous charitable contributions, particularly to third level education in this country. Every single third level institution, north and south of the Border, has been a recipient of this philanthropy to the tune of hundreds of millions of dollars. As the book states, the Irish higher education system was subsequently better placed to provide graduates and researchers for the emerging Celtic tiger economy of the late 1990s. More recently, when there were certain financial difficulties in 2003, the temptation was to cut back research and development funding. Chuck Feeney intervened with the Taoiseach and, as a result, the Atlantic Philanthropies foundation put up the enormous sum of €178 million for a programme for research in third level institutions.

That is the case of one philanthropist who lives outside Ireland and who has helped transform the third level sector and third level research. Many people would like to encourage the practice and tradition of philanthropic giving, which is such an important part of American culture. Inevitably, it will be applied perhaps more to some purposes than others. We have had debates with regard to tax exiles, in some of which I have participated. One can get oneself into quite a lather suggesting that if one was in that position, one would live at home and pay one’s taxes. While I hope this is the case, none of us is likely to be in that situation so we are unlikely to be put to the test. It is a real challenge to encourage those who have made a great deal of wealth in our economy, and perhaps in their international activities since most of them operate internationally, to advance the social and educational and cultural life of this country, perhaps through a system of matching funding, as operated in the case of Chuck Feeney.

The Bill will establish a new body, the charities regulatory authority. It is Government policy that where new agencies are established the Government should first consider locating them outside Dublin. I appreciate that staff have been working in the Charities Commission, many of whom may wish to work in the same area. Nonetheless, I

would like to put forward for the consideration of the Minister a location in south Tipperary that was earmarked on a cross-party basis as suitable for decentralisation. Tipperary town itself is receiving two decentralisation bodies so I do not make the case for my home town. However, at the other end of the constituency is the fine town of Carrick-on-Suir. I would be glad if the Minister and his colleagues would consider earmarking this body, or any other bodies to be established, with a view to locating them in that very attractive town.

Deputy James Reilly: I wish to share time with Deputies John Perry and John O’Mahony.

Acting Chairman: Is that agreed? Agreed.

Deputy James Reilly: I welcome the publication of the Charities Bill 2007 and note that the community and voluntary organisations that work for charitable purposes have been urging the Government to regulate charities for many years. The Bill is only one part of the infrastructure of support and development that is required if the community and voluntary sector is to make its important contribution to supporting sustainable and inclusive communities, acknowledged as a key role for the sector in Towards 2016. I take this opportunity to draw attention to the acknowledgement by Government contained in Towards 2016 that support will be required for charities to meet their obligations in the new regulatory environment, and the commitment by Government to provide additional resources to assist the sector in the transition.

The explanatory memorandum states that the purpose of the Bill is to reform the law relating to charities in order to ensure greater accountability, protect against abuse of charitable status and fraud, enhance public trust and confidence in charities and increase transparency in the sector. Key aspects of the Bill will provide for: a definition of “charitable purpose” for the first time in primary legislation, which is welcome; the creation of a new regulatory authority to secure compliance by charities with their legal obligations and also to encourage better administration of charities — we would all like to be assured the money we give goes mainly to the charity and not on administration; a register of charities in which all charities operating in the State must register; the submission of annual activity reports by charities to the new authority; updating the law relating to fund-raising, particularly in regard to collections by way of direct debits and similar non-cash methods; the creation of a charity appeals tribunal; and the provision of consultative panels to assist the authority in its work and ensure effective consultation with stakeholders. The Bill, together with the Charities Acts 1961 and 1973 and the Street and House to House Collections Act 1962, will provide for a composite regulatory framework for charities

[Deputy James Reilly.]

through a combination of new legislative provisions and retention of existing charities legislation, with updating where appropriate.

Organisations should not be excluded from the register of charities on the ground that they work primarily to promote political causes, an issue to which Deputy Martin Mansergh alluded. This proposal could lead to the exclusion of genuine charities from the register. To remove this risk of exclusion, the reference to “political causes” should be deleted at section 2, page 9, line 24, which defines an excluded body, so that the sentence reads “a political party, or a body, the principal object of which is to promote a political party or a political candidate”. The room for interpreting the term “political cause” could create problems for many charities.

The “purposes that are of benefit to the community”, as set out in section 3(8), must be amended to include the original categories included in the heads of Bill published in April 2006. These include the advancement of human rights, the advancement of social inclusion and social justice, the advancement of citizenship and the advancement of the effectiveness and efficiency of charities. In addition, where it occurs in the definitions in section 3, the word “promotion” should be replaced with the word “advancement”.

Section 3(8) should also cite the “advancement of the welfare of children” as being a charitable purpose, particularly in light of the lack of existing constitutional protections afforded to children. In addition, to ensure that the “purposes that are of benefit to the community” are not considered to consist solely of those cited, Part 1, section 3(8), which defines the term “purposes that are of benefit to the community”, should be amended to read: “In this section, purpose that is of benefit to the community shall include, but shall not be limited to...”

We need to protect the identity and independence of charities by ensuring that agencies under the direct control of a Government Minister, that is, State agencies, are not included in the register of charities. Otherwise, there will be confusion in the public mind about what are charities and what are State agencies. I understand the Health Service Executive could be construed as being a charitable agency. The HSE receives substantial State funding from citizens and should not feature on any charitable register.

This brings me to another, particularly objectionable issue. Fundraising regularly takes place for health care facilities such as Temple Street Children’s Hospital, the mammography unit in Ennis which has been closed, the Crumlin and Mater hospitals and dialysis, cystic fibrosis and autism services. It is the responsibility of the Government and HSE to fund and provide health care and people should not feel obliged to raise additional funds to help the Government do its

job. This practice is wrong and diverts money from other charities which need our help.

Most charities want the fees imposed for filing returns or registering to be abolished. The Government should offer charitable institutions and causes support by removing these charges.

The duty of care that should apply to trustees should be defined in the Bill in line with the treatment proposed in 2006. For organisations constituted as trusts, the legislation should include a provision to permit trustees to indemnify themselves against unintentional breach of trust using the charity’s assets, as was proposed in the heads of Bill published in 2006. At present, a trustee is not permitted to benefit in any way from the resources of a charity, a provision which prohibits the payment of insurance premiums by a charity on a trustee’s behalf. The Bill must explicitly permit charities to indemnify their trustees for unintentional breach of trust. For a provision of this nature to be workable, the Bill must also be amended to include the definition of the statutory duty of care which would apply to a trustee, as was recommended by the Law Reform Commission in its report on charitable trusts and legal structures for charities, LRC 80-2006. This would then permit insurance to cover unintentional breach of trust provided the trustee had attended to his or her duty of care under the terms of the Bill.

We need to support, rather than discourage, spontaneous community fundraising. Uncertainty surrounds the implications of the Bill for those who organise or participate in spontaneous community fundraising as a response to disasters, such as that which pertained during the tsunami crisis. The Bill needs to clearly set out the requirements or exceptions which would apply regarding permits in the case of exceptional, once-off community responses to urgent need. In the absence of such clarity, people may become unwilling to organise such responses for fear of falling foul of the law, which would be a terrible additional consequence for those already affected by a tragedy.

I ask the Minister to use this opportunity to remove the provision by which charities may only avail of a tax break for donations when they exceed a threshold of €250 per annum. In addition, those who make charitable donations should benefit from a tax break. Such a step would encourage greater philanthropy and significantly increase the funds available to charitable organisations.

Deputy John Perry: I welcome the publication of the Charities Bill 2007. In particular, I welcome the definition of the term “charitable purpose” to include the advancement of community development, including rural or urban regeneration. My involvement in national politics stems from my participation in local voluntary organisations. I appreciate the critical role such organisations can play in maintaining a vibrant sense of local com-

munity. In my constituency, the Ballymote Community Enterprise Limited was the first such organisation established in County Sligo. It has worked for local regeneration and the creation of long-term employment for many years. It is an organisation of people who give of their time and talents to improve the local community. Like many other people throughout the length and breadth of the country, they work as unpaid volunteers which means administration costs do not arise.

The Bill does not contain a specific provision concerning political advocacy by charities. The omission of any explicit reference to this role requires remedy. I accept that many charitable organisations legitimately engage in political advocacy as a means to achieve their charitable purpose. In this context, it is a service provided on behalf of a group of people, one which requires skills and resources beyond those normally available in the specific sector the organisations represent. The charitable organisation may be the best means to represent a particular community to the public and Government.

Activities which fall within an umbrella term such as “advocacy” can cover a wide spectrum, including the activity of advocacy towards a political objective. Voluntary associations of citizens united in a common cause can be a significant source of political power. They have money, organisational ability, relevant knowledge and information as well as energetic and active members. Charitable organisations engage in political advocacy for the purpose of attempting to change the law or influence Government policy. The more correct term for such activity is political lobbying, which I understand to be a deliberate attempt to influence political decisions through various forms of communication directed at policy makers on behalf of another person or group. By its nature, the lobbying process aims to have broad political consequences. Lobbying can be a valuable political function where the activity provides the public and Government with relevant information and incisive arguments bearing on matters of public debate. Such contributions can refine, enlarge and deepen public and government understanding of important issues leading to wiser decisions.

On the other hand, a number of difficulties arise with regard to the advocacy role of charitable organisations. The potential for abuse of political advocacy by organisations with charitable status must be recognised in the Bill. There are well documented arguments about the misuse of the sophisticated tools of special interest lobbying such as the use of campaign strategies which create unfair advantage in shaping legislation, advancing or opposing public agendas and affecting the implementation of public policy and law.

Political lobbying by charities contributes to a politics based on the pursuit of self-interest and group advantage rather than a civic politics based

on the public good. In claimant politics, the body politic is fragmented into competing interest groups of narrow focus, often on a single advocacy issue, with a subsequent loss of civic solidarity and public spirit. Special interest group lobbying is a dominant fact of public life. In a strident competition for charity donations and government resources, the weaker and sometimes more deserving local charitable organisations will lose out, leading to a misallocation of national resources and thus systematic unfairness. Any inequality in access to public economic resources can lead to political inequalities in representation, access and influence, compromising the democratic principle of political equality.

Political advocacy by charitable organisations uses valuable resources that are subsequently unavailable for the primary purposes of the charity. The use of expensive information dissemination devices such as advertising involves the diversion of resources from the primary purposes of the charity. It is difficult to define clearly where advocacy ends and political lobbying begins. In practice, any form of advocacy includes an element of lobbying. It can be difficult to separate clearly administration from advocacy.

The December 2005 Comptroller and Auditor General value for money report, entitled Provision of Disability Services by Nonprofit Organisations, highlighted the need for a transparent system of monitoring to be in place to guarantee that charges levied on clients by non-profit organisations do not exceed the amounts specified, that pocket money allowances are available to clients and that rehabilitation training payments paid *en bloc* to non-profit organisations in respect of clients are passed on to them.

The report highlighted several cases where the financial statements carried qualified audit opinions owing to uncertainties regarding pension funding deficits and verification of fund-raising amounts. The report noted that expenditure on headquarters costs and overheads was not generally reported in a transparent manner and that the reward packages of the executives and management were not generally disclosed.

Members of the public who donate generously to a charity and Governments that give direct financial assistance to charitable organisations must know who is advocating which positions to whom and who is paying for it? They must have a clear and accurate picture of what public donations and money is being spent on. To ensure accountability, full public disclosure is necessary. For example, it was revealed a few years ago that the United States Agency for International Development, USAID, was spending 95% of its malaria budget on consultants and 5% on goods such as nets, drugs and insecticides.

There may be examples of such misuse of public resources closer to home, but we do not and cannot know this because there is no systematic collection or analysis of the costs incurred by charities. The real danger is that, for some organ-

[Deputy John Perry.]

isations, the charitable income is used primarily to sustain the organisation itself. The old business saying of turnover is vanity and profit is sanity comes to mind. To address the potential misuse of resources by organisations with charitable status, the Bill must include an explicit reference to an obligation to full transparency and complete disclosure.

While the proposal to exclude from the register organisations that promote political causes is valid, the exclusion does not cover a situation in which the declared purpose of an organisation meets the criteria for registration as a charity, but its principle activity is the promotion of a political cause. For this reason, advocacy by charitable organisations requires adequate supervision.

Section 43 provides that the annual statement of accounts be prepared in accordance with such methods and standards as specified in the regulations. I propose that the Charities Bill 2007 be amended to give the regulatory authority an explicit power to specify the cost category headings to be used by charities in their reports to it and to limit the proportion of expenditure under particular cost headings.

Deputy John O'Mahony: Like others, I welcome this overdue Bill. The relevant legislation has not been updated in 40 years. Most Deputies have been involved in collecting for, paying to or administering charitable organisations. It is vital that the proper structures and regulations be put in place if the public is to know that their money is being put to the good use for which it was intended and if there is to be transparency and accountability.

The generosity of the Irish people knows no bounds. They have given a higher percentage of their incomes to charitable organisations than most other countries, but we would not need as many charitable organisations as we have were the Government to resource and fund the sectors for which the charities collect. The Bright Eyes charity in County Mayo has collected in excess of €1 million for necessary cancer service equipment at Mayo General Hospital, where people marched last Sunday in revolt at losing cancer services.

The Bill is important to charities that run a good show because it should eradicate the charities that do not reach the required standard of regulation. However, it is vital that support structures be put in place for those organisations. The people who volunteer their time and expertise should not be frightened off by the amount of red tape and regulations. We must take into account that modern society needs to encourage volunteerism.

I agree with the suggestion that the regulator should be fully Exchequer funded, as charities should not pay fees. Section 37 requires the authority to establish and maintain a register and each

organisation to pay a fee. Smaller charities will find it difficult to fund those costs.

Will the Bill eradicate scams such as door-to-door second-hand clothes collections in the name of charities or the buying of mass cards that bear the printed signatures of priests in developing countries but have nothing to do with the charity, religious orders or missions? These scams are multimillion euro businesses and operate in every county. They have evaded current fraud and deception legislation, but it is obvious they will be able to avoid the proposed legislation because they will not describe themselves as charities. It will be a simple escape clause and the regulator will be unable to touch them. They give the public the distinct impression they are charities. For example, some give donations to charities based in developing countries to give their commercial activities credibility. They set out to deceive innocent citizens who do not have the time to examine the organisations' activities. Often, traders and clothes collectors operate using unmarked vehicles and mobile telephones.

In a time when many voluntary organisations find it difficult to get volunteers, we need sufficient regulation to reassure the public but not so much that we frighten off volunteers in modern society.

Acting Chairman (Deputy Joe Costello): Deputy Aylward has one minute.

Deputy Bobby Aylward: After I prepared so well, the Acting Chairman is being hard. I welcome the broad thrust and sentiments of the Charities Bill. It is generally recognised that the many positive features of the proposed legislation will have significant bearing on the numerous people involved in valuable charity work. The effect of the draft legislation is important to the public, which contributes generously to many charitable causes year in, year out.

The intent is to introduce a comprehensive reform of the law as it relates to charities to ensure proper accountability, to protect against possible abuses of charity status and to eliminate the possibility of fraud. I endorse the Bill's principles because its provisions will enhance public confidence in an important area of activity. The application of appropriate transparency and regulation will ensure improved public trust and the establishment of a sound legal and regulatory framework to facilitate the smooth and efficient administration and management of charitable organisations.

It is widely accepted that any practical measure to enforce proper oversight and encourage active compliance is constructive. This timely legislation will support the charity sector and assist in promoting its aims. It will foster increased public trust—

Acting Chairman: Will the Deputy move the adjournment?

Deputy Bobby Aylward: I will. I thank the Acting Chairman for this opportunity and I am sorry I was unable to speak for the ten minutes.

Acting Chairman: The Deputy will have another opportunity next week.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Deputy Michael Ring: I have a point of order. I have raised this before and hope I will not have to raise it again. This month I again put a number of questions on drugs to Deputy Carey, and they were transferred to the Department of Health and Children. Does the Deputy have responsibility for drugs or not? Last week I sent in a priority question on LEADER and when the Order Paper appeared this morning my priority question was not on it. I want clarification. The Minister must take responsibility. If Deputy Carey does not have responsibility for drugs we had better address questions thereon to the Department of Health and Children. There is no point in my putting down the questions if they are being transferred.

Acting Chairman: That is not a point of order for the Chair. The Minister may refer to it in his response.

Deputy Michael Ring: Where do I correct the matter? Could the Chairman advise me? I had the same problem last month. A question I tabled to the Minister with responsibility for LEADER did not appear on the Order Paper.

Acting Chairman: It is not for the Chair to discuss. The Minister may wish to refer to it when answering the first question.

Deputy Michael Ring: Who is running the Department? Is it some little official or is it the Minister?

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I deal with the questions sent to me.

Deputy Michael Ring: I tabled a priority question to Deputy Ó Cuív on the LEADER problem and it did not appear on the Order Paper. The questions I put to Deputy Carey were referred to the Department for Health and Children. We had better find out now whether Deputy Carey has responsibility for drugs, and if he has not we will have to give them to our health spokesperson.

Deputy Éamon Ó Cuív: I was not aware of the LEADER question——

Deputy Michael Ring: I will send the information to the Minister tomorrow——

Deputy Éamon Ó Cuív: No, I will ask my Department why it was ruled out of order. It happened to me several times.

Land Access.

1. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if legislation is promised or other measures are being taken on land access and the provision of accessible walkways on land privately owned by farmers; the way this issue will be resolved; if he has met with or had discussions with farming groups and other interested parties; and if he will make a statement on the matter. [26320/07]

Deputy Éamon Ó Cuív: In its report on the national countryside recreation strategy, Comhairle na Tuaithe made the following recommendations. The Attorney General should be requested to examine restating and-or reflecting in legislation the current common law position on the protection of landowners' property rights where recreational access is allowed on their land. The Law Reform Commission should be requested to make recommendations on the broader issues of access to the countryside for recreational users focusing on the constitutional and legal position in Ireland. Comhairle na Tuaithe considered that no cost burden or liability, within the meaning of the Occupiers Liability Act 1995, should attach to farmers or landowners as a result of allowing recreational users on their land.

To ensure these issues were addressed as a matter of priority I established an expert group and asked that it report to me by 30 April last. Due to the short timeframe available to the expert group I requested that it initially consider issues in three broad areas. These were indemnity and insurance, whether bare licence should be put on a formal statutory basis and constitutional issues on the right to roam law including whether farmers would have to be compensated and a preliminary view as to whether the right to roam could confer wider access rights. I received the report in early May and members of Comhairle na Tuaithe were given until the end of August to put forward their comments and observations. The report will be discussed at the next Comhairle na Tuaithe meeting which takes place tomorrow, 2 November. The report is an objective legal opinion or legal advice. It is a report of legal experts, but every legal opinion is subject to what a court would decide. It is useful in that regard, but is not a policy proposal. It sets out the legal possibilities and informs our options for the future.

The issue of countryside recreation could be addressed through legislation or community agreement. I have always made clear my view that an agreed community approach offers a win-

[Deputy Éamon Ó Cuív.]

win situation for everyone with an interest in countryside recreation. Comhairle na Tuaithe comprises representatives of the farming organisations, recreational users of the countryside and state bodies with an interest in the countryside. Officials from my Department meet with Comhairle na Tuaithe on a regular basis. There is broad agreement in an comhairle on the need for the protection of landholders and the need for reasonable access. There is also consensus within comhairle on preparing a scheme for the development and maintenance of agreed walks and work on the framework of this scheme is on-going in my Department, in full consultation with Comhairle na Tuaithe.

Deputy Michael Ring: This issue has been going on for many years. I welcome the Minister's recent appointment of a number of rangers throughout the country. A person from a tourism county I am aware that everybody wants to encourage walking. Many tourists find it difficult to understand that there are areas of the country in which they cannot walk. Regarding tomorrow's meeting, are we any closer to agreement between the Minister, the Department, farmers and everybody involved on allowing people to walk in the countryside? Has the Minister investigated the situation in Scotland where legislation has to be used? Although Scotland has had its own parliament only for the last few years, it has brought the farmers and property owners on board and resolved the problem. Has the Minister examined this? Will people be able to hill walk in this country next summer? Will the farmers be satisfied with what the Minister has agreed with them? Has he dealt with the insurance problems? In Scotland if work had to be done by the Department on land, the farmers were compensated. Where walkways have to be built on farmers' land, will the Minister examine offering compensation? Are we any nearer to allowing people to walk in the countryside than we were three years ago?

Deputy Éamon Ó Cuív: We are, and although what has happened over the last two to three years seems slow, it has brought the debate on tremendously. We had a useful and positive debate at the ICMSA tent at the ploughing championships. I am aware of the Scottish situation and have examined that of New Zealand, which is pursuing the community approach. New Zealand has more state land than we do. In Scotland legislation was brought in. I could foresee a number of difficulties with that legislation if it were brought in without agreement. For example, the Labour Party proposed that open land down to a certain height be open to walkers. Many of our hills slope below those heights and there is no mark on the mountain. If a farmer were angry, he or she could wait until a walker inadvertently crossed that threshold. I have been trying to build

a consensus and we have it in counties such as Mayo, Galway and Donegal. The majority of farmers have no difficulty with people walking the mountains and they accept it by agreement.

We have fundamental agreement, except for a few tidying up issues, on a maintenance scheme for way-marked ways and farmers will be given two choices. Either they maintain it and the Department provides materials and pays them for their time, or we get the rural social scheme to maintain it. A farmer of 83 years with no children might be happier to choose the latter option.

This is an important issue. We have done much painstaking work. It is similar to resolving issues in the northern part of our country. Perhaps it should be discussed by the joint Oireachtas committee, where we could have a wide debate and tease it out in more detail than we can during Question Time today. However we are moving forward and the Deputy is probably coming from the same viewpoint as I am.

Deputy Michael Ring: There is great co-operation from farmers on this issue. There is an impression in Dublin and among visitors that farmers do not want to co-operate. Farmers are prepared to co-operate but they must be protected. Some people think they can simply walk onto people's land and that there are no insurance problems. There are problems, but farmers are prepared to co-operate if something can be worked out.

Deputy Éamon Ó Cuív: I agree with the Deputy. My experience is that with few exceptions, and usually there is an historical reason for those exceptions, farmers have no difficulty with people walking on open land. They have a difficulty where active farming is taking place and where there is machinery, sheds and so forth, but the walkers tend to favour open land or defined walks. We have moved 90% of the way and have to settle this over the next few months. If invited, I would be willing to meet the committee to tease out the issues.

Regional Development.

2. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on his address to the Clare Community Regional Development Forum at Bunratty on 23 October 2007; if he will expand on the view he expressed that it is hard to expect people to invest money in a region that is seen by its citizens as a loser; the region he was referring to; and if he will make a statement on the matter. [26531/07]

Deputy Éamon Ó Cuív: I am arranging for a copy of the speech in question to be forwarded to the Deputy. The full context of what I meant by the sentence referred to by the Deputy is clear from the full speech. My view on the matter is

that this maxim would apply equally to all regions.

Deputy Jack Wall: I am grateful to the Minister for the speech. I am pleased he is forwarding information; it is important to have that interaction. The Minister said in that speech that when examining the possible solution to a problem, the most intractable problems are often solved by the power of lateral thinking. With regard to the problems generated in Shannon, what action has been taken by the Minister and his Department on overcoming the concerns of the various groups, employees and business organisations? The Minister advised that people should move forward in a positive way but what has he done since the two Heathrow slots were transferred to Belfast? Has he met with the groups? Is there a Government sub-committee dealing with the matter? What are the possibilities for overcoming this?

According to newspaper reports no replacement airline has taken up the vacant slots in Shannon. What has happened since this happened? The Minister talks about positivity but I have not seen it. The concerns still exist. The employees were recently in Brussels seeking guidance and support. If we are to think positively, the Minister, his Department and the Government must think in the same way. I do not see that happening. What has happened about overcoming the problems that so many people and groups believe the loss of the Shannon slots will create?

Deputy Éamon Ó Cuív: I was speaking at the forum about the general issue of rural and regional development. With regard to Shannon, my Department is represented on the inter-departmental committee. My point is that we have a problem and it must be dealt with. However, only to see problems and not see solutions and to highlight all the problems in a region does no favours for the region in terms of attracting inward investment for development.

There is a good example in Dublin of the power of positive thinking. There were, are and no doubt will be serious problems in the north docks area of Dublin city. However, when the concept of the IFSC was being sold, all the positives of the area were sold, not the negatives. We know what the IFSC has done for that area. This does not mean the Minister of State and I do not continue to engage in dealing with the social problems of that area, which are still real. Always highlighting the problems gives an excuse to those who might have been thinking of investing for not doing it.

When I was appointed Minister, I spoke to the Western Development Commission and to the people involved in Knock airport. We had an interesting discussion and decided that positivity was the way forward. I made the point that it would be ridiculous to have a "Go West Ireland"

campaign, which covers County Clare, while at the same time always conveying the message that the west is a terrible place, with no facilities or advantages. The work of the Western Development Commission is testament to the power of positive thought.

The Deputy asked about my engagement with Shannon. The engagement of Galway and Knock airports with me is much greater, and always has been, than the engagement of Shannon. The amount of interaction those airports have created of their own volition is much greater. Ironically, when I arrived home from holidays this year, within 24 hours I was asked to meet the representatives of two airports in the west. One was Knock and the other was Galway airport. Representatives of Shannon Airport never sought to meet me. Perhaps that means something too.

Deputy Jack Wall: The Minister is responsible for the entire country. The examples of Knock and Galway are quite parochial. With regard to the IFSC, that was a project which was due to take place. The problem in Shannon is happening now and is creating major problems for the west and the midlands. I do not see the Minister, his Department or anybody in the Government doing anything positive to allay the fears and concerns of the people affected. They have mortgage payments and school going children. Nothing is being done.

The Minister says lateral thinking will solve this. Lateral thinking for the future might do something but at present there is a major problem in this area. It is within the Minister's jurisdiction but he has done nothing aside from say that he spoke to representatives of Galway and Knock airports. If representatives did not approach the Minister, why did he not approach them? Why did he not try to see how his Department could help in this situation? It is inconceivable that the Minister should use the example of representatives of two airports meeting with him and the other, which has a major problem, not doing so. Why did the Minister not take the alternative of offering his services to that airport?

Deputy Éamon Ó Cuív: I met with the Atlantic Connectivity Alliance. Its representatives sought a meeting and it was promptly given. I also conveyed, in my own way, to Shannon Airport representatives that I would be willing to meet them. I cannot force somebody to seek a meeting with me.

Many positive things are happening in the region. The Limerick tunnel is being built, the Ennis bypass has been completed, work on the road to Galway is due to start next year and the rail line from Ennis to Athenry and Galway is under construction. These developments are happening because good work was put into them. I do not accept the Deputy's argument that Knock is more parochial than Shannon. My constituency is as near to Shannon Airport as it is to Knock

[Deputy Éamon Ó Cuív.]

airport, and I do not live in either county. The difference is that there has been a positive engagement over the years with Knock airport. Its representatives accepted what was possible for the Government to do and what was not possible. On that basis we have moved forward a great deal. I have not found the same realisation of what the Government can and cannot do in the Shannon context.

I have been clear on this issue, to a point where I am sure I have made myself unpopular. My view was that the people were asking the Government to do the impossible, which is fair enough, but in doing so they set out a negative perception of their area. They were not addressing the reality, which is that Aer Lingus will not change its mind so we must look in another pot.

Employment Support Services.

3. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if he will address the anomaly that exists in relation to the difference between rural social scheme and community employment scheme payments for widows and widowers, one parent family allowance recipients and those receiving disability allowance in order that the RSS payment is made in addition to the person's pension payment; and if he will make a statement on the matter. [26321/07]

Deputy Éamon Ó Cuív: As the Deputy will be aware, the rural social scheme, RSS, is a supplementary work scheme for self-employed farmers and fisherpersons who earn an inadequate income from their farm holdings or fishing. The scheme aims to provide income support for farmers and fisherpersons who are in receipt of certain long-term social welfare payments and to provide certain services of benefit to rural communities by harnessing the skills and talents of participants.

In this context, it is important to note that the RSS is not a training scheme. The community employment, CE, scheme, on the other hand, is an employment and training programme which helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. The programme assists those participating to enhance and develop their technical and personal skills, which can then be used in the workplace.

As the RSS is an income support scheme rather than a training scheme, it is, therefore, not appropriate that comparisons be made between it and FÁS and CE schemes regarding conditions and the level of allowances that are payable.

Participants on the RSS who qualify through one-parent family payment, widow or widower's pension, either contributory or non-contributory, or disability allowance, continue to receive their weekly social welfare payment from the Depart-

ment of Social and Family Affairs, with a top-up payment under the RSS.

Although two separate payments are made to participants, the total amount paid is roughly equal to, or slightly above, the amount that would have been paid had the RSS made one payment.

The Deputy should note that currently there are 46 participants on the scheme who are in receipt of disability allowance, a further five who are receiving the one-parent family payment and one who is in receipt of a widow or widower's contributory pension.

Deputy Michael Ring: Some people have contacted me regarding this anomaly and I know that most of the Leader companies have made representations to the Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív. The rural social scheme has been excellent and with FÁS does more work than the county councils in this regard. I compliment these schemes and hope they last a long time because if people in some areas had to depend on the county council to get work done it would not happen.

This scheme is good and it works but if so few people are being affected by the anomaly, I request that the Minister correct it. The anomaly relates to people on FÁS schemes who are widows or widowers, lone parents or on disability allowance who are not eligible for social welfare allowance in addition to the FÁS payment. The Minister rightly said that a person in receipt of disability allowance on the rural social scheme will only receive the allowance plus a top-up, bringing the total to €210. I request that the Minister correct this anomaly because it will not cost the Department a great deal and should not be allowed to develop. It has created problems and I know that the national organisation running the scheme has made representations to the Minister and his Department to have this anomaly corrected. What would it cost the Department to do this and is it possible?

The rural social scheme is rural while the FÁS scheme is based in urban and rural areas, and the same rules that apply to the FÁS scheme should apply to this. Rectifying this anomaly would not cost a great deal.

Deputy Éamon Ó Cuív: This is a case where the grass always looks greener on the other side of the fence. A couple with one child on this scheme gets the flat rate and loses social welfare payments. Deputy Ring is suggesting that widows, widowers and single parents should be an exception to this rule and should keep receiving their social welfare payments.

Deputy Michael Ring: As they do on the FÁS scheme.

Deputy Éamon Ó Cuív: Many couples and single people think that is grossly unfair and cannot

understand why they are not allowed hold on to social welfare payments while receiving money through the rural social scheme. Deputy Ring suggests that this is the case on FÁS schemes and he is correct, but it is done to encourage lone parents and so on back into the workforce.

The difference with the rural social scheme is that there is a third source of income that the Deputy is ignoring. A person on the rural social scheme must by definition either own a farm, be a fisherperson or be closely connected to such a person. This third source of income makes the rural social scheme very different from FÁS because very few people on CE schemes have an income beyond what they receive through FÁS.

The Deputy asked how much it would cost to implement his proposed change and that is the \$64,000 question because the number of people on the scheme is small. However, the Deputy's proposal, allowing an individual to retain his or her full social welfare payment with the full RSS payment and farm income, could prove very attractive and could lead to many people joining the scheme under the relevant category. I do not know how much this would cost but such payments to lone parents, widows and widowers constitute a large part of the cost of CE schemes.

The matter of the widow or widower's contributory pension has been raised and, again, this depends on which side of the fence one views it from. No means test is involved so, technically, one could receive a widow or widower's contributory pension while owning 1,000 acres of land and receive a large occupational pension. We took the view that there are so few such people that they should be allowed on the scheme despite the lack of a means test but this is the only such group and it could be termed an anomaly.

Deputy Michael Ring: The Minister knows that a farmer husband who pays PRSI will receive a contributory pension but his wife will not receive a contributory pension. This situation mostly affects women and aggravates those caught in the anomaly. I am asking the Minister to address the situation because the cost would be small and unfair policies should be corrected. The figures the Minister has mentioned today suggest that addressing this anomaly would not cost the Department a great deal of money so I request that he examine the matter because Leader groups are affected.

Deputy Martin Mansergh: If the Deputy ever reaches this side of the House he will learn that Leader companies, county councils and other authorities are always very generous when spending other people's money.

Deputy Michael Ring: The Government is not bad at spending other people's money either. Ministers did not do too bad last week with pay increases of €38,000.

Deputy Éamon Ó Cuív: That was decided independently.

Any Leader company that can get more money will not say no, but this issue depends on one's perspective as one can argue both sides. I should not be asking the Deputy questions but can he see the argument of a single person or a couple with a child who will receive less from the scheme than a single parent with a child?

There is another aspect to this that demonstrates the rural social scheme is entirely different from the CE scheme.

Deputy Michael Ring: It is a good scheme and I accept that.

Deputy Éamon Ó Cuív: I provided that where one member of a couple has a part-time job that pays less than €12,500 the allowance will not taper because the idea was to benefit families that engage in farming. I am open to the Deputy's idea but there are two sides to the coin. I hope the Deputy is equally open to the argument that 2,500 people will put to me if I introduce double payments, suggesting what is sauce for the goose is sauce for the gander. The rural social scheme is not the same as the CE scheme because there is the matter of a third source of income. We can debate this matter again when we come to Estimates because there are merits to both arguments.

Acting Chairman: This is not a debate and we are well over our allotted time.

Deputy Éamon Ó Cuív: I am trying to be helpful to the Deputy.

Acht na dTeangacha Oifigiúla.

4. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta le bliain anuas maidir le cur i bhfeidhm an dréacht-rialacháin faoi mhír (1) d'alt 9 d'Acht na dTeangacha Oifigiúla, cén uair a bheidh na buan-rialacháin á meas, cén fáth go bhfuil moill lena bhfoilsíú; agus an ndéanfaidh sé ráiteas ina thaobh. [26322/07]

Deputy Éamon Ó Cuív: Mar is eol don Teachta, ar 28 Meán Fómhair 2006 leag mé os comhair an Oireachtais dréacht-rialacháin a bhain le húsáid na Gaeilge agus an Bhéarla ag comhlachtaí poiblí i bhfógairt béil réamhthairfeadta, ar stáiseanóireacht agus ar chomharthaíocht. Bhí deis agam na dréacht-rialacháin sin a phlé le baill an Chomhchoiste Oireachtais um Ghnóthaí Ealaíona, Spóirt, Turasóireachta, Pobail, Tuaithe agus Gaeltachta ar 29 Samhain 2006 agus arís ar 13 Nollaig 2006. Ghlac an Dáil agus an Seanad araon leis na dréacht-rialacháin seo ar 14 Nollaig 2006.

In a dhiaidh sin, scríobh mo Roinn chuig gach comhlacht poiblí atá clúdaithe faoin Acht chun

[Deputy Éamon Ó Cuív.]

deis eile a thabhairt dóibh a gcuid tuairimí a nochtadh faoi na dréacht-Rialacháin sula shéanonn iad. Tá an próiseas comhairliúcháin sin críochnaithe anois agus táim ag súil go mbeidh mé in ann na rialacháin a dhéanamh go han-luath tar éis tuilleadh plé leis an gcomhchoiste.

Is fiú dom a rá go bhfuil i gceist go scríobhfaidh mo Roinn chuig gach comhlacht poiblí atá clúdaithe faoin Acht chun iad a chur ar an eolas maidir le forálacha na rialachán sula dtagann siad i bhfeidhm.

Deputy Dinny McGinley: Aontaím go bhfuil an ábhar seo pléite agus ath-phléite leis an comhchoiste Oireachtais. Bhí mé i láthair ansin agus an Bille ag dul tríd an Dáil agus an Seanad. Tá na cúrsaí seo ag dul ar aghaidh le cúpla blian anuas, ó chuireadh an tAcht teanga tríd an Teach, thart ar ceithre bliana ó shin. Beidh daoine ag éirí mífhoghnach, go speisialta tar éis an méid a bhí le rá ag an Aire ag an oireachtas aréir i gCathair na Mart. Is cosúil go raibh oíche thar dóigh ag an Aire, nó b'fhéidir go bhfuil an fliú air. Cibé rud atá air, tá súil agam go dtiocfaidh sé slán gan mhoill.

An bhfuil aon athrú i dtaobh comharthaíocht bóthar? Is é sin an rud atá ag déanamh inní do dhaoine. An bhfuil aon athraithe fógraithe? An féidir leis an Aire a rá cén tuairisc a fuair sé ar ais ó na húdaráis áitiúla maidir le comharthaíocht bóthar? Is beag atá le feiceáil in aon pháirt den tír go fóill go bhfuil na rialacháin seo á chur i bhfeidhm ag na húdaráis áitiúla.

Deputy Éamon Ó Cuív: Ní bhaineann na rialacháin seo le comharthaí bóthar agus, ar ndóigh, níl siad deimhnithe fós. Más buan cuimhne an Teachta, nuair a bhí an comhchoiste Dála ar bun, mhol an Seanadóir Ó Tuathail dul i gcomhairle leis na comhaltai poiblí agus d'iarr sé orm scríobh chucu. De bharr an rud a tharla nuair a chreid mise nach raibh mórán bunús le dul i gcomhairle, cuirim i gcás, maidir leis na logainmneacha, nuair nach raibh dóthain dul i gcomhairle, shíl mé sa gcás seo go ndéanfainn cinnte go raibh an oiread dul i gcomhairle le nach mbeadh éinne in ann a rá go brách nach raibh dóthain dul i gcomhairle ann.

Scríobh mé chuig 600 comhlacht, ach ní bhfuair mé freagra ar ais ach ó bheagán acu, ach tá an toradh sin againn. Teastaíonn uaim deis amháin eile a thabhairt do bhaill an Tí seo na freagraí a scrúdú, agus an bealach a bhfuil mé ag déileáil leo a scrúdú, agus a dtuairimí a nochtadh. Ansin, déanfaidh mé na rialacháin. Chuir mé tuairisc inniu maidir le bunú an chomhchoiste, agus de réir mar a thuigim, beidh an céad cruinniú eile den comhchoiste ar bun an tseachtain seo chugainn. Iarrfaidh mé ar an rúnaí cur in iúl don chathaoirleach ainmnithe go bhfuil mé ag iarraidh fáil isteach chomh luath agus is féidir le seo a phlé agus leis na rialacháin a dheimhniú. Níl mé ag iarraidh aon mhoill, tá mé réidh le n-imeacht.

Mar is eol don Teachta, bhí moill ar ceapadh na gcoiste nach raibh súil agam leis. Ag deireadh an lae, nach fearr and rud é go ndeimhneoidh muid na rialacháin tar éis an phróiseas seo? Ar a laghad ansin, ní bheidh sé le rá ag éinne, ó thaobh comhlachtaí Stáit, nach ndeachaigh mé i gcomhairle leo, ná ní bheidh sé le rá ag éinne san Oireachtas nár tugadh seans dóibh a dtuairimí a nochtadh. Is fearr go mór go nglacfaí leo tar éis sin ná iad a dhéanamh faoi dheifir agus go mbeadh míshásamh ann faoi na rialacháin agus easpa dul i gcomhairle. Sin í an fhadhb.

Deputy Dinny McGinley: Más buan mo chuimhne, bhí sé i gceist go dtiocfadh an tAire Iompair isteach ag an comhchoiste — sílim go raibh an Aire, an Teachta Ó Cuív, i láthair nuair a socraíodh é sin — le cúrsaí síneacha agus comharthaí bóthar a phlé. B'fhéidir gur phioc an Aire suas contráilte mé, ach is í an cheist atá ag cur as domsa ná na logainmneacha ar na comharthaí bóthar. Sílim go bhfuil fadhbh ansin agus ba mhaith liom go ndéanfar cinnte go mbeidh na logainmneacha cearta ar na comharthaí bóthar, de réir mar atá leagtha amach sna dréacht rialacháin.

Deputy Éamon Ó Cuív: Níl na hainmneacha sin ná comharthaí bóthar clúdaithe sna dréacht rialacháin. An feidhm atá ag mo Roinn maidir le comharthaí bóthar ná an méad atá san Acht teanga maidir le comharthaí bóthar d'áiteanna sa Gaeltacht agus gur muid a leagann síos an leagan údaráisach Gaeilge. Tagaim go mór leis an Teachta, is mór an náire chomh leisciúil, mí-chúr-amach agus atá comhairlí áitiúla maidir le comharthaí bóthar. Tá comhartha fé leith i mo chontae fhéin, Baile Cháir na Gaillimhe atá air, tá "h" in ionad "l", agus is é an dearcadh atá ann ná, is cuma faoi. Bhí mé ag caint le fear as Contae Mhuigheo aréir, Seán Ó hÉallaithe, agus dúirt sé liom go bhfuil samplaí dochreidte feicthe aige, agus leaganacha difriúla feicthe ar trí nó ceithre comharthaí i bhfoisceacht cúpla míle. Cuirtear rud ar bith ar na comharthaí, ach tagann na cúrsaí sin faoin Roinn Iompair. Ní féidir liomsa ach na leaganacha oifigiúla a chur ar fáil agus súil a bheith agam gur sin a chuirfear ar na comharthaí bóthar.

Drainage Schemes.

5. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs whether it is possible for funding allocated towards roads under the CLÁR programme to be utilised for drainage works prior to or in addition to road works being carried out. [26305/07]

Deputy Éamon Ó Cuív: My Department provides funding for non-national roads under the CLÁR programme which I announced on 1 March 2007. Under this programme, the Department of the Environment, Heritage and Local Government and my Department each provide

€3 million to fund works to local secondary and tertiary roads in CLÁR areas.

Under the measure, local authorities may also replace, widen or strengthen bridges on local secondary and tertiary roads, subject to the prior approval of the Department of the Environment, Heritage and Local Government. My Department also operates a measure to provide additional funding to local authorities to carry out works on local improvement scheme, LIS, roads in CLÁR areas. I announced the new LIS measure for 2007 on 22 October.

Under the measures outlined above, the local authority selects the projects according to the rules laid down by the Department of the Environment, Heritage and Local Government. I understand that drainage works considered necessary for the adequate improvement of a road are allowable under the measures but drainage works on their own are not eligible.

My Department has no role in the selection of the roads or the works carried out. Expertise in these matters lies with the Department of the Environment, Heritage and Local Government and the local authorities. In the circumstances, I suggest the Deputy makes inquiries directly with the Department of the Environment, Heritage and Local Government or the local authority involved in the particular case.

Deputy Michael Ring: CLÁR is an excellent scheme which works well and I watch to ensure its budget is not cut this year. During many previous winters we had serious problems with flooding in many parts of rural Ireland. We had this problem even in the bad old days when people with horses and carts went out on wet days, marked the roads and knew where flooding problems occurred. We now have top-class educated people who know nothing about roads. They tar a road to the corner and leave no room for drainage.

Last year, most of the flooding occurred in south Mayo and part of the Minister's Galway constituency because proper drainage work was not done by the OPW, county councils or the Department. Nobody took responsibility for this or for the flooding when it occurred. Will the Minister, who has responsibility for rural affairs, change policy and bring together local authorities, the OPW and the Department to draw up a scheme to allow the funding provided for CLÁR to be used for road drainage? It would save the taxpayer a great deal of money.

Deputy Éamon Ó Cuív: I agree with Deputy Ring's basic premise. I can never understand roads being tarred without pipes being put in first. Double-axled trucks can destroy hand-dug drains in five minutes. People who want to return to shovels and spades do not understand the ability of modern trucks to sweep aside all before them. The answer is gully traps and pipes which is allowed under the present scheme. Putting in

gully traps and pipes when a road is built and surfacing the road afterwards has proven successful. However, many people complain because they do not see the results of the work immediately. This is a priority.

In regard to the flooding in certain areas of south County Mayo and east County Galway and the wider drainage issues raised by the Deputy, it is not merely a case of road drainage. However, I am willing to investigate these issues.

At my request, the Department asked local authorities to set out their priorities in respect of CLÁR funding next year in terms of water, sewerage and group water schemes and tertiary roads. The Deputy will be happy to know funding is not being cut. However, it is important that we receive feedback from local authorities because I am willing to reduce funding for schemes that have served their purpose while increasing funding for other schemes. This is the year of the group water scheme. We have approved connections for some 3,500 households, affecting approximately 10,000 people who otherwise would never have had a piped water connection. That is a significant development for rural Ireland. The Deputy's own county has benefited hugely, as have counties Donegal and Clare. We are considering ways of focusing the funding and I will pay heed to suggestions on new priorities. However, it is also important that local authorities highlight the issues they consider important.

Deputy Michael Ring: Will the Minister find out which among his Department, the OPW and the local authorities has responsibility for dealing with flooding? When a problem arises, nobody takes responsibility. Will a new agency be required to deal with the matter? Somebody needs to take responsibility because the issue arises every winter.

Deputy Éamon Ó Cuív: One of my colleagues from east Galway has been pursuing me about a river flooding problem in his constituency. The regional fisheries board is interested but has no money, while the OPW denies responsibility. When I first went to the west, it was fashionable to drain land and prevent rivers flooding but such work has become somewhat unfashionable for reasons of ecology. However, as certain areas require flood remediation works, I will reflect on the issue raised by the Deputy.

Crime Prevention.

6. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the position on the registration of mobile phones in regard to drug crime; and if he will make a statement on the matter. [26513/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The widespread use of mobile phones in

[Deputy Pat Carey.]

drug dealing is common knowledge and the issue was among those discussed when I recently met representatives of the Garda national drugs unit. As Minister of State with responsibility for the national drugs strategy, I support any initiatives that inhibit illicit drug dealing and welcome the commitment in the programme for Government that all mobile phones will be required to be registered with name, address and proof of identity in order to stop drug pushers using untraceable and unregistered phones.

I am advised that the proposal to establish a register of prepaid mobile phones requires careful consideration as many complex legal, technical, data protection and practical issues are involved. The Department of Communications, Energy and Natural Resources has identified a number of problems in achieving this objective. These include the ease with which a foreign or stolen SIM card can be used, the difficulties that would be posed in verifying identity and data protection issues arising from the development of a register. I understand the issue will continue to be considered by the relevant parties with a view to achieving an outcome that will be satisfactory to all involved.

Deputy Jack Wall: Since I last asked this question, a lady from County Kildare wrote a letter to *The Irish Times* asking whether we were fooling ourselves in following this route. I do not have the answer; neither, clearly, does the Department. Is it the case that, given the legislative issues arising with regard to foreign telephones, we will not make progress in the short term?

Deputy Pat Carey: Considerable difficulties remain to be overcome. I met representatives of the Irish Cellular Industry Association and the industry advisory board, as well as the Garda, and the view tends to be that while there is the potential to introduce restrictions, the experience in places where registers have been introduced, including Australia, is that the matter is fraught with difficulties. The only European countries where registers have been introduced are France, Germany and Switzerland, all of which have encountered difficulties, even in regions where mobile phone usage is lower than here. No proposals have been made on introducing a register in the United Kingdom, the country with the closest legal regime to ours.

The Internet advisory board is of the view that we should work towards introducing more rigorous measures in areas such as parental control. The industry is developing technologies which would allow for restrictions on the use of mobile phones by nominated users, particularly children. The Garda has expressed satisfaction with the level of co-operation it receives from the industry. Technology has also developed significantly with regard to traceability but significant issues remain to be resolved. While I am committed to intro-

ucing a register, I also recognise the difficulties encountered.

Deputy Michael Ring: In January the Department of Communications, Marine and Natural Resources stated this could not work. Does the Minister of State agree? I agree something has to be done because we cannot allow criminals to use such telephones to run their drug empires.

Deputy Pat Carey: The Department has made that statement and received advice from the Attorney General that it is a difficult issue. However, it has not given up. I have expressed the view that I would like the issue to be resolved as far as possible, working closely with the industry and seeking advice from the Garda and others.

Community Development.

7. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na hiarrachtaí atá á ndéanamh le fostaíocht a chruthú i gceantar na Gaeltachta Láir agus i gceantar Chloich Chionnaola; agus an ndéanfaidh sé ráiteas ina thaobh. [26510/07]

Deputy Éamon Ó Cuív: Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh. 41 ar 24 Aibreán 2007.

Mar is eol don Teachta, tá iarrachtaí leanúnacha á ndéanamh ag Údarás na Gaeltachta chun fostaíocht a ghiniúint sna ceantair Ghaeltachta, Cloich Chionnaola agus an Ghaeltacht Láir ina measc.

Déantar é seo trí thacaíocht d'fhiontraihte áitiúla agus trí infheisteoirí sheachtracha a mhealladh isteach iontu. Tuigtear dom go bhfuil athscrúdú á dhéanamh ag an Údarás ar an gcur chuige maidir le forbairt agus cruthú fostaíochta sna ceantair thearcfhorbartha i gcoitinne agus go mbeidh beartas fócasaithe ina leith sin á chur os comhair Bhord an Údaráis go luath.

Deputy Dinny McGinley: Tá sé suntasach go bhfuil an dá cheantar atá luaite agam, Cloch Cheannfhaola agus an Ghaeltacht Láir, luaite freisin sa tuairisc a chur an Aire ar fáil i gCathair na Mart aréir, mar cheanntair i nGaeltacht Dhún na nGall ina bhfuil an Ghaeilge láidir. Tá siad i rann "A" ó thaobh labhairt na Gaeilge, 66% nó níos mó. Ina measc tá na ceanntair thart ar Ghort an Choirce, an Fhálcarraigh agus Gleann Fhinne. An aontaíonn an Aire liom go gcaithfidh tosaíocht a thabhairt do cheantair mar sin ina bhfuil an Ghaeilge níos láidre ná an meán? Dá bhrí sin, an gcuirfidh sé in iúl do na húdaráis gur cóir dóibh gach iarracht a dhéanamh sna háiteanna ina bhfuil an Ghaeilge láidir tacaíocht eacnamaíochta agus fostaíocht a thabhairt chuig na ceantair sin sa dóigh go mairfidh an cás mar atá agus nach rachfaidh sé ar cúl mar a tharla i gceantair "B" agus "C"? Ar an droch uair, tá níos mó díobh sin

sna Gaeltachtaí ná mar atá sna ceantair atá i ngrúpa “A”.

Deputy Éamon Ó Cuív: Beidh muid ag plé an staidéir teangeolaíochta amach anseo, ach is ceist achrannach í. An ceart a rá gan cúnamh tionsclaíochta a thabhairt ach sna ceantair láidir Gaeltachta?

Deputy Dinny McGinley: Níl mé ag rá gan cui-diú leo, ach gur cóir tosaíocht áirithe a thabhairt do na ceantair ina bhfuil an teanga láidir.

Deputy Éamon Ó Cuív: Táim ag teacht chuige sin. An fhadhb atá le sin ná go bhfuil ceantair taobh amuigh den Ghaeltacht ag fáil cúnamh tionsclaíochta go hiomlán. Caithfidh bheith réasúnta cothrom. Mar is eol don Teachta, táim ag rá leis an údarás le fada gur ceart, i gceantair láidre Gaeltachta — is ceantair i bhfad siar go leor acu siúd — cúnamh breise a thabhairt ar dhá chúis, uimhir a haon, mar gur ceantair tearcforbartha iad agus uimhir a dó mar go bhfuil féidireachtaí iontacha sna ceantair seo ó thaobh thionscail an teanga mar go bhfuil rud acu nach bhfuil ag aon cheantar eile. Bhí mé ag iarraidh an t-údarás a bhrú i dtreo níos mó infheistíochta a dhéanamh sna féidireachtaí iomlána a bhaineann leis an teanga agus an t-éileamh atá ar sheirbhísí. Feicim ceantair ag baint úsáide agus leasa as sin. Buíochas le Dia, tá rath iontach ar na coláistí Gaeilge fé láthair agus méadú mór ar an líon scoláirí. Tá ceantair áirithe, mar shampla, ag baint leas mhór as na deiseannaí aistriúcháin atá ann. Tá láidreachtaí i ngach ceantar, go speisialta anois agus seasamh láidir ag an Rialtas i leith na Gaeilge. Tá láidreachtaí ó thaobh ghnó de ag na ceantair láidir Gaeltachta, ach níl mé sásta go bhfuil leas iomlán bainte as sin go fóill.

An argóint a bhíonn agam i gcónaí ná, gur féidir le dream sa tSín nó sa Pholainn nó áit ar bith eile mar sin dul in iomaíocht linn i dtionscail, ach níl iomaíocht ann más tionscal i nGaeilge atá i gceist. Tá a fhios agam go bhfuil an Teachta bodhar den chur chuige sin. Cinnte, beidh mé ag cur brú go ndéanfear gach is féidir le cinntiú go dtiocfaidh na ceantair seo slán. Luíonn sé le réasún gur ceart go ndíreoidh muid ar na láidreachtaí sna ceantair seo, mar ní féidir iachall a chur ar thionscail ón iasacht teacht go dtí na ceantair seo nuair nach bhfuil Gaeilge acu.

Community Development.

8. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the grants available to a community to refurbish its community halls and meeting centres in view of the importance such establishments play in community life and the need to keep such centres up to a proper standard. [26519/07]

25. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the grants available through aspects of his Depart-

ment towards the refurbishment of old buildings in rural areas that would be of benefit to such communities as community centres and so on; and if he will make a statement on the matter. [26508/07]

Deputy Éamon Ó Cuív: I propose to take Questions Nos. 8 and 25 together.

My Department provides funding for a wide range of community projects, through various schemes and programmes. Each of the schemes and grant programmes operated by my Department is governed by rules and eligibility criteria, which projects have to meet to qualify for funding.

With regard to the specific refurbishment projects referred to by the Deputies, elements of such projects may be eligible for funding under my Department's programme of grants for locally based community and voluntary organisations, the young people's facilities and services fund, the CLÁR programme and the LEADER programmes. Funding may also be available through the dormant accounts fund.

In the case of projects located in a Gaeltacht area, grants are also available under my Department's Gaeltacht improvement schemes to provide or improve facilities such as community centres for the purpose of enhancing the linguistic, cultural and social development of the Gaeltacht. Detailed information in respect of these programmes and schemes can be found on my Department's website at www.pobail.ie. I hope the website is working because, unfortunately, there was a problem with it last night.

Deputy Jack Wall: I will be parochial this time. Several organisations in my area see what the sports capital programme has achieved and say they must fight to create their own funding. While the web is a wonderful addition to modern technology, it is hard to beat the piece of paper in rural areas. Is there a mechanism to drive forward this kind of grant? Rural life and volunteerism are diminishing. There is, however, a resurgence of the local hall in some areas. Can the Minister regenerate interest through local media and create a new impetus to ensure the continuation in some instances, and regrowth in others, of community halls which can provide so much entertainment for the community and visitors?

Deputy Éamon Ó Cuív: I will synthesise the menu that is available to someone such as the Deputy who seeks advice. The programme of grants for locally based community and voluntary organisations is the tops where a refurbishment job up to €40,000 is in question. One can apply at any time. The percentage grant is clear-cut but depending on the level of disadvantage in the area, it is either 90% or 60%. That is all cut and dried which is not much use for a big job.

LEADER companies have recently become big players in rural areas. In certain circumstances

[Deputy Éamon Ó Cuív.]

they have been able to give up to €100,000 and that will increase to €200,000. In the CLÁR areas, subject to the 50% rule, we double the money, rather like the show on RTE on Saturday. If a group raises €100,000, CLÁR gives it another €100,000. That has been useful for many halls in the CLÁR areas. There will soon be a new rural development programme under which that money will increase to €200,000. I hope to continue with the matching funds which will provide a total of €400,000, a serious sum. I am examining the percentage. Until now, owing to EU rules, it was 50% but I might be able to deal with that one.

There is also the young people's facilities and services fund which forms part of the drugs policy money with which my colleague, the Minister of State, Deputy Pat Carey, deals. That is focused on areas at risk from drugs and the local vocational education committees have an input into it. There is a flagship under the dormant accounts fund which tries to attract people who have made large sums of money recently by saying, for example, if they put up €1 million, we will match that.

Committees find it frustrating to try to pick and match within the rules, especially those near the Border which have access to peace money and the International Fund for Ireland and so on. They might get five funders who walk away if the committee is short €20,000. This has frustrated me for years and it needs to be re-examined.

Deputy McGinley will agree that the situation in the Gaeltacht is very handy because there are only three funders there, Údarás na Gaeltachta for enterprise, my Department for community activity and a separate fund for child care. The committees there are not allowed to go to any other funders. They find this handy because they are told the amount of the grant and if they are going for the Taj Mahal, we tell them to cut it down. They do not have to apply by a certain date and it is not rejected if they get it wrong. It is an interactive system which works well. It is difficult to change structures because when one goes to change them, everyone says the old one was great. There is a point in this about considering communities, however.

I hope this type of issue will be thrashed out in committees during this Dáil and that people are willing to make the hard decision and consider what is simplest and fairest from the community applicant's point of view. I do not believe it is a good idea for them to have to match six or seven funds. It is impossible to get them together. The sports capital programme is a great example of a simple approach. What is the simplest and fairest way for them? I do not think that trying to match up six or seven funds is a great idea. It is impossible to get it together. The capital sports grant is a great example of a simple approach, as the Deputy pointed out.

Drug Use.

9. **Deputy Thomas P. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs the latest figures available to his Department in relation to deaths that are linked to cocaine use; his proposals in relation to addressing the problem; and if he will make a statement on the matter. [26502/07]

13. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the research his Department has carried out in relation to a drug (details supplied); the results of such research; the side effects of such a drug; the action taken to highlight the dangers attached to the drug; and if he will make a statement on the matter. [26501/07]

14. **Deputy Paul Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the action that will be taken to address the public disconnect between recreational drug use and criminal activity; and if he will make a statement on the matter. [26308/07]

Deputy Pat Carey: I propose to take Questions Nos. 9, 13 and 14 together.

The figures for direct drugs-related deaths are extracted from the general mortality register, which is compiled by the CSO. The latest year for which figures are available is 2004, when nine deaths were attributed to cocaine use. As it is considered that these figures do not give a full picture of the number of deaths linked to drug use, it has been decided to establish a national drugs-related deaths index, in line with action 67 of the national drugs strategy. The Health Research Board is currently working on the development of this index and it is hoped that the first figures will be available before the end of 2008.

When people mix cocaine and alcohol, they compound the danger that each drug poses as the human liver combines the two and manufactures this substance. As one might expect, data from the national drug treatment reporting system indicates that cocaine and alcohol are being used together. While the combination of the two drugs intensifies euphoric effects, the substance in question is more toxic than either on its own and can cause more serious physical harm, particularly to the cardiovascular system, as well as having the potential to increase the risk of sudden death.

With respect to what is perceived as recreational drug use and its relationship with criminal activity, I agree with the Deputy that there is an evident public disconnect. This problem arises in part from the fact that many cocaine users do not see themselves as having a drugs problem, with the physical, mental, social and financial risks involved. Against this background, they do not perceive themselves as contributing to the overall illicit drugs market, with all the criminality

involved, criminality that can be disproportionately felt in disadvantaged areas. Since my appointment as Minister of State with responsibility for the national drugs strategy, I have spoken quite often on this theme and I am heartened by the recent public comments of others in this regard, most notably by the President last weekend.

I am pursuing the implementation of the recommendations of the national advisory committee report, entitled *An Overview of Cocaine Use in Ireland*, mainly through the inter-departmental group on drugs, which I chair. Furthermore, my Department has funded four pilot cocaine projects and a training initiative for front line personnel to deal with cocaine issues. Under the emerging needs fund, six cocaine specific projects in local drugs task force areas have been funded and support for a further nine projects aimed at polydrug and cocaine use has also been provided under that fund. My Department also sponsored a highly successful conference last June, organised by the SAOL project and the national drugs strategy team on the response to cocaine through shared good practice. A very useful resource pack for workers in the field was launched at that event.

It strikes me that the issues raised by all three Deputies can be considered in the deliberations on a new national drug awareness campaign. This campaign is being led by the HSE and my Department is represented on the associated campaign advisory group.

Deputy Jack Wall: I thank the Minister of State for that detailed reply. Deputy Burton's question was concerned with the side effects of a mixture of alcohol and cocaine. The mixture creates a substance that can cause health problems. We see a lot of road accidents where young people are killed late at night. One wonders if this substance creates drowsiness or a lack of sensitivity to one's actions. Will there be more details sought on this issue? What is the medical view on how to address it? It seems to be questionable and in need of investigation. The sooner we get to that stage, the better. I had never heard of this substance before I read about it in an article. Is there something in it worth investigating?

Will the Minister of State highlight one or two of the different projects to show us what is going on? Deputy O'Shea and I have spoken about road accidents and fatalities and how we have not yet reached a situation where the presence of drugs is determined as a cause. At a time where road safety is a big issue for everybody, when will we get to that stage? Will the Department of Community, Rural and Gaeltacht Affairs lead on this, or will it be the Department of Justice, Equality and Law Reform? Will there be an interaction between the two?

Deputy Pat Carey: It is timely that we are addressing this issue today, in view of the findings

just published by the Health Research Board on the abuse of alcohol. There is increasing anecdotal evidence of significant mixing of alcohol and other substances, such as cocaine, heroin, benzodiazepines, ecstasy and so on. We are now getting to the stage where there is a problem with polydrug use. The fieldwork on an all-island prevalence study of drug misuse has been completed. We expect to publish the results before the end of the year, and it will give us a strong indication on the nature of drug use and how it has changed since the last study was conducted in 2003. We would be foolish to think that it will not indicate an increase in the use of certain drugs.

We are working with the HSE, the Department of Health and Children and the Department of Justice, Equality and Law Reform on implementing the findings of the cocaine report and the rehabilitation report, both of which were published earlier this year. I am satisfied with the level of progress on the implementation of those at the moment. We have had meetings in the past few days with a number of working groups. There is an emerging strategy on alcohol misuse, which is being carried out by the Department of Health and Children. I am anxious that there is a close synergy between the drug misuse strategy and the alcohol strategy. We are teeing up the review of the current national drugs strategy, which will run from 2009 to 2016. We would be foolish if we did not make the best use of the time available to us to marry both.

The HSE will be handling a number of the cocaine specific projects. Under the national drugs strategy in my Department, we have a number of pilot projects in Tallaght, the south inner city and the north inner city. Some of them have been more successful than others by their very nature. Those which deal with particular target groups have been successful. We have also concentrated heavily on promoting the training of front-line workers. Merchants Quay Ireland provides training and 104 people have been trained there. The Leeds Addiction Unit in Leeds University is also providing training in cognitive behaviour therapy, while the Waterford Institute of Technology is running a number of courses in that regard. Complementary therapies are regarded, along with cognitive behaviour therapy, as being one of the best ways of dealing with the problem, and the Blanchardstown local drugs task force has been involved in such therapies.

There are many other projects, such as the Finglas-Cabra drug task force, Croí Nua in Crumlin, the DROP project in Dun Laoghaire and an ongoing project in Cork. There are also linked projects and the Irish Prison Service has engaged Merchants Quay Ireland to provide counselling in prisons in order to prepare prisoners who are being discharged. There is also a good link project in Cork Prison with the local drugs task force and the Health Service Executive, HSE. This provides the context regarding

[Deputy Pat Carey.]

the Department's position in this regard. I am uncertain whether this has satisfied the Deputy.

Deputy Michael Ring: Is Ireland any closer to drug testing? While everyone is discussing the abuse of alcohol and driving, more people are being killed on the roads through the abuse of drugs. There is no way to test people who drive having taken drugs when they are in a serious accident.

I note the Minister of State was not attached to the Department before the general election. However, a survey was under way on the availability of drugs in Ireland, which was to be completed in April and published before the general election. However, this did not happen. When will the survey be published?

I refer to the rehabilitation pillar of the national drugs strategy. A lady whose son is in prison visited my clinic recently. While he seeks rehabilitation, such a service is not available to him. Although the family is making an effort to get something done for him, there is no point in sending that young man to prison without providing him with the medical help he needs. What is happening in this regard?

Deputy Pat Carey: As for drug testing, I have discussed the issue with the Garda. Five or six devices are being pilot-tested at present to ascertain their utility in detecting substances other than alcohol or prescription medicines in the bloodstream. However, it will be some time before the results become available.

While I am open to correction on this issue, I do not believe it was ever expected that the all-island drug prevalence survey would be completed before the end of this year.

Deputy Michael Ring: I understand it was due for completion in April.

Deputy Pat Carey: The fieldwork has been completed in recent weeks and the study is being written up at present. I hope to have it by the end of the year.

As for the rehabilitation report and its recommendations, I met representatives of the HSE the other day and will meet the local and regional drugs task forces to ascertain how they are rolling out services. For example, the increase in the number of detoxification beds can be achieved by working with the voluntary sector and the hospitals. However, the Department is anxious to promote a continuum of care. The provision of detoxification alone is not especially valuable as preparation for it and continuity after it must be provided. The Department is aware that waiting lists for treatment are patchy in different parts of the country. This is the reason I am working with those regional drugs task forces in particular that have been allocated reasonably significant budgets but have been rather slow to roll out

their programmes. I hope to visit the regional drugs task force that covers Deputy Ring's area before the end of this month. If there is anything he believes I should examine while there, I will be happy to accommodate him.

Deputy Michael Ring: I thank the Minister of State and will be in contact with him.

Deputy Jack Wall: The measures mentioned by the Minister of State all constitute positive steps towards our common goal of trying to improve the situation of the unfortunate people under discussion. I refer to rural Ireland, where there is now a consensus of opinion that a major drug problem exists across the entire spectrum. As for the collation of the data sought by the Department, what will be done with it? What interactions does the Minister of State anticipate he or the Department will have while trying to address this issue?

Deputy Pat Carey: The regional drugs task forces are collating all such information in conjunction with the HSE. Many of the programmes to be rolled out will be operated in co-operation with rural general practitioners and community pharmacists. As for other schemes, issues pertaining to education and accommodation, as well as wider issues, must be addressed. Some parts of the country have less satisfactory cover than elsewhere. I visited the Kildare area in the past week or two and was impressed by what I found there. I also visited projects in counties Kerry and Cork within the southern regional drugs task force area a couple of weeks ago and was highly impressed. I will visit the Cavan and Meath areas tomorrow to examine several projects there. The Department works closely with the regional drugs task forces to ensure the provision of as comprehensive a service as possible. I am under no illusions that it will take a great deal more time and a good deal more investment before what I would consider to be an entirely coherent service will be in place nationwide.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael Finneran — the need for the complete roll-out of broadband in Roscommon and south Leitrim; (2) Deputy Arthur Morgan — the announcement that 470 jobs are to be lost at Waterford Crystal; the complaint by Unite, the union representing workers at the company, that the company has failed to communicate directly with the workers in respect of its plans and the necessity for the Minister for Enterprise, Trade and Employment to outline whether he was aware that these jobs losses were

impending and if so, to outline what steps were taken by his Department and other relevant Government agencies to avert their loss; (3) Deputy Leo Varadkar — the announcement that 13 sites for new schools will be acquired in Fingal for the provision of new schools; (4) Deputy James Bannon — the need to outline what plans are in place for a cohesive policy to expedite the development of slurry-generated electricity; (5) Deputy Joe Costello — the issue of EU standards for toy safety; (6) Deputy Joe McHugh — the Department of the Environment, Heritage and Local Government's position on major scheme funding with respect to the Rathmullan water scheme, replacement of pipes, and whether funding will be released under the water conservation programme; (7) Deputy Aengus Ó Snodaigh — the need 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; (8) Deputy Caoimhghín Ó Caoláin — the need 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; (9) Deputy Chris Andrews — the need for the Minister for Health and Children to encourage meaningful dialogue and consultation between the HSE and the Irish Pharmaceutical Union on the new policy on the pricing of drugs due to come into effect on 1 December 2007; (10) Deputy Terence Flanagan — the need for the Minister for the Environment, Heritage and Local Government to appoint a departmental inspector to assess the health and safety concerns of residents of Carndonagh Road, Donaghmede and all local residents in respect of the operations by Barnmore Demolition in Baldoyle Industrial Estate; and (11) Deputy Dinny McGinley — the need to address continuous and chronic unemployment in County Donegal.

The matters raised by Deputies Joe Costello, Dinny McGinley, Leo Varadkar and Michael Finneran have been selected for discussion.

Adjournment Debate.

Health and Safety Regulations.

Deputy Joe Costello: The issue pertains to the question of EU standards for toy safety and my request for the Minister for Enterprise, Trade and Employment to raise the issue at the next EU Council meeting. I raised this issue in the Dáil

last September when it came to my attention that approximately 2 million toys that had been produced in China under contract for Mattel in particular, which is the largest toy company in the world, had to be recalled because there were dangers of lead poisoning due to excessive levels of lead in the paint. This recall took place in August. I note there was a further recall last week of approximately 55,000 toys, 12,000 of which have been sold in Ireland and Britain since June. This is the fourth recall in the past six months of toys that have been produced under contract by Mattel and which are perceived to be dangerous to the health of children.

The number of recalled toys that have been on sale on the world market appears to be extraordinary and I do not understand how this has been allowed to continue. I understand the European Commission has rather belatedly agreed to undertake a review of its toy safety rules. The original toy safety directive from the European Union is 20 years old and the regulations that were produced arising from it were made in 1990. These govern issues such as marketing, classification and labelling of toys that are sold on the Irish market. Obviously, as 12,000 toys have been recalled within the past month, the regulations have not been successful. What will happen in this regard? When is it likely that a new or revised directive will be produced? When will such a directive be transposed into Irish regulations or law?

One should note that even before Hallowe'en, the marketing of toys and Christmas goods had already begun. There is a particular onus on the Government to ensure that the largest component of the Christmas market, namely, the toy market, is safe for children which would give ease and peace of mind to those parents who purchase toys for their children. I raise the issue now to impress upon the Minister that at the next EU Council meeting, he should argue strongly for the revision of the European Union directive. This should be done on the basis of urgency in order that the necessary safety regulations would be in place to avoid a recurrence of the same scenario that has taken place four times in recent times globally and occurred in Ireland only last week.

The safety of the children of this country is paramount. The responsibility for that safety rests squarely on the Minister who makes the laws and regulations that govern this area. I call on the Minister to make sure that action is taken urgently.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I thank Deputy Costello for raising this matter on the Adjournment. I will be taking it on behalf of the Minister for Enterprise, Trade and Employment, Deputy Martin.

The House will be aware of recent voluntary recalls on toys placed on the market by the Mat-

[Deputy Tony Killeen.]

tel Corporation and EU-wide concerns for the safety of children in the wake of such recalls. In Ireland, the European Communities (Safety of Toys) Regulations, SI 32 of 1990, which transposed Council Directive 88/378/EEC concerning the safety of toys, governs the marketing, classification and labelling of toys placed on the Irish market. These regulations are enforced by the National Consumer Agency, NCA. Under these regulations a toy may not be placed on the market unless it is safe, appropriately labelled and compliant with the essential safety requirements of the directive. Toys are defined as “any product or material clearly intended for use in play by a child of less than 14 years”.

The directive and associated regulations also provide that any toy placed on the market must carry a CE mark to show that it conforms to the essential safety requirements of the directive. The CE mark on a toy also shows that it complies with relevant Irish and European standards and is safe provided it is used as intended. The general product safety directive also imposes a duty on all persons in the supply chain to ensure that products placed on the market are safe and do not pose a danger to health and safety.

The NCA is the market surveillance authority for Ireland and is also the contact point for RAPEX notifications. RAPEX is a system for rapid exchange of information about dangerous products in the European Economic Area. The system is coordinated by the European Commission and links market surveillance authorities in 30 European countries. When authorities take restrictive measures concerning a product which poses a serious risk for the health and safety of consumers, such as a ban on sale, withdrawal from the market, or a product recall, they must notify the Commission, which in turn notifies the authorities in all other member states. Member state authorities are then obliged to take follow-up measures on their national markets and to inform the Commission of their actions. The NCA has stated that it is confident that the RAPEX system is operating as it should and the fact that recalls are taking place is an indicator that traders are taking the safety issue seriously.

Following the Mattel recalls the NCA made direct contact with Mattel to obtain full details on all aspects of the notification. Mattel has indicated that it expects to have figures on stock returns by November. I stress that the details of the recalls were placed on the NCA website and the agency actively engaged in radio and television interviews on the issue. Mattel, an American toy company, is one of the largest toy companies in the world. Paint with excessive lead content was used on toys manufactured on its behalf in China, thus giving rise to the recalls.

Between November 2006 and October 2007 Mattel issued six voluntary recalls on toys due to high lead contents in paints used on toys or dangers relating to magnetic toys. The NCA con-

tacted toy operators advising them of the recalls and requested that they make appropriate arrangements to carry out an effective recall of any of the toys that had been placed on the Irish market. They were also asked to report back to the NCA with details of their progress. Of the 22 million recalled toys on the world market between 2002 and 2007, approximately 118,300 toys were on the Irish market. The NCA is awaiting final data on stock retrieved from stores and on returns made by consumers.

In a follow up action, the NCA wrote to toy operators to establish whether they had toys of a similar type to those of Mattel and to confirm that such toys were safe and, in particular, that they did not contain small magnetic parts or paint with excessive lead content. In the event of an unsafe product being found, they were required to issue a recall and to notify the NCA of any action taken. I have been informed that no notifications of similar products have been received to date.

The NCA informs me that toys are imported into Ireland mainly via the United Kingdom or other EU member states. In addition, the NCA understands that some operators also import directly from third countries. The NCA asked the customs authority for a list of these importers, and it provided a list of 73 traders who import directly from outside the European Economic Area. The NCA is currently preparing letters to alert these traders of their obligations under the legislation enforced by the NCA and to invite them to be placed on the NCA alert system and to take appropriate action to remove any product that presents a hazard.

I also understand from the NCA that the British Toy and Hobby Association, BTHA, has agreed a new code with which its members will comply. The main importers into Ireland have indicated either that they are subscribers to this code or that they will follow its guidelines. The code is an interim step to deal with powerful magnets contained in toys. It requires specific warnings to be displayed on packaging pointing out that these products contain magnets that can be hazardous if swallowed. The instructions-for-use leaflets accompanying such toys will also highlight the dangers and the necessity of seeking immediate medical attention if magnets are swallowed or inhaled.

The NCA has also issued a consumer guide to toy safety. This booklet informs the consumer of the current legislation, provides advice on toy safety, and includes a common-sense checklist. It is worth noting that the NCA actively pursues any complaints made regarding the safety of toys and its actions have resulted in a number of recalls of toys considered to be dangerous.

Arising from concerns generated by the Mattel recalls, the European Commissioner for Consumer Protection, Ms Meglena Kuneva, announced her intention on 29 August to carry out a review of the strengths and weaknesses of

the consumer product safety mechanisms currently in place in Europe. This review has involved extensive work with national market surveillance authorities, the Chinese and US authorities, the European toy industry and retailers, as well as consultations with the European Parliament. The NCA has also been engaged in this review. The review is currently in its final stages and Commissioner Kuneva will present the results of this stocktaking and analysis at the Competitiveness Council on 22 November 2007 in Brussels. I look forward to receiving the conclusions of this review and to making progress on any actions recommended.

In addition to this review, I also understand that the European Commission intends to present a proposal for a revision of the toy safety directive by the end of this year with a view to enhancing safety requirements for toys and improving the efficiency and enforcement of the directive by national market surveillance authorities. Furthermore, a draft Council regulation which will enhance market surveillance activity generally is currently being debated by EU member states and the European Parliament. Adoption of this regulation is a high priority for the Council and will further enhance the present market surveillance regimes.

It will be clear from the above that the issue of product safety, particularly toy safety, is a high priority for the European Commission, my Department and the NCA. The meeting of the Competitiveness Council to which I referred will provide an opportunity for debate on this important issue and any proposals to enhance the legislative or administrative frameworks to ensure the safety of toys will be strongly supported.

Unemployment Levels.

Deputy Dinny McGinley: I thank the Leas-Cheann Comhairle for once again giving me the opportunity of raising the matter of chronic unemployment in Donegal on the Adjournment. What prompted me to raise this issue again this evening is the planned closure of the Seagate plant in Limavady. This highlights once more the continuous high level of unemployment in the north west and particularly in Donegal, where unemployment is at the appalling rate of four times the national average.

Since 1997, almost 10,000 industrial jobs have been lost throughout County Donegal, not just in my own constituency but in the entire county. In my own parish, Gweedore, a small Gaeltacht parish with which I am sure the Minister of State, if not the Leas-Cheann Comhairle, is familiar, 1,200 industrial jobs have been lost in the last few years. This is perhaps the equivalent of 100,000 jobs in my colleague Deputy Varadkar's city of Dublin. For example, 115 jobs were lost in Dianorm, 300 jobs in RMT, 50 jobs in Europlast, 280 jobs in

Qualtron, 200 jobs in Comerama, 60 jobs in MDR, and 120 jobs in BMR. The list goes on.

These high levels of unemployment are not confined to my own parish. Last year we lost 600 jobs at Hospira in Donegal town, preceded by the loss of 120 jobs at Nena Models in Ballybofey and Stranorlar. There was also the closure of the Fruit of the Loom plants, which were located in five areas of Donegal, with the loss of 3,200 jobs. Almost 10,000 industrial jobs have been lost in ten years. What a terrible record for any Government or two successive Governments. As a senior trade union official in Donegal, who is leaving the county, said last week, the county has been shamefully neglected by this Government and its two predecessors. It is time something was done about this. We have had plans, task forces, suggestions and much talk. Everything has been delivered except jobs.

Three areas must be given priority in the county to attract industry and jobs because our industrial base is decimated. First, there is need for a major improvement in the infrastructure in the county, whether through access to the county, communications and telecommunications within it or facilities such as sewerage and water, recreation and education.

Having said that, our educational facilities in the north west are excellent. LYIT in Letterkenny is excellent and there is something similar in Galway, with graduates being produced every year. We all are invited to conferrings this at time of the year and I cannot see any reason that positions should not be available to some of these highly qualified, trained, eager, anxious young people in their areas.

The second area the Government must improve is access to the county, whether through the Republic or through Northern Ireland. Perhaps this is an area where both Administrations, the new devolved Government in Northern Ireland and ourselves, could get together with the support of Westminster.

Third, and perhaps most important, a county such as Donegal, with four times the national unemployment rate and which has lost 10,000 industrial jobs in the past ten years, is crying out for tax designation. This has been provided in other parts of the country. A number of years ago it was given to the upper Shannon basin — parts of Cavan, Sligo, Roscommon, Leitrim, etc. Last year in the budget it was again extended to the lower or mid-Shannon basin by the Minister for Finance. Something imaginative such as that must be provided for Donegal if we are serious about tackling in a meaningful way this chronic, long-lasting continuous unemployment problem.

Deputy Tony Killeen: I thank Deputy McGinley for raising this matter. I am taking the debate on behalf of the Minister, Deputy Martin.

[Deputy Tony Killeen.]

On the unemployment rate for Donegal quoted by the Deputy, I point out that the Central Statistics Office does not compile county-by-county unemployment data. CSO data for the second quarter of 2007 show an unemployment rate of 5.3% for the Border region as against a national average of 4.5%. While it is recognised that Donegal has suffered particular difficulties in the past owing to the demise of traditional industries such as agriculture, fishing and textiles, there is clear evidence that the county is successfully engaged in a transition to the new economy. Live register figures at 8,340 and 8,370 for September 2006 and September 2007, respectively, are lower than any year going back to 1993.

The interdepartmental group report on Donegal, which my colleague, the Minister for Enterprise, Trade and Employment, Deputy Micheál Martin, launched last year, identified the various infrastructure developments required to support enterprise development in the county. The report noted not just that much progress had been made but also that financial provisions were available to complete major infrastructure projects, especially new roads, to equip Donegal further as an attractive location for enterprise development.

IDA Ireland has identified Donegal as a key target location, with the county now competing for a different type of business from labour-intensive manufacturing on which it relied successfully in the past. The overseas investor now seeks locations for more knowledge intensive manufacturing or office-based solutions, to a great extent depending on advanced skills and higher value-added activities. This has required a significant change of strategy by IDA Ireland with a focus on a limited number of key locations nationally.

IDA Ireland has developed a new modern business park in Letterkenny with modern building solutions capable of competing with other locations nationally and internationally. IDA Ireland has been working with the third level sector in the region, namely, Letterkenny Institute of Technology and the third level sector in Northern Ireland, to offer the necessary courses aimed at its target areas of medical technologies, international and financial services and high-end engineering.

Progress has been made over recent years 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 past five years. These companies continue to recruit and are actively seeking new staff.

Pramerica Systems is expanding its services centre in Letterkenny to create 70 new jobs in software development and testing, operations, call centre and financial services with added capacity to recruit a further 80 personnel. Abbott, one

of the world's largest health care companies, is establishing a manufacturing facility for its diabetes care products in Donegal town with the creation of 155 high quality jobs at full production. Abbott has now taken possession of its plant from Hospira and recruitment of key executives is under way along with the redevelopment of the site to meet the needs of its new occupant. SITA will expand its software operation in Letterkenny, leading to the creation of 123 high quality software development jobs. Zeus Industrial Products has made a capital investment of more than €7 million, principally in state-of-the-art premises, production machinery and equipment. There are 71 permanent staff members employed in the firm and recruitment is ongoing.

With regard to the Enterprise Ireland input in Donegal, during the years 2004 to 2006, a total of 1,156 jobs were created in Enterprise Ireland client companies in County Donegal, as against job losses of 980, leaving a net gain of 176 jobs.

The following are some specific Enterprise Ireland initiatives in County Donegal. Enterprise Ireland supports the CEIM enterprise platform programme, in partnership with Letterkenny Institute of Technology, the Institute of Technology in Sligo and Border Action, in providing a training programme for entrepreneurs wishing to set up their own businesses. This programme is now going into its fourth year.

Enterprise Ireland, in partnership with Invest Northern Ireland and the special EU programmes body, commenced recruitment in May 2007 for the Transform programme, a new cross-Border enterprise incubation programme. The programme was launched in September 2007 with a total of 43 participants, nine of whom are from the north-west region.

In 2006 Enterprise Ireland approved support of €650,000 for the provision of enterprise space in Carndonagh and Donegal town as part of the community enterprise centre scheme. Enterprise Ireland has approved a sum of €2.54 million to extend the business development centre at Letterkenny Institute of Technology to cater for increasing demand and the building work is due to commence in 2008.

Enterprise Ireland's policy objectives for balanced regional development are reflected in the structure of its funding offer whereby funding for existing company expansion and start-up businesses is biased towards regions. The maximum grant level is higher than in Dublin and the mid-east and a higher proportion of this funding is non-repayable.

In addition to the above, Donegal County Enterprise Board, funded by the Department of Enterprise, Trade and Employment, provides support to micro-enterprises in the start-up and expansion phases to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship

at local level. Financial support is available in the form of capital grants, employment grants and feasibility study grants. From the board's inception in 1993 to date, it has paid out more than €6.7 million in grant assistance to more than 300 clients, which has assisted in the creation of 1,385 jobs.

The Department of Enterprise, Trade and Employment made additional funding available to Donegal CEB to develop and deliver two new initiatives, namely, a business information service and a "Let's Do Business" schools programme. The business information service involves the provision of a comprehensive business information service to individuals and businesses in the county. The "Let's Do Business" schools programme seeks to develop a spirit of enterprise within national and secondary schools through active learning in a range of enterprise competitions, events and enterprise clubs.

I assure the Deputy that funding supports and initiatives for enterprises in County Donegal is, and will remain, a priority for the State development agencies under the auspices of the Minister for Enterprise, Trade and Employment.

Schools Building Projects.

Deputy Leo Varadkar: I thank the Ceann Comhairle for giving me the opportunity to raise in the Dáil this issue which is obviously causing a great deal of confusion in my constituency and in the constituencies of Dublin North and Dublin North-East.

As the Minister may be aware, an announcement was made by Fingal County Council to the effect that somewhere between 13 and 17 school sites would be acquired in a very short period to provide much needed primary and secondary schools by September 2008, apparently under a form of new design and build contracts into which the Department is entering. Since then it has been impossible to establish whether the Department stands over this announcement or the location of any of these 13 sites. Are they in Balbriggan, Swords, Castleknock, Blanchardstown? We do not need to know their exact location but roughly whereabouts in our county of nearly 250,000 people these school sites will be.

Can the Department assure us that all these schools will be in place by September 2008? I have grave doubts about that. In many cases the sites are not acquired. When they are acquired, planning permission will take at least three months with the council and in some cases another four to five months through An Bord Pleanála. Then the schools must be built.

It seems this announcement made by Fingal County Council, but in the presence of Department of Education and Science officials, was quite irresponsible. I am asking for clarity from the Department. Does it stand over that announcement, will it inform the House where

these sites are and can it guarantee parents and children in Dublin 15, Dublin North and Dublin North-East, who are concerned that just like last year they will not have a school to which to send their children, that these 13 schools will be in place and open by September 2008? If not, how many will be and how long will it take for all 13 to be delivered?

Deputy Tony Killeen: I am replying to this matter on behalf of the Minister for Education and Science, Deputy Hanafin. I thank Deputy Varadkar for raising this matter as it provides me with the opportunity to outline to the House the proactive approach being taken by the Department of Education and Science to provide up to 100,000 extra pupil places in rapidly developing areas throughout the country over the lifetime of the new national development plan.

Demand for additional school accommodation has escalated considerably in recent years due mainly to factors which include the growth in the school-going population in rapidly developing areas, including the impact of inward migration; the rapid expansion in teacher numbers, particularly in the area of special needs; the demands to cater for diversity through the recognition of new Gaelscoileanna and Educate Together schools; and population movements from older, more established urban areas to outer suburban areas.

Demographic increases in population are now the main driver of growth in demand for school accommodation. In the next five years alone, the Department is planning provision for a minimum increase in the national primary school-going population of up to 58,000 pupils.

The Department uses a number of sources of information to plan for the correct level of school accommodation. One of the most important sources is the local authority area development planning process. The Department is included among the prescribed authorities to which local authorities are statutorily obliged to send draft development plans or proposed variations to development plans. As a matter of course, there is ongoing liaison with local authorities to establish the location, scale and pace of any major proposed developments and their possible implications for school provision. Site reservations for new schools are made under this process.

A substantial amount of the time and the resources of the Department's school planning section are dedicated to ongoing contacts with the local authorities, especially in Dublin and within the Dublin commuter belt, to monitor housing development and to establish the timescale for the delivery of extra school accommodation. The Department is also represented on various bodies such as the Adamstown and Hansfield strategic development zone steering committees and the North Fringe Forum steering committee, among

[Deputy Tony Killeen.]

others, to obtain first-hand information on matters of relevance to school provision.

A practical example of positive output from these contacts is the arrangement entered into with Fingal County Council known as the Fingal school model agreement. Under this agreement, the Department and Fingal County Council have been working in partnership in recent years to acquire land for schools. While sites have already been acquired as a result of this co-operation, the focus at present is on finalising arrangements for the sites needed for the 2008 school year. The ability of the Department to open the required number of new schools in the Fingal area for next September is contingent on the lands in question being acquired very soon.

While the Minister for Education and Science is encouraged by the council's recent positive statement, she is also conscious that work on acquiring most of the sites has been ongoing for two years and she is anxious that their acquisition is finalised as soon as possible. To ensure the school buildings in question can be provided in record time, the Department has tendered for contractors to commence the construction of the schools off-site while planning permission is being sought. The system-built model of building schools off-site while planning permission is being sought has also already been used by the Department this year. It is planned to use it more widely as a means of delivering high quality school buildings in as little as four months.

The Government is aware of the school needs of the Fingal area and is doing all it can to deliver extra school places as quickly as possible. However, I wish to point out that while the scale of the work under way in Fingal is particularly newsworthy, the Department has in fact developed much closer working relations with local authorities all over the country in recent years and similar levels of activity are ongoing in all rapidly developing areas throughout the country.

Again, I thank the Deputy for raising this matter which has allowed me to illustrate both the extent of the work being carried out with local authorities and the importance which the Department of Education and Science attaches to relationships with them.

Telecommunications Services.

Deputy Michael Finneran: I call on the Minister for Communications, Energy and Natural Resources to address the need for the complete roll-out of broadband in the constituency of Roscommon-South Leitrim. An article appeared in a local weekly newspaper on 23 October 2007 which indicated there may be a delay or shelving of two important broadband projects for County Roscommon, namely one in the town of Castlerea and one in the town of Boyle.

The Minister should be aware that these projects were sanctioned over two years ago by the previous Government. The local authority was informed the towns of Castlerea and Boyle were included in the phase two MANs programme. It was invited to prepare contract documents following the investigation, which it has done. Those documents are to be submitted this month for approval with a view to construction early in the new year. I understand a 90% grant is available from the Government and the remaining 10% will be provided by the county councils. I also understand the cost payable by county councils can sometimes amount to 25%. The overall cost of the project is €3 million.

The people of the towns of Castlerea and Boyle and of other parts of County Roscommon will not accept the shelving of these two projects which have been approved and where the preparation documents have been put in place. The new priority list which excludes these two towns is not acceptable to the people in County Roscommon. Any such proposal would set back the hard work that has been done by Enterprise Ireland, Roscommon County Council, the enterprise boards and other development organisations in the county.

Currently, the county manager, in consultation with Enterprise Ireland and local development groups, is at an advanced stage of negotiations for a project that would bring 50 to 60 jobs to the town of Boyle for a call centre. If a proposal to defer or shelve the fibre optic cable proposal for the town of Boyle goes ahead, the opportunity for those jobs will be gone also. That is not acceptable to a town that has lost practically all of its manufacturing employment in the past seven or eight years.

Recently Enterprise Ireland, under the aegis of the Department of Enterprise, Trade and Employment, allocated €350,000 to provide a new enterprise centre in Castlerea. The local development association, in consultation with all the other agencies, decided it would be an IT-oriented enterprise centre. One can well ask where that would leave this project in the event of broadband not being rolled out early in 2008.

It appears certain persons in the Department, either with or without the consent of the Minister, are attempting to exclude important areas of population in the constituency I represent. That is not acceptable to the people there who were given a commitment over two years ago. Any attempt to row back on their entitlement at this stage will be vigorously opposed.

I cannot understand how we can ask people on the one hand to promote jobs in the IT sector while on the other hand a person in another area can decide not to introduce the communications system that would allow that to become a reality. I urge the Minister to ensure this project costing €3 million goes ahead. The county manager has

indicated to me that the county council will carry the cost for 12 months in the best interests of the development of this project.

I hope we are in a position to allay the fears not alone of the elected members of Roscommon County Council, but also my fears as the Government Deputy and the fears of the good people of the towns of Castlerea and Boyle.

Deputy Tony Killeen: I thank the Deputy for raising this matter. A lag in the provision and take-up of broadband in rural areas is generally a feature across the EU and beyond due to the private sector being unable to justify the commercial provision of broadband services in some rural areas. However, the Government is determined to address any potential digital divide that may arise.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers. Nevertheless, the widespread provision of broadband services continues to be a priority for the Government. In that regard, the Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded group broadband scheme and investment in metropolitan area networks, MANs.

There are currently eight group broadband schemes in operation in south Leitrim and Roscommon. The MANs constructed under phase 1 of the MANs programme, including those in Carrick-on-Shannon in south Leitrim and Roscommon town, are complete and fully open for business. They have been handed over to the managed services entity, eNet, which manages, markets, operates and maintains the networks on behalf of the State. Products available to service providers on a wholesale basis on these networks include dark fibre, ducting and co-location facilities.

The group broadband scheme, which offered grant assistance for the installation of broadband services in small towns and rural communities, also played a part in driving broadband into the regions. It is being replaced by the national broadband scheme, which will address the issue of the last 10% of the country which will never have access to broadband without investment and support. All reasonable requests for broadband to houses and premises in unserved rural areas will be met under this scheme.

The first phase of the procurement process of the national broadband scheme, the pre-qualifi-

cation questionnaire phase, is now complete. Eleven valid pre-qualification questionnaires were received and assessed, and four candidates have pre-qualified to enter the next phase of the procurement process for the scheme. The four candidates are, in alphabetical order, as follows: BT Communications Ireland Limited consortium; Eircom; Hutchinson 3G Ireland Limited; and IFA-Motorola consortium.

The Department anticipates that the national broadband scheme contract will be awarded during the second quarter of 2008, with roll-out of the services due to begin as soon as possible thereafter. This timeline is subject to negotiations with candidates during the competitive dialogue phase of the procurement process. It is intended that the broadband service delivered under the national broadband scheme will be broadly comparable to the products enjoyed in the majority of currently served areas, now and in the future. This refers to both price and product specifications, which will have to evolve during the contract period to reflect trends in the broadband market. The most appropriate mechanism to achieve this aim will be decided during the competitive dialogue process.

The group broadband scheme — MANs and the national broadband scheme combined — combined with significant roll-out progress by the private sector operators, will all make a huge contribution to the further availability of broadband throughout Ireland, particularly in rural areas. More generally, broadband penetration in Ireland has also increased significantly in recent years. I am pleased to state that broadband is now available in almost all parts of Ireland through a combination of digital subscriber line, fixed wireless, cable television, mobile and satellite technologies.

There are now 698,000 subscribers, according to the latest available official figures from ComReg, which, by OECD measures, is the equivalent of 16.48% of the population. This compares with less than 1% in 2002, 3% at the beginning of 2005 and 6.76% of the population at the beginning of 2006. We have narrowed the gap behind the EU average dramatically. At the end of the second quarter of 2006, the EU-25 average was 14% and our rate was 8%. At the end of the second quarter of 2007, the EU-25 average was 18.1% and our rate, including new mobile subscriptions, is at 16.48%. This is significant progress by any measure.

According to the latest available OECD broadband statistics, which apply up to the end of December 2006, the strongest *per capita* subscriber growth over the year came from Denmark, the Netherlands, New Zealand and Ireland. Each country added more than 5.8 subscribers per 100 inhabitants during 2006. As a result, Ireland has improved its position internationally and Government action through pro-

[Deputy Tony Killeen.]

vision of an optimal regulatory regime and targeted infrastructural investment will continue to support this performance.

Although there is no connection, regulatory or otherwise, between Eircom and the Department, I welcome the recent announcement by Eircom that it is committing an extra €30 million to enabling 319 exchanges in the next couple of years to allow up to 140,000 new customers to connect to a broadband-enabled exchange. Other service providers have also announced invest-

ment plans which will improve the roll-out of high speed infrastructure and services.

A draft policy paper on next generation broadband is being prepared by the Department, which will review current communications infrastructure policy and analyse policy options in light of industry developments. This will give guidance in regard to the optimum future role for Government in the planning and roll-out of broadband.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 6 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 9, inclusive, answered orally.

Community Development.

10. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the basis on which he proposes to reduce the number of LEADER committees from 36 to 22; if his attention has been drawn to the concern expressed by those in LEADER programmes at the decision; and if he will make a statement on the matter. [26500/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Arising from the joint Ministerial initiative on the review of local and community development structures the Government agreed a series of measures in January 2004 to improve arrangements under which community and local development initiatives are delivered and to improve cohesion and focus across various measures. This process is informed by the following guiding principles:—

- improving on the ground services
- streamlining structures so as to avoid overlaps, duplication and undue administrative overheads
- bringing transparency, co-ordination and improved control to the funding and operation of local and community development measures;
- strengthening the democratic accountability of agencies and providers in this area.

The core objective of the process is to simplify and improve local delivery of programmes operated by my Department through the integration and alignment of local delivery structures. The intention is that for the future there will be one local development company in any given area

and fewer local development companies overall. This will provide full county coverage and eliminate overlaps and previous fragmented arrangements.

Following exhaustive consultations with and between the local agencies to develop the most suitable configurations of groups, Government decided on revised areas of coverage for local development companies in March of this year and clarified the arrangements in relation to the membership of the boards of these bodies in late July. LEADER and Partnership groups have been asked to give effect to this decision. At the request of and in consultation with the representative bodies LEADER and Partnership groups, my Department has provided detailed guidelines to secure this outcome.

The realignment of local delivery structures will bring the overall number of local development delivery bodies to 55 comprising 38 integrated LEADER/Partnership bodies in rural areas and 17 Partnerships covering urban areas. Deputies will be aware that the integrated LEADER/Partnership model is already a proven success in a number of areas.

11. **Deputy Damien English** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to review the boundary areas under the CLÁR programme; and if he will make a statement on the matter. [26319/07]

115. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if arising from previous years experience, he will expand or extend the remit of the CLÁR programme; and if he will make a statement on the matter. [26829/07]

116. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals for expenditure under the

[Deputy Bernard J. Durkan.]

CLÁR scheme in 2007; and if he will make a statement on the matter. [26830/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 11, 115 and 116 together.

The CLÁR Programme (Ceantair Laga Árd-Riachtanais) is a targeted investment programme in rural areas. It was launched in October 2001 and the areas originally selected for inclusion in the Programme were those which had suffered an average population loss of 50% between 1926 to 1996, with the exception of the Cooley Peninsula (which was included based on the serious difficulties caused there by Foot and Mouth disease). The total population benefiting was 284,000 across 17 counties.

Following analysis of the 2002 census data, the CLÁR areas were extended in January 2003 with the total population covered increasing to 362,000 across 18 counties.

I announced a further extension of the Programme in April 2006 to include areas with an average population loss of 35% between 1926 and 2002. This resulted in a doubling of the population benefiting from the Programme to nearly 727,000. The total number of counties now covered is 23 with Kildare, Wicklow and Dublin now being the only counties not included in CLÁR. I have no plans at present to carry out a further review of the areas covered by the Programme.

The Programme provides funding and co-funding to Government Departments, State Agencies and Local Authorities to accelerate investment in selected priority developments. These investments support physical, economic and social infrastructure across a variety of measures. The measures introduced under the Programme reflect the priorities identified by the communities in the selected areas. The CLÁR schemes cover a wide variety of developments such as village, housing and schools enhancement, electricity conversion/installation, roads, water supply, sewerage schemes, health, coastal, sports and community projects. The measures funded by the Programme are regularly reviewed.

A budget of €18.6m has been allocated to the CLÁR programme for 2007 of which €9.46m has been spent to date. The table below gives details of the current position in relation to expenditure.

Scheme	Expenditure to date in 2007
	€
Class II & III Roads	842,779.30
Coillte	98,991.77
Courthouse Enhancement Scheme	50,000.00
Flashing Amber Safety Lights at Schools	865,310.28
L.I.S. Roads	470,783.04

Scheme	Expenditure to date in 2007
	€
Small Public Water & Sewerage	1,717,445.50
Group Water Schemes	257,908.75
Village and Countryside Enhancement	204,908.78
Bi-lingual Signage Scheme	13,199.34
Primary School Outdoor Play Facilities	634,046.71
Local Authority Housing	13,182.00
CLÁR Community Initiatives	512,146.14
Coastal Projects	7,500.00
Sports Capital Grants	1,296,942.00
Gaeltacht Sports & Community Grants	321,997.29
Electricity Conversions	1,241,084.19
Western Rail Corridor	654,779.00
Red Cross	241,589.94
Fibre Optic	5,342.15
Wireless	16,063.83
Total	9,466,000.01

Aistritheoirí Gaeilge Cáilithe.

12. D'fhiafraigh **Deputy Michael D. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén plan atá aige chun go leor aistritheoirí Gaeilge cáilithe a chur ar fáil go práinneach chun freastal ar éileamh an Choimisiúin Eorpaigh [26529/07]

27. D'fhiafraigh **Deputy Michael D. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta ar cuireadh scrúdú cáilíochta d'aistritheoirí Gaeilge ar ceal i Mí Mheán Fómhair de bharr easpa airgid ar Fhoras na Gaeilge [26530/07]

42. D'fhiafraigh **Deputy Brian O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta maidir le haistritheoirí Gaeilge nua a chur ar fáil; agus an ndéanfaidh sé ráiteas ina thaobh. [26528/07]

51. D'fhiafraigh **Deputy Brian O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é líon na n-aistritheoirí creidiúnaithe atá sa tír [26527/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tógfaidh mé Ceisteanna Uimhreacha 12, 27, 42 agus 51 le chéile.

Mar atá tugtha le fios agam sa Teach seo cheana, tá Foras na Gaeilge ar iarratas uaimse tar éis córas creidiúnaithe d'aistritheoirí Gaeilge a fhorbairt. Is é seo an chéad chóras dá leithéid d'aistritheoirí Gaeilge na tíre seo. Reachtladh dhá scrúdú i 2006 agus, de thoradh na scrúdaithe sin, tá an caighdeán cuí bainte amach anois ag 76 aistritheoir. Reachtladh scrúdú eile níos túisce i mbliana agus tuigim ó Fhoras na Gaeilge go

mbeidh torthaí an scrúdaithe sin ar fáil go hanluath. Tuigim chomh maith go bhféadfadh suas le 97 aistritheoir san iomlán a bheith cáilithe ach na torthaí sin a bheith foilsithe. Tá i gceist scrúdú eile chur ar bun i mí Feabhra 2008 agus ag tráthanna rialta as sin ar aghaidh. Tá sonraí iomlána an phainéil aistritheoirí foilsithe ar shuíomh idirlín an Fhorais, www.forasnagaeilge.ie. Ta tugtha le fios dom nár cuireadh scrúdú cáilíochta d'aistritheoirí Gaeilge ar ceal i mí Mheán Fómhair.

Is cinnte gur cúnamh praiticiúil fíor-thábhachtach atá sa phainéal seo do chomhlachtaí poiblí a úsáideann seirbhísí ó aistritheoirí príobháideacha, go háirithe i ndáil lena ndualgais faoi Acht na dTeangacha Oifigiúla a chomhlíonadh. Is cúnamh tábhachtach é chomh maith ó thaobh aistritheoirí a chur ar fáil chun freastal ar riachtanais an Aontais Eorpaigh ó thaobh na Gaeilge de. Ó thaobh an Aontais Eorpaigh de, reachtáladh dhá sheimínéir i bhForas na Gaeilge go dáta, i gcomhar leis an gCoimisiún Eorpach, chun aistritheoirí Gaeilge a chur ar an eolas faoi folúntais d'aistritheoirí Gaeilge sa Choimisiún.

Is fiú dom a lua freisin go dtuigim ó Fhoras na Gaeilge go mbíonn ceardlanna d'aistritheoirí á reáchtáil go rialta acu chun cabhrú le hiarrthóirí an caighdeán cuí a bhaint amach agus go bhfuil ag éirí go breá leis na ceardlanna sin. Sa bhreis ar sin, i mí Mheán Fómhair na bliana seo, cuireadh tús le cúrsa ar-líne d'aistritheoirí, atá á chur ar fáil ag Ollscoil na hÉireann Má Nuad. Tá an cúrsa seo, a leanann dhá bhliain, dírithe ní amháin ar dhaoine atá ag feidhmiú mar aistritheoirí cheana féin ach freisin ar dhaoine a bhfuil i gceist acu dul ag obair mar aistritheoirí amach anseo. Rinneadh an cúrsa seo a fhorbairt le cabhair ó Fhoras na Gaeilge.

Mar fhocal scoir, ní miste dom a lua go bhfuil ciste ar leith curtha ar bun agam chun maoiniú a chur ar fáil do shainchúrsaí tríú leibhéal trí Ghaeilge. Mar atá mínithe agam don Teach cheana, tá an togra seo dírithe ar líon na gcéimithe le scileanna sonracha Gaeilge i réimsí ar leith a mhéadú, go mór-mhór i gcomhthéacs Acht na dTeangacha Oifigiúla agus an Ghaeilge a bheith mar theanga oifigiúil san Aontas Eorpach.

Questions Nos. 13 and 14 answered with Question No. 9.

Voluntary Activity.

15. **Deputy Liz McManus** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the level of volunteering here; if he is satisfied that the recent trend of a drop in such in relation to community, charity work and so on is checked; and if he will make a statement on the matter. [26514/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Taskforce on Active Citizenship,

which reported earlier this year, found during the course of its consultations and research that voluntary activity appears not to have declined. In comparing the 2002 and 2006 Surveys by the ESRI, volunteering is up from 17.1% in 2002 to 23.1% in 2006. Active community involvement is also up from 21.7% to 29%.

Support for Volunteering has been steadily increased since a number of measures, aimed at strengthening and supporting volunteering, worth almost €2m, were announced in March 2005. Following on from this package of measures on volunteering the Department has continued to develop policies on volunteering and to fund a range of initiatives in this area. The Government indicated in TOWARDS 2016 its commitment to further developing policy to support volunteering, drawing on the experience in delivering the measures of 2005/6 and informed by the recommendations of the Task Force on Active Citizenship. The Agreement also indicates increased funding of €5m per annum to support volunteering and this Department will work with stakeholders to identify the most appropriate way to use this funding to further promote and develop volunteering in Ireland.

National Drugs Strategy.

16. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he expects to assist by way of financial support various community based groups involved in combating drug abuse in the coming year; and if he will make a statement on the matter. [26629/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Tackling the problem of drugs misuse is a key priority for Government and will continue to be so. This commitment is evidenced in many ways, including through the increasing levels of funding in my Department's Vote. The allocation of €50m this year for Drugs Initiatives/Young People's Facilities and Services Fund (YPFSF) represents an increase of 16% on the 2006 figure and was 87% more than the corresponding figure for 2004. Overall, more than €200m was expended in 2006 by various Departments and Agencies in tackling the problem of illicit drugs.

Most of the financial support provided by my Department to community-based groups involved in combating drug abuse is provided through the Local and Regional Drugs Task Forces and the YPFSF.

Over 440 community-based projects, employing more than 300 people, are being supported through the Local Drugs Task Forces. Such funding will continue over the coming year. Meanwhile, current funding of nearly €8m is being provided by my Department this year for the implementation of the action plans of the 10 Regional Drugs Task Forces. This level of fund-

[Deputy Pat Carey.]

ing will increase in the coming years as these Task Forces move to the full implementation of their plans at a full cost of approximately €14.2m per annum. On top of this, both Local and Regional Drugs Task Forces can access capital funding under the Premises Initiative, established by my Department to address the needs of community based drugs projects.

I recently announced additional capital allocations of nearly €7m to support 42 projects under the YPFSF and this brings the overall amount allocated to date under the Fund to approx €132m. This funding is supporting in the region of 500 facility & services projects in Dublin, Bray, Cork, Galway, Limerick, Waterford and Carlow. In line with the commitment in the Programme for Government, the extension of the Fund to further towns, mainly in Leinster, is envisaged.

I can assure the Deputy that I am determined to ensure that adequate resources will again be provided in the coming year to maintain the progress that is being made in tackling the problem of illicit drugs in Ireland.

Inland Waterways.

17. **Deputy Liz McManus** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the level of recreational activities on waterways here, that is canals, lakes and rivers; the funding his Department has allocated towards improving such facilities; the areas where such funding was allocated; the number of events funded; the number of applications with his Department for decision for funding; the proposals to extend unused canals to facilitate other areas for boating; the areas of the canal banks developed for recreational walking routes; and if he will make a statement on the matter. [26515/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Deputy will be aware that Waterways Ireland, a North/South Implementation Body set up under the British-Irish Agreement Act 1999, is responsible for the management, maintenance and development, principally for recreational purposes, of specified inland waterways.

I am satisfied that, since its establishment, Waterways Ireland has contributed significantly to the recreational use of the waterways coming within its remit. For example, the number of boats registered and using the navigations has more than doubled — from 5,544 registered boats at the start of 2000 to 11,468 boats in 2007. In addition, 8,500 additional metres of moorings have been provided across the waterways, thereby increasing mooring capacity by over 60% during the same period. The waterways are also used extensively for a range of other recreational purposes, including angling, walking, cycling and

canoeing. Waterways Ireland has an extensive marketing and sponsorship programme in place to help promote the recreational use of the waterways and, in this context, has funded 48 sponsorship events this year, including the World Cup Skiing Championships at Enniskillen and the Tri-Athlone event at Athlone. In 2006 it is estimated that such sponsored events drew over 80,000 spectators to the waterways.

In 2007, €9m in capital funding was allocated by my Department for the development of recreational infrastructure on the waterways. Projects undertaken include the addition of 120 metres of moorings at Kilglass, Co Roscommon, on the Shannon Navigation and the completion of a bridge at Begnagh, Co Longford, as part of the restoration of the Royal Canal, which is scheduled for reopening in 2009.

At a meeting of the North/South Ministerial Council on 17 October last, approval was granted to Waterways Ireland to proceed with the restoration of the stretch of Ulster Canal from Upper Lough Erne to Clones.

The Deputy will be aware that the canals are part of the Waymarked Ways of Ireland and sections of the canal banks identified as recreational walking routes include:

- the Grand Canal Way, from the 12th Lock at Lucan to Shannon Harbour;
- the Royal Canal Way, from the 10th Lock at Ashtown to Abbeyshrule; and
- the Barrow Way, from Lowtown to St. Mullins.

The Deputy might also wish to note that, under the Dublin City Canals Programme, Waterways Ireland has undertaken works with Dublin City Council to enhance the towpaths along stretches of both the Royal and Grand Canals.

Rural Development.

18. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his views in relation to the retention of the maximum number of rural farm units and development of rural life in general; the action he is taking to ensure that all such aspects is being addressed; and if he will make a statement on the matter. [26496/07]

119. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the action he has taken to date to address rural depopulation; and if he will make a statement on the matter. [26833/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 18 and 119 together.

One of the key goals of my Department is to promote and maintain living and working populations in rural areas by helping to foster sus-

tainable and culturally vibrant communities. Since its establishment in 2002, my Department has been vigorously pursuing policies and programmes that seek to address the changing nature of rural communities, support their development and promote better regional balance.

In the new National Development Plan (NDP) 2007-2013, a chapter has been dedicated to the development of the rural economy. The chapter outlines how the Plan, within the framework of national policies and programmes, will assist the social and economic development of rural areas in the coming years. In this context, it outlines a range of interventions — which are currently being implemented or are planned — in areas such as broadband, non-national roads, rural transport initiatives, rural water services, CLÁR, the Rural Social Scheme and LEADER/Rural Economy programmes.

I might briefly set out for the Deputies the position in relation to the latter three schemes, which come within the remit of my Department:

CLÁR — Under the NDP, the CLÁR sub-programme will be allocated in the region of €141 million in the period 2007-2013 for the on-going regeneration of rural areas suffering from population decline. The funding will provide for small scale economic and social infrastructure in rural communities and will help to achieve access to a range of essential services such as water supply, sewerage disposal, road access etc.

Rural Social Scheme — Since the introduction of the Rural Social Scheme (RSS), it has become a key part of many rural communities and is very popular with both participants and local sponsors. The Deputies should note that funding for the RSS for the period 2007-2013 is included in the NDP which clearly confirms the Government's continued and on-going commitment to the Scheme in the coming years.

A key feature of the RSS is the flexibility and farmer-friendly nature of the Scheme. One of the key characteristics that has proven attractive for many participants is the Scheme's capacity to offer flexible working arrangements that meet the needs of farming enterprises. Allowing participants to meet their time obligations under the Scheme while not allowing their farming practices to suffer is a very important element of the Scheme's design.

At present, there is provision for 2,600 participants and 130 supervisors on the Scheme and all available places have been allocated. The number of places available on the Scheme for the coming year will be decided in the context of the annual Budgetary process.

EU Rural Development Programme — In tandem with the NDP, the new EU Rural Development Programme 2007-2013 will be rolled out over the coming months. Under the Programme, over €425m will be allocated to support LEADER-type activities. Priorities under the new Programme will include the continued

development of the rural/agri-tourism, craft and small food sectors and the delivery of the Countryside Recreation Strategy. Supports for the continued development of rural enterprise will also be a significant feature under the new Programme.

Looking to the future, I believe that the signs are very encouraging for rural communities. As well as the funding that I have just outlined, the implementation of the National Spatial Strategy over the coming years will, I believe, also have a significant positive impact on the development of rural communities.

Irish Language.

19. Deputy Mary Upton asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to assist in the training and qualification of Irish language interpreters for European languages other than English; and if he will make a statement on the matter. [26525/07]

47. Deputy Mary Upton asked the Minister for Community, Rural and Gaeltacht Affairs his views on the extent to which the shortage of Irish language interpreters is impeding the implementation of the Official Languages Act 2003; and if he will make a statement on the matter. [26526/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 19 and 47 together.

The Deputy may be aware that I have established a dedicated fund in order to provide funding for advanced Irish language third-level courses. This initiative has been put in place in order to increase the number of professionals with particular skills in the context of the requirements arising from the Official Languages Act 2003 and from the status accorded to Irish as an official and working language of the EU.

The courses being funded under this initiative include courses in the area of translation and interpretation. I should also say that funding has been provided to enable a number of students with fluency in the Irish language attend a dedicated course for interpreters at the University of Westminster. With regard to interpretation, my Department will continue to work with the EU Institutions to assist in relation to training needs they identify, but the position at present — having regard to those expressed needs and the qualifications of students presenting for the available courses — is that training is being undertaken for interpretation between the Irish and English languages only.

I am not aware that issues have arisen in relation to the implementation of the Official Languages Act 2003 being impeded by a shortage of Irish language interpreters.

National Drugs Strategy.

20. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the progress in terms of implementing the recommendations of the report of the Working Group on Drugs Rehabilitation including the establishment of a national drug rehabilitation implementation committee, and the appointment of a senior rehabilitation coordinator, 10 regional rehabilitation coordinators and support staff. [26633/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I very much welcome the publication of the Report of the Working Group on Drugs Rehabilitation. Since my appointment as Minister of State, I have consistently stressed my commitment to the implementation of the recommendations therein. I see the development of a comprehensive rehabilitation pillar in the National Drugs Strategy as being vital to the overall effort against problem drug use.

A commitment to the implementation of the recommendations of the Working Group is included in the Programme for Government and I am already working to ensure that this commitment is fulfilled. The key recommendations focus on:

- an effective inter-agency approach based on a continuum of care for the individual (this will involve protocols for inter-agency working, service level agreements, enhanced case management and quality standards);
- an expansion of the range of treatment options (including an increased number of residential detoxification beds);
- building on the rehabilitative impact of Community Employment Schemes; and
- broader life issues including medical support, access to employment, access to education, housing, particular issues relating to the rehabilitation of offenders, childcare, the role of families in the rehabilitation process and research.

As set out in the Report, the HSE will fulfil the lead role in rehabilitation. As part of this role, the HSE will chair the National Drug Rehabilitation Implementation Committee and employ and manage the Rehabilitation Co-ordinators. Meanwhile, a cross-departmental/agency approach is being taken to ensure that the implementation of the recommendations can commence from early 2008 and can be progressed steadily from there.

I am confident that real progress will be made on the implementation of the recommendations of the Working Group on Drugs Rehabilitation in the short term and I look forward to the benefits that this will bring to recovering drug users.

Irish Language.

21. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the progress he has made to advance the use of the Irish language; and if he will make a statement on the matter. [26314/07]

22. **Deputy Róisín Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the assistance he will provide to aid the development and setting up of new Irish speaking communities; and if he will make a statement on the matter. [26523/07]

29. **Deputy Kathleen Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider applications for funding or the provision of grants to assist groups in rural Ireland to initiate classes for Irish dancing and Irish language classes in areas other than Gaeltacht areas where there is a willingness to commence such classes; and if he will make a statement on the matter. [26506/07]

44. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs if the European Commission provides through his Department grants in relation to the development of the Irish language in rural areas of Ireland; and if he will make a statement on the matter. [26509/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 21, 22, 29 and 44 together.

As I have previously indicated in response to similar Questions in this House, a wide range of policies and initiatives in relation to the Irish language have been put in place in recent years.

These include the following:

- The enactment of the Official Languages Act in 2003 in July 2003. All provisions of the Act have been in operation since 14 July 2006. To date 69 language schemes covering 124 public bodies have been confirmed by me and published. Both the Dáil and the Seanad have approved a draft of Regulations dealing with the use of the Irish and English languages by public bodies in pre-recorded oral announcements, on stationery and on signage and I expect to be in a position to make these Regulations shortly.
- The recognition of Irish as an official working language of the European Union with effect from 1 January 2007.
- The publication by the Government in December 2006 of its Statement on the Irish Language. This Statement provides for the development of a 20-year Strategy for the language based on the objectives set out in the Statement. It is intended that the

Government's policy statement will be the foundation for practical action for supporting and promoting the Irish language, based on a modern approach and an integrated strategy. My Department is currently in the process of engaging consultants in order to assist it in preparing the Strategy.

- Significant advances have been made in line with the recommendations made in the Gaeltacht Commission's Report in 2002. A number of new initiatives continue to be implemented in Gaeltacht areas, including the development of public awareness measures aimed at the Gaeltacht community in particular, as well as the continuing roll-out of the language planning initiative. These practical measures continue to further consolidate the language.
- Significant resources continue to be made available to support the work of Foras na Gaeilge on an all-island basis and of Údarás na Gaeltachta in Gaeltacht areas.
- The continued provision of grants from Ciste na Gaeilge to foster and promote the Irish language. During 2006 four sub-funds were launched within the Ciste:
 - (1) Fund for Irish Courses in 3rd Level Institutions abroad.
 - (2) Business Fund — which will cover organisations such as Gael Taca, Gailimh le Gaeilge and Tiobraid Árann ag Labhairt.
 - (3) Placenames Research Fund to provide bursaries to post graduate students who select placenames as a subject for research.
 - (4) Fund for the provision of Irish language DVDs for children.

I am satisfied that the measures outlined above, as well as the ongoing work of Foras na Gaeilge, has helped to increase the number of people who are able to speak the Irish language countrywide as shown in the Census returns. They also help to foster significant goodwill towards the Irish language.

With regard to the provision of funding to aid the development and setting up of new Irish-speaking communities and to assist groups in rural Ireland to initiate Irish language classes, Foras na Gaeilge — which is responsible for the promotion of the Irish language on the island of Ireland — has in place a number of language support structures and schemes in place, including Scéim Phobail Ghaeilge/The Irish Language Community Scheme. Foras na Gaeilge also funds a number of schemes targeted at a range of events through Irish. I have no function in relation to Irish dancing.

Finally, I wish to confirm that the European Commission does not provide any direct funding to my Department to support the development of the Irish language.

Rural Development.

23. **Deputy Kathleen Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the grants available to the farming or rural communities through any aspect of funding from his Department towards the up-grading and refurbishment of out housing gate lodges and so on towards providing tourist facilities in rural areas for tourists involved in angling, walking or other such rural based recreation. [26507/07]

36. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the position of the rural enterprise development as promised in the Programme for Government; the areas that are proposed; and if he will make a statement on the matter. [26512/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 23 and 36 together.

The funding available for the delivery of LEADER-type activities under the new Rural Development Programme will almost treble from €150m for the 2000 — 06 period to €425.4m for the 2007 — 13 period. Key priorities under the new Programme will be supports for the development of rural enterprises, the continued development of the small food and craft sectors and countryside recreation.

The measures will be delivered through Axis 3 of the Programme and will aim to meet the key Programme objectives of improving the quality of life in rural areas and diversification of the rural economy through:

- Increasing economic activity and employment rates in the wider rural economy through encouraging on-farm diversification into non-agricultural activities;
- Supporting the creation and development of micro-enterprises in the broader rural economy;
- Encouraging rural tourism built on the sustainable development of Ireland's natural resources, cultural and natural heritage including product development, accommodation and marketing;
- Improving the access to basic services by rural dwellers by, for example, addressing inadequate recreational facilities;
- Regenerating villages and their surrounding areas by improving their economic prospects, and the quality of life; and
- Maintaining, restoring and upgrading the natural and built heritage

[Deputy Éamon Ó Cuív.]

The measures to be funded under the Programme will include the following:

- Diversification into non-agricultural activities for farm families;
- Support for business creation and development;
- Encouragement of tourism activities;
- Basic services for the economy and rural population;
- Village renewal and development;
- Conservation and upgrading of the rural heritage; and
- Training and information on adapted and new skills.

The Programme will be delivered at a local level through area-based groups. The Irish Programme was agreed by the European Commission on July 24th 2007 and it is planned that the selection process for the Groups to deliver the Programme will commence shortly.

24. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on his address at the Galway Institute of Technology on 1 October 2007 on Adapting Regional Economies for Global Competitiveness, particularly in regard to views he expressed on infrastructural deficiencies in the west; and if he will make a statement on the matter. [26497/07]

30. **Deputy Jan O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has undertaken an assessment on the possible implications for rural development in the west and mid western regions of the Aer Lingus decision to end its Shannon to Heathrow air service; and if he will make a statement on the matter. [26498/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 24 and 30 together.

I recently addressed two conferences on this issue, and am arranging to send the full text of both speeches to the Deputies, which clearly outline by views in relation to the question.

I addressed the Global Competitiveness Conference on 1 October 2007, as I have a passionate interest in balanced regional development.

Like all of my colleagues in Government, I was disappointed at the unilateral decision by Aer Lingus to move the London Heathrow slots to Belfast. My Department has not carried out an assessment of the implications of the announcement.

Question No. 25 answered with Question No. 8.

Irish Language.

26. **Deputy Shane McEntee** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals in relation to altering the boundaries in Gaeltacht areas following the report on the Linguistic Study of Irish Language Usage in the Gaeltacht; and the recommendations made in the report. [26310/07]

28. **Deputy Róisín Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if he will bring proposals to Government before the end of 2007 in regard to the alternation of Gaeltacht boundaries; and if he will make a statement on the matter. [26524/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 26 and 28 together.

I can inform the Deputies that the Government recently decided to publish the Report on the Linguistic Study of Irish Language Usage in the Gaeltacht. While noting the Report, the Government made clear that it did not necessarily accept its recommendations.

The Government also decided to establish a Cabinet-level committee to consider matters arising in the context of the Report's analysis and recommendations, including the question of Gaeltacht boundaries. This committee will bring forward an integrated action plan to secure the future of Irish as the community language in the Gaeltacht.

The Report on the Linguistic Study of Irish Language Usage in the Gaeltacht is currently available on my Department's website at www.pobail.ie. I understand that hard copies will be available shortly and I will arrange for copies to be forwarded to the Deputies.

Question No. 27 answered with Question No. 12.

Question No. 28 answered with Question No. 26.

Question No. 29 answered with Question No. 21.

Question No. 30 answered with Question No. 24.

Community Development.

31. **Deputy Ulick Burke** asked the Minister for Community, Rural and Gaeltacht Affairs the funding currently being provided, on a county basis, towards community development programmes; and if he will make a statement on the matter. [26312/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): My Department provides funding to pro-

jects under the Community Development Programme. The Programme is designed to reduce social exclusion by targeting support at disadvantaged and socially excluded communities in order to improve their capacity to benefit from social and economic development.

Under the Programme, funding of €23.947 million has been provided for 182 projects in 2007. The Programme is currently closed to new applicants. A break down of the allocation by county is provided below:

County	€
Carlow	132,350
Cavan	251,000
Clare	409,510
Cork	1,622,960
Donegal	1,072,230
Dublin	8,865,570
Galway	1,881,700
Kerry	495,500
Kildare	305,100
Kilkenny	134,800
Laois	78,980
Leitrim	214,400
Limerick	1,720,983
Longford	107,690
Louth	368,650
Mayo	1,036,090
Meath	329,500
Monaghan	692,520
Offaly	193,830
Roscommon	198,660
Sligo	239,000
Tipperary	576,850
Waterford	1,342,890
Westmeath	187,160
Wexford	788,400
Wicklow	544,250

My Department operates a wide range of programmes and schemes supportive of communities both urban and rural and of local, community and voluntary groups. Details of the schemes and programmes operated by my Department are available on its website at www.pobail.ie. Details of funding is not always maintained on a county basis. If the Deputy has specific questions about a programme I or my Department will be happy to assist him.

Rural Transport.

32. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he has financially supported or assisted rural transport initiatives to date; his future proposals in this regard; and if he will make a statement on the matter. [26628/07]

40. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals for rural transport; the expected sources of funding required; and if he will make a statement on the matter. [26313/07]

46. **Deputy Seán Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department have had further contact with the Vintners Association in view of their call to extend the rural transport programme to allow a night time service to rural communities; and if he will make a statement on the matter. [26520/07]

123. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to enhance the rural transport option with particular reference to areas not covered by public transport; and if he will make a statement on the matter. [26838/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 32, 40, 46 and 123 together.

As the Deputies will be aware, in many rural areas, there are no public transport services at night. While there are, in the more developed rural areas, either hackney or taxi services, these are at the discretion of the providers of these services and do not provide a guaranteed service to rural people.

It was against this background, therefore, that earlier this year I introduced a new evening transport service, on a pilot basis, to allow rural people to fully participate in the various activities — community, sporting and social — that take place in their areas. The new Scheme also aims to address the market failure that currently exists in this area.

The 34 groups currently delivering the Rural Transport Programme — operated by the Department of Transport — were invited to submit applications to be considered under my Department's new scheme. Following the appraisal of the proposals submitted, seven groups were selected to run the pilot Scheme, namely:

- West Cork Rural Transport;
- Avondhu Development Group in East Cork;
- Meath Accessible/Kilnaleck Community Cavan;
- County Sligo LEADER Partnership;
- Tumna Shannon Development Company Roscommon;
- Síob Teoranta Donegal; and
- Laois Trip.

The annual budget for the pilot is €500,000. The first service commenced in June and service numbers and passenger numbers are expected to

[Deputy Éamon Ó Cuív.]

continue to increase throughout the remainder of the year.

Although still in the early stages, I understand that the services are being very well received by communities and passengers alike. Early indications are that older people, people with a disability and young people are particularly enthusiastic about the new services and new activities are being planned around the availability of services. My intention is to review the scheme after it has been in operation for 12 months and to consider its future in the context of the findings of that evaluation. My Department has had no further contact with the Vintners Association since the introduction of the pilot scheme.

Finally, the Deputies should note that under the Department of Transport's Rural Transport Programme, some €9m is being provided for the Programme in 2007. It is envisaged that this will lead to an increase in the frequency of existing services, extended coverage and additional groups of customers accessing rural transport.

Regional Drugs Task Forces.

33. **Deputy Pat Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs the number and location of the regional drugs task forces; the amount of money invested in these task forces over the past three years; and if he will make a statement on the matter. [26521/07]

39. **Deputy Pat Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs the population of the areas served by each of the regional drugs task force; the number of persons employed in each region; and if he will make a statement on the matter. [26522/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I propose to take Questions Nos. 33 and 39 together.

Ten Regional Drugs Task Forces (RDTFs) were established in 2003. Following extensive consultation processes, each RDTF prepared a Strategic Plan to respond to illicit drug use in their areas and the implementation of these Plans is now progressing.

As one would expect at the plan development stage, expenditure was low in the early period and is now building up as progress on the implementation of the Plans accelerates. Over the three year period 2004–2006, a total of approximately €5.2m was spent by the RDTFs on the implementation of their Plans. Of that amount, over €4m was expended in 2006 and expenditure in 2007 is likely to exceed €7m. Expenditure will increase further in 2008 as the RDTFs progress towards the full implementation of their Plans which have a full cost of approx €14m per annum. Furthermore, It is now open to RDTFs to seek capital funding under the Premises Initiative and approx €0.8m has been allocated for this so far

in 2007. It is expected that allocations under this heading will increase next year.

The following table sets out the area covered by each of the ten RDTFs, current expenditure 2004–2006, the approximate population and the number of people whose employment is funded through each RDTF

Regional Drugs Task Forces

Regional Drugs Task Force: Mid West

Region: Clare, Limerick and Tipperary NR

Expenditure 2004–2006: €0.437 million

Approximate Population: 361,028

No. of Persons employed: 7

- RDTF Personnel: 3
- Project Workers: 4

Regional Drugs Task Force: Midlands

Region: Laois, Longford, Offaly and Westmeath

Expenditure 2004–2006: €0.210 million

Approximate Population: 251,664

No. of Persons employed: 4

- RDTF Personnel: 3
- Project Workers: 1

Regional Drugs Task Force: North East

Region: East Cavan, Louth, Meath and Monaghan

Expenditure 2004–2006: €0.671 million

Approximate Population: 362,096

No. of Persons employed: 21

- RDTF Personnel: 3
- Project Workers: 18

Regional Drugs Task Force: North West

Region: Donegal, Leitrim, Sligo and West Cavan

Expenditure 2004–2006: €0.241 million

Approximate Population: 269,109

No. of Persons employed: 7

- RDTF Personnel: 2
- Project Workers: 5

Regional Drugs Task Force: Southern

Region: Cork and Kerry (excl Cork City)

Expenditure 2004–2006: €0.398 million

Approximate Population: 501,754

No. of Persons employed: 23

- RDTF Personnel: 1
- Project Workers: 22

Regional Drugs Task Force: Western

Region: Galway, Mayo and Roscommon

Expenditure 2004-2006: €0.501 million

Approximate Population: 414,277

No. of Persons employed: 12

- RDTF Personnel: 2
- Project Workers: 10

Regional Drugs Task Force: East Coast

Region: Dún Laoghaire/Rathdown and Wicklow

Expenditure 2004-2006: €0.468 million

Approximate Population:* 188,231 (excl Bray and Dún Laoghaire)

No. of Persons employed: 16

- RDTF Personnel: 3
- Project Workers: 13

Regional Drugs Task Force: Northern Area

Region: North Dublin City and Fingal

Expenditure 2004-2006: €0.390 million

Approximate Population:* 239,992 (Fingal only)

No. of Persons employed: 10

- RDTF Personnel: 2
- Project Workers: 8

Regional Drugs Task Force: South West

Region: South Dublin City, South Dublin, Kildare and West Wicklow

Expenditure 2004-2006: €0.455 million

Approximate Population:* 433,270 (Kildare and South Dublin)

No. of Persons employed: 8

- RDTF Personnel: 3
- Project Workers: 5

Regional Drugs Task Force: South East

Region: Carlow, Kilkenny, Tipperary SR, Waterford and Wexford

Expenditure 2004-2006: €1.437 million

Approximate Population: 460,838

No. of Persons employed: 26

- RDTF Personnel: 0 (vacant)
- Project Workers: 26

Total Expenditure 2004-2006: €5.208 million

(*The population figures are approximate, with particular reference to the latter three above which cover parts of Dublin.)

Irish Language.

34. **Deputy Olivia Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs the funding allocated under Scéim na mBóithre Áise on a Gaeltacht area basis in 2006 and to date in 2007; the estimated budget for this scheme in 2007; and if he will make a statement on the matter. [26317/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Grants totalling €1,944,908 were approved by my Department under Scéim na mBóithre Áise sa Ghaeltacht (the Gaeltacht Accommodation Roads Scheme) in 2006 and 2007. Details of the funding allocated on a county basis are set out in the Table below.

The allocation of almost €570,000 to Scéim na mBoithre Áise in 2007 to date has been made from an overall budget of €4.965m for Gaeltacht road improvements in my Department's 2007 Vote, the remainder being utilised for improvement works to strategic Gaeltacht roads (bóithre straitéiseacha) and various village renewal projects.

Table: Details of funding allocated on a county basis under Scéim na mBóithre Áise sa Ghaeltacht in 2006 and 2007 to date

Gaeltacht area (by county)	Allocation 2006	Allocation 2007 to date	Total Allocation
	€	€	€
Donegal	365,719	37,000	402,719
Mayo	426,157	0	426,157
Galway	236,250	291,250	527,500
Kerry	234,912	119,000	353,912
Cork	59,788	82,192	141,980
Waterford	37,040	40,000	77,040
Meath	15,600	0	15,600
Total	1,375,466	569,442	1,944,908

Note: Additional allocations of €62,500 and €116,295 were provided under the Islands subhead of the Department's Vote in 2006 and 2007 respectively in respect of accommodation roads on Gaeltacht islands.

Housing Grants.

35. **Deputy Damien English** asked the Minister for Community, Rural and Gaeltacht Affairs the grants allocated under the Housing (Gaeltacht) Acts in 2006 and to date in 2007, in each category such as new house, essential improvement and so on; his views plans to review these schemes; and if he will make a statement on the matter. [26318/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Under the Housing (Gaeltacht) Acts, assistance is available to qualified applicants in Gaeltacht areas towards

[Deputy Éamon Ó Cuív.]

the construction of new houses and for improving existing houses. In 2006 grants totalling €3,931,336 were sanctioned under the Acts and in 2007 to date a total of €6,114,271 has been sanctioned. Details in relation to the categories under which these grants were approved are set out in the following Table.

My Department introduced a special improvement grant this year to assist the 700 house-

holders providing accommodation for Gaeltacht students under Scéim na bhFoghlaimeoirí Gaeilge in fulfilling the conditions specified in new guidelines issued by the Department of the Environment, Heritage and Local Government in 2006 regarding fire safety in such households.

I have no plans at present to initiate an overall review of the Housing (Gaeltacht) Acts grant schemes.

Table: Details by category of grants approved under the Housing (Gaeltacht) Acts in 2006 and 2007 to date

Type of grant	2006	2007 to date
	€	€
New house grant	1,391,018	978,878
Essential Improvement grant	2,306,993	1,872,833
Water supply grant (where there is no existing water scheme)	3,100	2,700
Sewage system (where there is no existing scheme)	3,680	4,800
Bathroom (where there is no bathroom in the house already)	13,900	21,280
Improvement to sanitation facilities	164,135	170,240
Special extension for visitors (per room — maximum 3 rooms)	34,510	24,096
Renewal of thatched roofs	14,000	22,200
Special Improvement Grant 2006	—	3,017,244
Total	3,931,336	6,114,271

Question No. 36 answered with Question No. 23.

National Drugs Strategy.

37. **Deputy Thomas P. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs the funding his Department allocates to a group (details supplied); the number of meetings he or his officials has had or proposes to have with the group; and if he will make a statement on the matter. [26503/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Group in question is a community based educational and rehabilitation day programme for women in treatment for drug addiction. While it was formerly funded by my Department, it has now been mainstreamed to FÁS who fund it directly.

The Group also acts as a project promoter for another project which receives interim funding from my Department through the North Inner City Local Drugs Task Force (LDTF). An allocation of €57,392 has been provided in that regard for the employment of a person to work in a case management role, identifying barriers for clients who are moving between various addiction services and seeking to resolve any issues arising.

I was delighted that my first official engagement as Minister for State at the Department of Community, Rural and Gaeltacht Affairs was to address a conference on cocaine at Croke Park on 28th June. This conference was jointly organ-

ised by the Group and the National Drugs Strategy Team, with my Department being the main funders.

On 19th July last, I visited the North Inner City LDTF area and met with representatives of the Group as part of a meeting with people from a number of projects in the area. Earlier in the year, my officials organised and attended a meeting with a representative of the Group (and others) in the context of finalising the Report of the Working Group on Drugs Rehabilitation. If the Group wish to meet with me, or with my officials, we would be happy to accede to such request.

Community Development.

38. **Deputy Willie Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs his views in relation to the provision of funding or grant assistance by his Department or other such Departments towards consolidation of community groups in rural areas in relation to community development where such groups, whilst entitled to maintain and retain their special identities, need such funding to provide much needed local facilities but due to the local contribution are unable singularly to meet such a contribution; and if he will make a statement on the matter. [26516/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): My Department operates a wide range of programmes and schemes supportive of communities both urban and rural and of local, com-

munity and voluntary groups. Details of the schemes and programmes operated by my Department are available on its website at www.pobail.ie. If the Deputy has specific questions about a programme I or my Department will be happy to offer further assistance.

Question No. 39 answered with Question No. 33.

Question No. 40 answered with Question No. 32.

Recreational Facilities.

41. **Deputy Willie Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the meetings he has had with the Department of Environment, Heritage and Local Government in relation to ensuring the provision of proper community recreational facilities in residential housing estates; his views in relation to the lack of such facilities being raised with that Department through community representative groups or organisations; and if he will make a statement on the matter. [26517/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The provision of community recreational facilities in residential housing estates is primarily a matter for the Minister for the Environment, Heritage and Local Government. Funds are also available to local authorities under the RAPID and CLÁR leverage schemes and the Dormant Accounts Funds operated by my Department to accelerate investment in the most disadvantaged areas. Funding is also available under the Young Peoples Facilities and Services fund for designated areas. I and my officials stay in touch with the Minister for the Environment, Heritage and Local Government and his officials on an ongoing basis in order to ensure the effective implementation of these schemes.

Question No. 42 answered with Question No. 12.

Community Development.

43. **Deputy Denis Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the applications processed by his Department; the average waiting time to process each application; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [25131/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department funds a wide variety of schemes, programmes and measures for the development and support of communities. Details of these can be found on the Department's website.

My Department is committed to delivering a high quality service to all its customers in a timely manner. The Department's Enhanced Strategy for Customer Service 2004-2007 sets out the standards of service customers can expect when dealing directly with my Department. The target delivery times for our various schemes and programmes including the processing and decision times on applications are set out in Appendix II to the Strategy. This Strategy is available on the Department's website www.pobail.ie.

The Department's Customer Strategy and Customer Charter are currently being examined with a view to developing a new improved strategy and charter for the period 2008-2010. When this process is completed the charter and strategy will be published and available on the Department's website.

Question No. 44 answered with Question No. 21.

Decentralisation Programme.

45. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs the cost in relation to the decentralisation of his Department's office to date; the status of the programme; the cost of leasing alternative accommodation due to planning decisions effecting the decentralisation; the position and plans for the original offices; and if he will make a statement on the matter. [26505/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Costs incurred by my Department to end-July 2007 come to a total of €817,467

The Office of Public Works has also incurred costs relating to the lease of temporary accommodation for my Department in Tubbercurry. This arrangement commenced on 1 June 2006 at a cost of €86,755 per annum.

It is not possible at this stage to quantify what additional costs will arise on foot of the planning decision referred to by the Deputy. This will be dependent on the additional time that staff will be located in our advance offices in Tubbercurry, Co. Sligo. We will not have a firm timescale on this until a replacement for the Knock Airport site has been acquired in Charlestown, Co. Mayo and our new headquarters is completed and ready for occupation at that location. Following on the Government decision of 25 July 2007 I understand that the Office of Public Works is actively pursuing the acquisition of a suitable site in Charlestown.

Notwithstanding the planning issue, the programme has been very successful to date. Of the original 150 posts identified for decentralisation, 83 (55%) have been relocated since August 2006, mainly in our advance offices in Tubbercurry, Co. Sligo and a further 30 posts will be relocated there early next year. At that stage, some 75% of

[Deputy Éamon Ó Cuív.]

the Department's original target will have been achieved.

Question No. 46 answered with Question No. 32.

Question No. 47 answered with Question No. 19.

Grant Payments.

48. **Deputy Paul Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applicants in each Gaeltacht area who have applied for and were approved Scéim Lab-

hairt na Gaeilge for the past two years; the number of applicants that were unsuccessful; and if he will make a statement on the matter. [26309/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Details broken down by district electoral division for the school years 2005/06 and 2006/07 (to date) in respect of the number of households that: submitted applications to my Department under Scéim Labhairt na Gaeilge; received the full grant; received the reduced grant; or were refused are set out in Tables that are being circulated with the Official Report. It may be noted that a small number of applications in the current year have not yet been examined by my Department.

Anailís Torthaí 'Scéim Labhairt na Gaeilge' Co. Mhuigh Eo 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Abhainn Brain	5	1	4	0	0
Acaill	23	0	16	7	0
An Ceapach Dubh	6	2	3	1	0
An Geata Mór Theas	59	25	26	8	0
An Geata Mór Thuaidh	6	2	2	2	0
Baile Odhbha (Cuid)	4	3	1	0	0
Baile an Chalaigh	10	3	5	2	0
Barr Rúscraighe	2	0	0	2	0
Béal Deirg Mór	1	0	0	1	0
Béal an Mhuirthid	15	2	7	6	0
Cnoc an Daimh	37	25	8	3	1
Cnoc na Lobhar	25	0	10	15	0
Cnoc na Rátha	6	0	5	1	0
Corrán Acla	18	0	12	6	0
Dumhach Éige	30	3	14	13	0
Gleann Chaisil	4	0	0	4	0
Gleann na Muidhe	7	0	1	6	0
Muing na Bó	19	1	14	4	0
Na Muingí	5	0	4	1	0
Partraighe (Cuid)	2	1	1	0	0
IOMLÁN	284	68	133	82	1

Anailís Torthaí 'Scéim Labhairt na Gaeilge' Co. Mhuigh Eo 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Abhainn Brain	5	2	3	0	0
Acaill	18	1	16	1	0
An Ceapach Dubh	8	2	3	2	1
An Geata Mór Theas	58	23	28	4	3
An Geata Mór Thuaidh	10	2	2	5	1
Baile Odhbha (Cuid)	4	1	3	0	0
Baile an Chalaigh	10	4	3	3	0
Barr Rúscraighe	2	0	1	1	0

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Béal Deirg Mór	1	0	0	1	0
Béal an Mhuirthid	20	2	5	12	1
Cnoc an Daimh	37	18	9	2	8
Cnoc na Lobhar	19	0	10	9	0
Cnoc na Rátha	4	0	1	3	0
Corrán Acla	16	0	8	6	2
Dumhach Éige	24	3	16	5	0
Galltacht	0	0	0	0	0
Gleann Chaisil	2	0	0	1	1
Gleann na Muidhe	5	0	2	2	1
Guala Mór (Cuid)	0	0	0	0	0
Muing na Bó	17	0	8	4	5
Na Muingí	7	0	4	3	0
Partraighe (Cuid)	3	1	1	1	0
Tamhnaigh na Groighe	0	0	0	0	0
IOMLÁN	270	59	123	65	23

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. Dhún na nGall Scoilbhliain 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Alt na Péiste (Cuid)	10	5	5	0	0
An Clochán (Cuid)	41	9	24	8	0
An Clochán Liath	24	1	10	13	0
An Croisbhealach (Cuid)	95	59	31	5	0
An Grafadh	5	4	1	0	0
Anagaire	119	75	40	4	0
Ard an Rátha (Cuid)	1	0	1	0	0
Baile na Finne	18	10	6	2	0
Carraig Airt (Cuid)	9	0	8	1	0
Cill Charthaigh	21	4	7	10	0
Cill Ghabhlaigh	7	3	3	1	0
Crannphort (Cuid)	3	0	1	2	0
Cró Beithe	9	7	1	1	0
Cró Caorach	1	0	0	1	0
Dún Lúiche	43	37	6	0	0
Fánaid Thiar (Cuid)	10	6	4	0	0
Fánaid Thuaidh (Cuid)	20	9	9	2	0
Galltacht	1	1	0	0	0
Ghleann Gheis. (Cuid)	1	0	1	0	0
Gleann Cholmcille	23	9	10	4	0
Gleann Léithín	3	1	0	2	0
Gort an Choirce	145	120	24	1	0
Inis Chaol	1	0	1	0	0
Inis Mhic an Duirn	11	2	4	5	0
Leitir Mhic an Bháird	18	5	10	3	0
Loch Caol (Cuid)	1	0	1	0	0
Machaire	2	0	0	2	0

[Deputy Éamon Ó Cuív.]

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Machaire an Chlochair	238	196	42	0	0
Mulmusóg (Cuid)	3	0	2	1	0
Málainn Bheag	4	1	2	1	0
Mín an Chladaigh	126	115	11	0	0
Na Dubhcharraigh	6	0	3	3	0
Na Gleannta (Cuid)	3	1	1	1	0
Ros Guill	22	2	13	7	0
Sidhe-chor (Cuid)	1	0	1	0	0
Tearmon (Cuid)	5	2	2	1	0
Árainn Mhór	40	19	18	3	0
IOMLÁN	1090	703	303	84	0

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. Dhún na nGall Scoilbhliain 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Alt na Péiste (Cuid)	8	4	4	0	0
An Clochán (Cuid)	33	12	19	1	1
An Clochán Liath	19	2	13	4	0
An Croisbhealach (Cuid)	112	56	50	5	1
An Grafadh	6	4	2	0	0
An Leargan Mhór (Cuid)	2	0	0	2	0
Anagaire	125	76	47	2	0
Ard an Rátha (Cuid)	4	0	3	1	0
Baile na Finne	22	12	7	2	1
Carraig Airt (Cuid)	13	1	11	1	0
Cill Charthaigh	16	2	10	4	0
Cill Ghabhlaigh	8	4	2	2	0
Crannphort (Cuid)	2	0	2	0	0
Cró Beithe	9	7	2	0	0
Cró Caorach	0	0	0	0	0
Dún Lúiche	47	40	7	0	0
Fánaid Thiar (Cuid)	14	5	8	1	0
Fánaid Thuaidh (Cuid)	23	8	12	0	3
Galltacht	1	1	0	0	0
Ghleann Gheis. (Cuid)	1	0	1	0	0
Gleann Cholmcille	20	9	9	2	0
Gleann Léithín	7	0	5	2	0
Gort an Choirce	136	120	15	0	1
Inis Chaol	1	0	1	0	0
Inis Mhic an Duirn	8	2	4	2	0
Leitir Mhic an Bháird	17	4	11	1	1
Loch Caol (Cuid)	2	0	1	0	1
Machaire	0	0	0	0	0
Machaire an Chlochair	247	207	38	1	1
Mulmusóg (Cuid)	5	0	3	2	0
Málainn Bheag	5	1	2	2	0
Mín an Chladaigh	119	109	8	1	1

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Na Dubhcharraigh	7	0	7	0	0
Na Gleannta (Cuid)	7	1	4	2	0
Ros Guill	30	4	19	3	4
Sidhe-chor (Cuid)	1	0	1	0	0
Tearmon (Cuid)	4	1	2	0	1
Árainn Mhór	45	18	21	6	0
IOMLÁN	1,126	710	351	49	16

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. na Gaillimhe Scoilbhliain 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Abhainn Ghabhla	28	24	3	1	0
An Caisleán Gearr (Barda)	3	2	1	0	0
An Carn Mór	4	1	3	0	0
An Chorr	7	3	4	0	0
An Cnoc Buidhe	70	62	6	2	0
An Crampán	218	208	7	2	1
An Fháirche	8	4	3	1	0
An Ros	1	1	0	0	0
An Spidéal	70	53	14	1	2
An Turloch	40	37	2	0	1
Baile Chláir na Gaillimhe	3	0	1	2	0
Bearna (Barda)	36	15	14	6	1
Bearna. Tuathcheantar. (Cuid)	44	10	24	9	1
Camus	28	27	1	0	0
Ceathramha Bhrún	1	1	0	0	0
Cill Aithninn	68	66	2	0	0
Cill Chuimín (Gaillimh)	113	107	3	2	1
Cill Chuimín (Uachtar Ard)	5	4	1	0	0
Conga	30	15	15	0	0
Eannach Dhúin	3	0	1	2	0
Galtacht	1	1	0	0	0
Garmna	132	128	3	0	1
Inis Mór	108	100	4	2	2
Leitir Breacáin (Cuid)	2	0	1	1	0
Leitir Móir	90	85	4	1	0
Mionlach (Barda)	7	3	4	0	0
Muighros (Cuid)	1	0	1	0	0
Mágh Cuilinn	26	10	12	4	0
Na Forbacha	50	20	22	7	1
Na hUilleannaí	5	3	1	1	0
Sailchearnach	132	126	5	0	1
Scainimh	71	67	3	1	0
Sliabh an Iongna	18	9	6	3	0
Tulach Aodháin (Cuid)	5	1	4	0	0
IOMLÁN	1,428	1,193	175	48	12

[Deputy Éamon Ó Cuív.]

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. na Gaillimhe Scoilbhliain 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Abhainn Ghabhla	25	22	0	1	2
An Caisleán Gearr (Barda)	5	3	1	1	0
An Carn Mór	4	2	2	0	0
An Chorr	7	4	3	0	0
An Cnoc Buidhe	62	53	5	2	2
An Crampán	206	190	7	5	4
An Fháirche	14	5	8	1	0
An Leaca Bheag (Cuid)	1	0	0	1	0
An Ros	1	0	1	0	0
An Spidéal	62	47	9	3	3
An Turloch	43	42	1	0	0
Baile an Bhriotaigh (Barda)	0	0	0	0	0
Baile an Teampaill (Cuid)	0	0	0	0	0
Baile Chláir na Gaillimhe	3	0	1	0	2
Beann Corr (Cuid)	0	0	0	0	0
Bearna (Barda)	24	12	10	1	1
Bearna. Tuathcheantar. (Cuid)	40	13	11	10	6
Camus	33	32	1	0	0
Ceathramha Bhrún	1	0	1	0	0
Cill Aithninn	61	54	5	1	1
Cill Chuimín (Gaillimh)	106	90	7	3	6
Cill Chuimín (Uachtar Ard)	4	3	1	0	0
Cloch na Rón (Cuid)	0	0	0	0	0
Cnoc na Ceárach (Barda)	1	1	0	0	0
Conga	33	17	15	0	1
Eannach Dhúin	3	1	2	0	0
Galtacht	1	1	0	0	0
Garmna	125	122	0	0	3
Inis Mór	99	89	1	0	9
Leitir Breacáin (Cuid)	1	0	1	0	0
Leitir Móir	85	80	3	1	1
Lisín an Bhaile	0	0	0	0	0
Mionlach (Barda)	8	2	5	0	1
Muighros (Cuid)	2	1	0	1	0
Mágh Cuilinn	20	8	10	0	2
Na Forbacha	54	18	23	11	2
Na hUilleannaí	4	2	2	0	0
Sailchearnach	127	115	6	2	4
Scainimh	68	59	6	2	1
Sliabh an Iongna	15	10	3	1	1
Tulach Aodháin (Cuid)	8	0	7	0	1
IOMLÁN	1,356	1,098	158	47	53

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. Phort Láirge 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
An Rinn (Cuid)	59	23	36	0	0
Ard Mhór (Cuid)	1	0	0	1	0
Baile Mhac Airt	11	1	9	1	0
IOMLÁN	71	24	45	2	0

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. Phort Láirge 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
An Rinn (Cuid)	59	36	20	3	0
Ard Mhór (Cuid)	1	0	0	1	0
Baile Mhac Airt	11	2	8	1	0
IOMLÁN	71	38	28	5	0

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. na Mí 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Baile Átha Buí (Cuid)	2	2	0	0	0
Cill Bríde (Cuid)	6	5	1	0	0
Domhnach Pádraig(Cuid)	15	3	11	1	0
Galltacht	1	1	0	0	0
Ráth Mór (Cuid)	29	15	14	0	0
Tailtín (Cuid)	5	0	5	0	0
IOMLÁN	58	26	31	1	0

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. na Mí 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Baile Átha Buí (Cuid)	3	2	1	0	0
Cill Bríde (Cuid)	9	6	3	0	0
Domhnach Pádraig(Cuid)	15	8	7	0	0
Galltacht	1	1	0	0	0
Ráth Mór (Cuid)	35	24	11	0	0
Tailtín (Cuid)	5	1	4	0	0
IOMLÁN	68	42	26	0	0

[Deputy Éamon Ó Cuív.]

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. Chiarraí 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
An Clochán	24	6	14	4	0
An Daingean	27	10	14	3	0
An Gleann Iarthach	3	0	2	1	0
An tImleach (Cuid)	8	0	8	0	0
Baile Bhric (Cuid)	2	2	0	0	0
Baile Dubh	3	0	2	1	0
Baile an Sceillig	12	0	7	5	0
Cathair Domhnall (Cuid)	3	0	2	1	0
Ceanúig (Cuid)	5	0	3	2	0
Cill Chúáin	42	37	5	0	0
Cill Maolchéadar	43	36	7	0	0
Cinnáird	19	7	11	1	0
Cnoc Bréanainn	7	1	3	3	0
Doire Fionán (Cuid)	1	0	1	0	0
Doire Ianna	7	4	2	1	0
Dún Caoin	15	13	1	1	0
Dún Urlann	33	26	7	0	0
Fionntraigh	22	13	9	0	0
Galltacht (Co. Chiarraí)	3	1	2	0	0
Loch an Choireáin (Cuid)	1	0	0	1	0
Maistir Gaoithe	4	1	3	0	0
Mináird	30	13	17	0	0
Márthain	14	13	1	0	0
Na Beitheacha (Cuid)	1	0	1	0	0
Na Gleannta	59	26	29	4	0
IOMLÁN	388	209	151	28	0

Anailís Torthaí ‘Scéim Labhairt na Gaeilge’ Co. Chiarraí 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
An Clochán	24	7	9	8	0
An Daingean	34	8	22	4	0
An Gleann Iarthach	2	1	1	0	0
An tImleach (Cuid)	8	2	5	1	0
Baile Bhric (Cuid)	3	2	0	1	0
Baile Dubh	5	0	1	4	0
Baile an Sceillig	11	1	10	0	0
Cathair Domhnall (Cuid)	2	0	2	0	0
Ceanúig (Cuid)	6	0	4	2	0
Cill Chúáin	40	33	7	0	0
Cill Maolchéadar	41	32	9	0	0
Cinnáird	24	9	12	3	0
Cnoc Bréanainn	9	2	3	4	0
Doire Fionán (Cuid)	4	3	1	0	0
Doire Ianna	3	0	2	1	0
Dún Caoin	12	11	1	0	0
Dún Urlann	33	25	8	0	0

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Fionntraigh	22	14	7	1	0
Galltacht (Co. Chiarraí)	3	1	2	0	0
Loch an Choireáin (Cuid)	3	0	1	2	0
Maistir Gaoithe	6	3	3	0	0
Mináird	32	12	17	3	0
Márthain	14	12	2	0	0
Na Beitheacha (Cuid)	2	0	2	0	0
Na Gleannta	60	21	30	9	0
Sráidbhaile (Cuid)	1	0	1	0	0
IOMLÁN	404	199	162	43	0

Anailís Torthaí 'Scéim Labhairt na Gaeilge' Co. Chorcaí 2005/06

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Béal Átha an Ghaorthaidh (D) (Cuid)	15	1	10	4	0
Béal Átha an Ghaorthaidh (M) (Cuid)	33	14	18	1	0
Ceann Droma (Cuid)	10	2	7	1	0
Cill na Martar (Cuid)	12	1	6	5	0
Claonráth (Cuid)	5	2	3	0	0
Doire Finghín	9	5	4	0	0
Gort na Tiobhratan	29	18	8	3	0
Na hUláin	23	6	15	2	0
Oileán Cléire (Cuid)	6	4	2	0	0
Sliabh Riabhach	38	10	25	3	0
IOMLÁN	180	63	98	19	0

Anailís Torthaí 'Scéim Labhairt na Gaeilge' Co. Chorcaí 2006/07

Toghroinn Cheantair	Líon na dTeaghlach a rinne iarratas ar SLG	Líon a thuill an Deontas Iomlán	Líon a thuill an Deontas Laghdaithe	Líon Diúltaithe	Líon iarratais le scrúdú fós
Béal Átha an Ghaorthaidh (D) (Cuid)	11	0	10	1	0
Béal Átha an Ghaorthaidh (M) (Cuid)	31	15	15	1	0
Ceann Droma (Cuid)	10	6	4	0	0
Cill na Martar (Cuid)	14	2	9	3	0
Claonráth (Cuid)	6	3	3	0	0
Doire Finghín	13	4	5	4	0
Gort na Tiobhratan	27	15	9	3	0
Na hUláin	22	7	14	1	0
Oileán Cléire (Cuid)	7	4	2	1	0
Sliabh Riabhach	34	14	18	2	0
IOMLÁN	175	70	89	16	0

Na hOileáin Mhara.

49. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta maidir le haerstráice d'Oileán Thoraí, agus an ndéanfaidh sé ráiteas ina thaobh. [26511/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Faoi mar is eol don Teachta, tá obair réamh-phleanála chun aerstráice a thógáil ar Oileán Thoraí ar siúl le cúpla bliain anuas.

Is é an staid reatha ná go bhfuil iarrtha ag mo Roinn ar Chomhairle Chontae Dhún na nGall Orduithe Ceannacháin Éigeantaigh a chur i bhfeidhm ar an talamh a theastaíonn don togra. Tuigim go bhfuil socruithe dá réir idir lámha ag oifigigh na Comhairle Contae faoi láthair agus go bhfuil siad i gcomhairle le hÚdarás na Gaeltachta maidir le gnéithe den phróiseas a chur i gcrích.

Community Development.

50. **Deputy Olivia Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding that is available for community alert groups under the scheme of community support for older people in 2007; the funding allocated on a county basis to date in 2007; and if he will make a statement on the matter. [26315/07]

122. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the way his Department can assist with community alert or alarm for the elderly in rural areas; and if he will make a statement on the matter. [26837/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I propose to take Questions Nos. 50 and 122 together.

The Scheme of Community Support for Older People is operated by my Department and provides funding to local community and voluntary groups who identify vulnerable older people over the age of 65 years in their communities and arrange for the installation of socially-monitored alarms and other items of psychical security equipment. Any local voluntary or community-based organisation, especially those working with or providing support for older people, can apply to my Department for funding under the Scheme and applications are accepted throughout the year. Expenditure on the scheme in 2007 is likely to be about €3.5 million. The funding allocated on a county basis to date in 2007 is as set out below:

County	€
Carlow	48,826.06
Cavan	33,453.23
Clare	96,512.17
Cork	201,046.49
Donegal	94,867.19
Dublin	925,040.22
Galway	222,852.15
Kerry	177,585.64
Kildare	80,877.38
Kilkenny	60,110.2
Laois	35,330.85
Leitrim	41,190.22
Limerick	117,468.8
Longford	8,358.25
Louth	39,910.7
Mayo	117,459.43
Meath	83,281.33
Monaghan	17,198.62
Offaly	61,605.44
Roscommon	41,775
Sligo	21,953.4
Tipperary	144,129
Waterford	79,987.71
Westmeath	99,348.76
Wexford	90,388.62
Wicklow	155,883.36
Grand Total	3,096,440.22

Question No. 51 answered with Question No. 12.

Ministerial Council.

52. **Deputy Jan O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on his meeting with the Northern Ireland Ministers for Culture, Arts and Leisure and Regional Development in Cavan on 7 October 2007. [26499/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): A meeting of the North/South Ministerial Council (NSMC) in Inland Waterways Sectoral Format took place at the Slieve Russell Hotel, Ballyconnell, Co. Cavan, on 17 October 2007. This was the first NSMC meeting on Inland Waterways since the restoration of the Northern Ireland Executive and Assembly.

I represented the Irish Government and the Northern Ireland delegation was represented by Mr Edwin Poots, MLA, Minister for Culture, Arts & Leisure, and Mr Conor Murphy, MLA, Minister for Regional Development.

The business of the meeting mainly covered a number of Waterways Ireland's business activities and, in particular, focused on the proposed restoration of the Clones-Upper Lough Erne section of the Ulster Canal. In that regard the meeting approved the proposal that Waterways Ireland should appoint a single entity consortium to design and construct the restoration. It noted that Waterways Ireland will establish a project team for the day-to-day management of the project, which will report monthly on progress to a Monitoring Committee chaired jointly by the Department of Community, Rural and Gaeltacht Affairs and the Department of Culture, Arts and Leisure. The estimated cost of the restoration works is €35m and that the full capital cost will be met by the Irish Exchequer. Annual maintenance costs on the completion of the project will be met by the Northern Ireland Executive and the Irish Government. The meeting also noted that good liaison will be key to the smooth running of the project and that Waterways Ireland will engage with all key stakeholders in taking forward the project. It welcomed Waterways Ireland's intention to put in place a targeted marketing programme during construction to highlight the attractions and uniqueness of the Clones-Lough Erne stretch of the Ulster Canal. It was agreed that the NSMC should meet again in Inland Waterways Format in March 2008.

Community Development.

53. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs the number of areas that have RAPID status; the number of areas that have CLÁR status; the funding that has been allocated to each area; the proposal to further extend such status to other areas; the research carried out by his Department as to the effectiveness of such schemes; the future plans in relation to both schemes as a result of such research; and if he will make a statement on the matter. [26504/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The RAPID Programme operates in 46 designated urban areas and the CLÁR Programme in available areas across 23 counties that have suffered significant levels of depopulation. I intend to examine the full updated Census data when it is available, and its application to RAPID areas, over the next few months. There are no plans to further extend the CLÁR areas which have been reviewed twice already since 2002.

An independent national evaluation of the RAPID Programme was published in June 2006. This report is available on Pobal's website at <http://www.pobal/media/Publications>. The recommendations of this evaluation are currently being implemented. A Value for Money review of the

RAPID and CLÁR leverage schemes is scheduled to be undertaken during 2008.

Further details of the programmes and the funding provided under each are set out in the attached appendices.

Appendix 1 — RAPID

The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 46 designated RAPID areas. As I have indicated to the House on a number of occasions, it is a matter for individual Departments to report progress under the RAPID programme. In support, Pobal collects data from each RAPID area in respect of funding allocations received by projects from Government Departments and local state agencies. The latest data in respect of the programme is available on Pobal's website under the RAPID section (<http://www.pobal.ie/live/RAPID>). The Deputy may find it helpful to access this information. I understand that full data in respect of the year 2007 will not be collected until early 2008.

I initiated the leverage schemes in 2004 in order to support small-scale projects identified locally by the Area Implementation Teams in each of the RAPID areas. These schemes are co-funded by the relevant agencies and fund projects that focus on estate enhancement, graffiti removal, traffic calming, CCTV, health and sports facilities, and the provision of playgrounds. Earlier this year I agreed to co-fund the provision of facilities in schools located in, or mainly servicing children from, RAPID areas.

Each of the 46 RAPID areas are allocated €66,000 under the playgrounds leverage scheme, €100,000 under the traffic calming measures leverage scheme and €100,000 under the Housing Estate Enhancement Leverage scheme. Differing levels of funding are allocated in each RAPID area under the Health Co-fund and Sports Capital Programme. The total allocation by my Department for each leverage scheme is set out in the table below.

Leverage Scheme	Allocation
	€m
Housing Estate Enhancement 2004	1.15
Housing Estate Enhancement 2005/06	2.03
Playground 2004	3.00
Playground 2005	2.97
Traffic Measures 2005	1.01
Traffic Measures 2006/07	1.01
Health Sector Co-Fund	2.30
Sports Capital 2004	2.20
Sports Capital 2005	2.30
Sports Capital 2006	3.70

[Deputy Éamon Ó Cuív.]

In addition, I have provided €2m to support initiatives in RAPID areas undertaken by the Department of Justice, Equality and Law Reform to install community CCTV and remove graffiti.

Under the initial round of funding from the Dormant Accounts Fund approximately €32 million was approved for projects based within RAPID areas. Following enactment of the Dormant Accounts (Amendment) Act 2005, funding totalling over €19m has been ring-fenced to support priority projects in RAPID areas in 2006 and 2007.

Appendix 2 — CLÁR

The CLÁR Programme (Ceantair Laga Árd-Riachtanais) is a targeted investment programme in rural areas. It was launched in October 2001 and the areas originally selected for inclusion in the Programme were those which had suffered an average population loss of 50% between 1926 to 1996, with the exception of the Cooley Peninsula (which was included based on the serious difficulties caused there by Food and Mouth disease). The total population benefiting was 284,000 across 17 counties. Following analysis of the 2002 census data, the CLÁR areas were extended in January 2003 with the total population covered increasing to 362,000 across 18 counties.

I announced a further extension of the Programme in April 2006 to include areas with an average population loss of 35% between 1926 and 2002. This resulted in a doubling of the population benefiting from the Programme to nearly 727,000. The total number of counties now covered is 23 with Kildare, Wicklow and Dublin now being the only counties not included in CLÁR.

The Programme provides funding and co-funding to Government Departments, State Agencies and Local Authorities to accelerate investment in selected priority developments. These investments support physical, economic and social infrastructure across a variety of measures. The measures introduced under the Programme reflect the priorities identified by the communities in the selected areas.

Funding is allocated on a measure basis rather than on a County basis. The only measure which is allocated based on demographics is the Non National Roads measure, where the allocation to each Local Authority is determined by the county's percentage of the total population in CLÁR areas with each local authority receiving a minimum grant allocation of €30,000.

In 2006 €23.06m was spent across the various measures. In the years 2002-2006, €71m was expended on investments under the programme along with related public and private expenditure in the region of €61m. A budget of €18.6m has been allocated to the programme for 2007 of which €9.46m has been spent to date.

The table below gives details of the current position.

Scheme	Expenditure to date in 2007
	€
Class II & III Roads	842,779.30
Coillte	98,991.77
Courthouse Enhancement Scheme	50,000.00
Flashing Amber Safety Lights at Schools	865,310.28
L.I.S. Roads	470,783.04
Small Public Water & Sewerage	1,717,445.50
Group Water Schemes	257,908.75
Village and Countryside Enhancement	204,908.78
Bi-lingual Signage Scheme	13,199.34
Primary School Outdoor Play Facilities	634,046.71
Local Authority Housing	13,182.00
CLAR Community Initiatives	512,146.14
Coastal Projects	7,500.00
Sports Capital Grants	1,296,942.00
Gaeltacht Sports & Community Grants	321,997.29
Electricity Conversions	1,241,084.19
Western Rail Corridor	654,779.00
Red Cross	241,589.94
Fibre Optic	5,342.15
Wireless	16,063.83
Total	9,466,000.01

Programme for Government.

54. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the aggregate cost of the taxation measures and the expenditure measures outlined in the Programme for Government agreed by the parties who make up the Government; and the costings involved, distinguishing current and capital items. [26657/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Programme for Government is an agreed five year programme between the Government parties, in which we have set out our guiding policy principles.

Specifically our guiding economic principles for the next five years are: We will aim to achieve further significant, sustainable growth with our programme based on an average growth rate of 4.5%. We will operate a responsible fiscal policy characterised by broad budget balance and a declining debt burden. We will deliver the National Development Plan in full, on time and within budget to raise our productivity, to enhance our competitiveness and to secure our future prosperity. We will invest in increasing the productive capacity of the economy, particularly in terms of ensuring high-level of high-quality employment.

In terms of Budgetary Policy our guiding principles for fiscal policy for the next five years are to: keep the budget in broad balance and fully within our commitments under the Stability & Growth Pact; retain the flexibility to deal with any future shocks; set aside a minimum of 1% of GNP per annum to provide for the future pensions of today's workers; implement a series of significant and sustainable increases in key public services such as pensions, health and schools; keep the overall tax burden low and implement further changes to enhance the rewards of work while increasing the fairness of the tax system.

As the Deputy knows I recently published my Pre-Budget Outlook which sets out my Department's latest economic and budgetary assessment for the current year and the coming three years. The Pre-Budget Outlook is based on the technical assumption of providing for the existing level of public services. It also specifically provides for, in the aggregate, the capital commitments required to deliver the National Development Plan; and makes a technical indicative unallocated current provision. The Pre-Budget Outlook sets out a technical budgetary position for the coming three years. On that basis, it is forecast that the General Government position will be in deficit at -0.4% of GDP in both 2008 and 2009 before returning to a balanced position in 2010. This fiscal position is predicated on a weaker economic outlook than generally expected earlier in the year when the Programme was agreed. My Department's latest assessment is that GDP growth will average $3\frac{1}{2}\%$ over the period 2008 — 2010.

The Pre-Budget Outlook is another important step in the budgetary process which will be a unified process this year. The next step is the formulation and agreement by Government of spending and taxation plans for 2008. These will be presented to the House on Budget day which is 5 December next. At that time, I will announce my first instalment of this Government's delivery of the agreed Programme for Government and as is the norm the Budget measures will be costed in the usual comprehensive fashion.

I would remind the Deputy that the Programme for Government is a five year programme. Budget 2008 will be the first instalment of the delivery of this Programme.

Departmental Expenditure.

55. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the details of the increases in expenditure outlined in the existing level of service which are due to demographic change. [26658/07]

56. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the details of the increases in expenditure, outlined in the existing level of service, which are due to the funding of

the full year costs of items partially implemented in 2006. [26659/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 55 and 56 together.

In relation to the makeup of the increase in Gross Current Expenditure provided for in the Pre-Budget Outlook, I would direct the Deputy's attention to the Chart on page B.10 of that publication.

This Chart shows that the increases for: non-pay demographic and demand-led expenditure account for 35% or €819 million of the gross current increase; non-pay full-year costs account for 6% or €135 million of the gross current increase; increased pay services account for 11% or €265 million of the gross current increase; pay inflation accounts for 36% or €843 million of the gross current increase; and non-pay inflation accounts for 12% or €272 million of the gross current increase.

The individual cost elements relate in the main to the Departments of Social and Family Affairs; Education and Science and the Health Vote Group. A further breakdown of these costs is a matter for the particular Departments concerned.

57. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the detail and cost of Government approved new initiatives sanctioned for implementation which have not been included in the existing level of service expenditures, and which will have to await Budget Day 2008 to ascertain if money will be found to implement them as intended. [26660/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The cost of new spending initiatives will be set out on Budget day together with the Government's overall fiscal funding provisions for 2008. I cannot provide further details at this stage.

Fiscal Policy.

58. **Deputy Damien English** asked the Tánaiste and Minister for Finance if he will examine the feasibility of removing the burden of rates from voluntary and community sports clubs here; and if he will make a statement on the matter. [26672/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In regard to the Valuation Act, 2001, I should point out that the Commissioner of Valuation is independent in the exercise of his duties under the Act and that I, as Minister for Finance, have no function in decisions in this regard.

The Valuation Act, 2001 provides that "community halls" including clubhouses which are not licensed to sell alcohol and whose facilities are not used primarily for profit or gain, are not rateable.

[Deputy Brian Cowen.]

However, the Act provides that where a club is licensed to sell alcohol under the Registration of Clubs Act 1904, the premises occupied by that club are registered and rateable in their entirety which includes all the buildings in the club, notwithstanding their various uses at different times.

The sale of alcohol is a commercial activity and these premises are competing with other commercial premises. The effect of removing any category of rateable property from the valuation base would be to increase the rates burden on other ratepayers.

Where a community hall or a sports club ceases to be licensed for the sale of alcohol it will no longer be rateable. I have no plans at present to amend the valuation legislation as it applies to voluntary and community sports clubs.

Departmental Properties.

59. **Deputy Damien English** asked the Tánaiste and Minister for Finance if he will work with local community groups in Navan, County Meath to make available Government buildings (details supplied) in order to develop youth facilities; and if he will make a statement on the matter. [26673/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): Due to health and safety considerations it was decided to relocate the existing Government services from the premises in question. The vacation of the offices will be completed shortly. The future use of the property is under consideration and will take account, inter alia, of potential Government Office requirements in the area.

Disabled Drivers.

60. **Deputy Damien English** asked the Tánaiste and Minister for Finance if he will expand the disabled drivers relief to allow the deciding officer to use their discretion in deciding applications as is the case with procedures in the UK; and if he will make a statement on the matter. [26674/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit) on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities, as well

as relief from excise on the fuel used in the car, up to a certain limit.

The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations.

As the Deputy will be aware, there was an interdepartmental review of the Scheme. However, given the scale and the scope of the scheme, any possible changes can only be made after careful consideration and with regard to the existing and prospective cost of the scheme and the available resources.

In this context, I consider any possible changes within the framework of the annual Budgetary process.

Decentralisation Programme.

61. **Deputy Damien English** asked the Tánaiste and Minister for Finance further to Parliamentary Question No. 150 of 23 October 2007, the number of Office of Public Works headquarter staff who have accepted offers to date under the decentralisation programme to move to Trim, County Meath from the intended three hundred and thirty headquarter staff his Department intends to move. [26680/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Office of Public Works (OPW) that under the decentralisation programme two hundred and nineteen (219) people have accepted offers to move to Trim, County Meath, of whom one hundred and eighty-five (185) are OPW headquarter staff. A further thirty-eight (38) OPW staff have applied on the Central Applications Facility for a transfer to Trim.

Departmental Properties.

62. **Deputy Damien English** asked the Tánaiste and Minister for Finance further to Parliamentary Question No. 168 of 23 October 2007, the area in square feet or square metres for each property that is leased by the Office of Public Works in County Meath, in tabular readable form. [26681/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The details of the properties in County Meath leased by the Office of Public Works, including the measurement of each in square metres, are scheduled in the table below.

Lease Code	Name	Address	SqM
LSE0416	Kells Social Welfare Office	Headfort Place, Kells	55.74
LSE0564	Navan Education Office	7 Trimgate Street, Navan	205.88
LSE1264	Navan Education Office	Beechmount Shopping Centre, Navan	285.02
LSE1162	Navan Gov Off Athlumney	Athlumney, Navan	3217.67

Lease Code	Name	Address	SqM
LSE1066	Navan NEPS Office	43 Cannon Row, Navan	341.42
LSE0968	Navan Social Welfare Office	Kennedy Road, Navan	938.78
LSE0563	Navan VRT Commons Road	Commons Road, Navan	241.55
LSE1072	Navan Wildlife Office	Unit 4, Navan Enterprise Centre, Limekilnhill, Navan	112.5
LSE0586	Oldcastle Garda Station	The Square, Oldcastle	108.18
LSE1272	Scurlockstown Temporary Agriculture Office	Unit 1, Scurlockstown Business Park, Scurlockstown, Trim	381.58
LSE1048	Trim NCSE	Mill Street, Trim	407.17
LSE0732	Trim Social Welfare Office	Town Hall, Trim	25.00

Tax Code.

63. **Deputy Mary Upton** asked the Tánaiste and Minister for Finance the reason he continues to levy a charge of €40 on credit cards, €20 on laser cards and €10 on ATM cards which acts as a disincentive to use these electronic payment methods in view of his stated support for a move towards electronic payments and a cashless system of payment; and if he will make a statement on the matter. [26712/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): All stamp duties, including the stamp duties on financial cards, are reviewed in the context of the annual Budget and Finance Bill.

Stamp duty is a significant contributor to the Exchequer, which helps fund public services such as health and education, while keeping the direct tax burden low thereby facilitating continued economic success, which is of benefit to all taxpayers.

School Accommodation.

64. **Deputy John Perry** asked the Tánaiste and Minister for Finance if he will intervene with the Office of Public Works in the matter of the withdrawal of funding for a prefab building at a school (details supplied) in County Sligo; and if he will make a statement on the matter. [26717/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The original prefab at this school was removed by the OPW at the request of the school as part of the Asbestos Management Programme of The Department of Education and Science. It was in very poor condition, structurally unsound and unused for a number of years prior to demolition. There were no plans to replace it at that time.

The Department of Education and Science have advised that if the school authorities wish to apply for additional temporary accommodation they should contact the Planning Section of the Department directly.

Tax Code.

65. **Deputy P. J. Sheehan** asked the Tánaiste and Minister for Finance if he will ask the Revenue Commissioners to ensure that persons (details supplied) in Dublin 10 do not have to wait until January 2008 to have their income tax allowances granted. [26771/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that the persons in question will, in accordance with Section 1020 Taxes Consolidation Act 1997, be treated as single persons during the year of marriage. On receipt of a claim by either party, their tax liability will be reviewed after the end of the year to ensure that the tax paid as single persons was not in excess of tax which would have been paid had they been married to each other throughout the year of marriage. Married tax treatment will automatically be granted from 1 January 2008.

Departmental Staff.

66. **Deputy Jim O'Keeffe** asked the Tánaiste and Minister for Finance if he will detail and itemise the performance-based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries General in his Department and offices in the past 12 months; and if he will make a statement on the matter. [26811/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €164,000 were made to 13 officers in my Department in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance www.finance.gov.ie.

Tax Code.

67. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Finance when a C45 will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26841/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that they have today issued a letter to the principal contractor in this case. The letter advises them that, under Section 17 of the Finance Act 1970, they are obliged to deduct tax at 35% from each payment made to a contractor, and that they should issue a Form RCTDC (C45) when such payments are being made. They have been advised to do this immediately in the person in question's case.

Health Services.

68. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of requests for access to drug treatment programmes before her Department; the average waiting time taken to accommodate such requests; when she expects to be able to meet in full such requirements; and if she will make a statement on the matter. [26836/07]

Minister for Health and Children (Deputy Mary Harney): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

69. **Deputy Joan Burton** asked the Minister for Health and Children if her attention has been drawn to the concern by community crèches and playgroups regarding the proposed changes in funding; her proposals in respect of subvention for child care for parents on social welfare and working parents on low incomes; and if she will make a statement on the matter. [26655/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The main supports the Government makes available to parents to assist them with their childcare costs are Child Benefit and the Early Childcare Supplement. The latter payment, which is in recognition of the higher childcare costs of pre-school children, is the responsibility of my Office, and it alone amounts to expenditure of over €400m in a full year. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they

choose and regardless of whether they live in urban or rural areas. In addition to these universal supports, Government childcare policy has also recognised the need to target additional supports towards disadvantaged families.

Under the Equal Opportunities Childcare Programme 2000-2006 (EOCP), which is co-funded under the EU Social Fund (ESF), targeted support was provided through the staffing support grant scheme whereby community based not-for-profit childcare providers with a strong focus on disadvantage were awarded grant aid towards their staffing costs to allow them to operate reduced fees to disadvantaged parents. Funding under this scheme was originally awarded for a limited period during which services were expected to move towards sustainability. This funding was subsequently continued to the end of 2007, where it was considered necessary to enable services to continue to make their services accessible to disadvantaged parents. This continuation funding was subject to a requirement, as a condition of funding, that services implement a tiered fee structure. This was intended to ensure that the grant aid received by services was reflected in reduced fees being charged to disadvantaged parents with non-disadvantaged parents being charged the full cost for their childcare service.

With the closure of the EOCP in December 2007, to continue to support community childcare services to provide affordable childcare to disadvantaged parents, the Community Childcare Subvention Scheme (CCSS) is being introduced from January 2008 under the Exchequer funded National Childcare Investment Programme 2006-2010 (NCIP), the successor programme to the EOCP. The CCSS has been allocated €153 million over the next 3 years, representing a 16% increase in funding over the EOCP staffing scheme, and will continue to support community childcare services to provide reduced childcare fees for disadvantaged parents, complementing the universal supports in place for all parents. Under the new scheme, it will be possible to ensure that the level of grant aid which individual services qualify for will reflect the actual level of service they provide and the profile of the parents benefiting from their service. As part of their application for funding under the new scheme, services will be required to ask parents using their services to complete a simple declaration form which will be included in a return to my Office and on which basis the level of subvention for each service will be determined. The subvention received by services will, in turn, be reflected in the reduced fees for parents who qualify as disadvantaged under the scheme. As a self-declaration system, the OMC will validate the returns forwarded by community services and will not require them to engage in means testing of parents.

In practice, this will mean that parents with children in such services and in receipt of most social welfare payments (or participating in a scheme such as Community Employment which demonstrates an underlying entitlement to same) will see a €80 weekly subvention in respect of full daycare (with pro-rata reductions in respect of shorter hour services). Parents in receipt of Family Income Supplement (FIS), will see a €30 weekly subvention in respect of full daycare (with pro-rata reductions). A further subvention of €30 per week will be paid where the subvented child is a baby, in recognition of the higher costs associated with the care of children aged under 1 year. Parents who do not qualify under either of these categories will be charged the cost price for their childcare service, however, as community not-for-profit services will, generally, have availed of capital grant aid under the EOCP or NCIP removing the requirement to cover rent or a mortgage, and as the services are run on a not-for-profit basis, this should still be significantly below the market price.

It is considered that the new scheme will provide an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. While it was difficult to ensure that all community services were implementing the required tiered fee structure, the more streamlined arrangements under the new scheme will help to ensure that this will no longer be the case. The new scheme has been informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the EOCP. These include the fact that the subvention to services will be more responsive to the level of service provided as well as the degree of parental disadvantage supported and the ceiling for funding, which existed under the previous scheme, is being removed. Account will also be taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which at present are, in some cases, inaccessibly priced for disadvantaged parents, will be available to them at more appropriate rates under the new scheme.

The new scheme has clear advantages over its predecessor. There is an increase in the level of funding available under it, and a majority of services will benefit from the changes it introduces. Existing EOCP staffing grant recipients who enter the new scheme will continue to be funded at their current levels until July 2008. My Office has engaged in a series of meetings with existing grant recipients to outline to them the details of the new scheme and to gather feedback from the services themselves. A meeting with representatives of the City and County Childcare Committees has also taken place.

Transitional arrangements have been made under which existing grant recipients will continue to be funded at their current levels until 1st July 2008. This is to ensure that existing childcare services are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures. As signalled when I announced the new scheme in July this year, the transitional period between now and 1 July 2008 will also be used to monitor and review the impact it will have on individual groups, on the basis of the more detailed and comprehensive data which will be generated under the new grant application process. If appropriate, any adjustments necessary to the scheme to secure the best outcomes for childcare services and for disadvantaged parents and their children will be considered on the basis of this data and well in advance of the commencement of the new funding levels in July 2008.

Hospital Services.

70. **Deputy James Reilly** asked the Minister for Health and Children if her attention has been drawn to the fact that a clinic (details supplied) has been closed down in the last number of weeks at the orthopaedics hospital in Clontarf; the reason this clinic which treats up to 60 people a week has been discontinued; and if she will make a statement on the matter. [26663/07]

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.

71. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her plans to reduce the number of maternity facilities here; her further plans to increase capacity to address the increase in births which appears likely to continue in the coming years; and if she will make a statement on the matter. [26666/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters

[Deputy Mary Harney.]

investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

72. **Deputy James Reilly** asked the Minister for Health and Children the status of funding in the National Treatment Purchase Fund; if the fund is adequately resourced to meet the demand from patients for operations and procedures; and if she will make a statement on the matter. [26682/07]

Minister for Health and Children (Deputy Mary Harney): The National Treatment Purchase Fund (NTPF) has received the following levels of funding since its establishment as a statutory body in 2002:

- 2002: €5m.
- 2003: €30m. Increase of 600% on 2002
- 2004: €44m. Increase of 47% on 2003
- 2005: €64m. Increase of 44.5% on 2004
- 2006: €78m. Increase of 22% on 2005
- 2007: €88.5m. Increase of 13.5% on 2006

Increasing public awareness of the NTPF has led to a year on year rise in demand for the service it offers. The numbers of persons treated have risen in line with demand. In 2002, the NTPF arranged treatment for 1,920 persons. At this stage in 2007, the Fund has treated over 75,000 persons.

I am satisfied that the NTPF is adequately resourced for the levels of service it is providing in accordance with its service plan for this year. Its funding requirements and activity levels are kept under constant review by my Department.

Health Services.

73. **Deputy James Bannon** asked the Minister for Health and Children the reason a general practitioner (details supplied) in County Longford has been forced to endure years working in inadequate premises, in terms of space, access and parking despite repeated requests to the Health Service Executive; if, in view of the fact that they have acquired new premises at considerable cost, the HSE will assist them in furnishing, equipment and other related expenses; and if she will make a statement on the matter. [26706/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has the responsibility for the appointment of General Practitioners (GPs) to provide services under the GMS Scheme. GPs, as self-employed professionals, are generally responsible for the provision of their own practice accommodation. In some circumstances, as local factors may determine, it may be considered appropriate

for contracted GPs to provide some or all of their services from HSE owned premises.

As the Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the HSE under the Health Act 2004, 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 Service Staff.

74. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if extra staff will be reallocated to a house (details supplied) in County Cork in order to ensure that home helps are paid correctly and on time; and if she will make a statement on the matter. [26711/07]

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. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

75. **Deputy Ulick Burke** asked the Minister for Health and Children the facilities that will be put in place for medical card holders and persons with long-term illness cards in the event of an escalation of the dispute between the Health Service Executive and the IPU; and if she will make a statement on the matter. [26716/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

76. **Deputy Richard Bruton** asked the Minister for Health and Children the reason the new care home in Balrothery and in the former Beaumont Convalescent Home has not been opened on schedule; and if this is resulting in patients remaining in Beaumont without the opportunity for convalescent therapies and is preventing admissions to a hospital which already has the

worst problems in handling accident and emergency caseload here. [26722/07]

Minister for Health and Children (Deputy Mary Harney): I understand that the newly-opened care home in Balrothery is a private facility and that the Beaumont Convalescent Home (now known as “Rockfield”) is run by a voluntary body. Therefore, I must advise the Deputy that the issue of when these homes were scheduled to open is a matter for the individual home. 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. This includes responsibility for arrangements pertaining to contract beds and admissions to acute hospitals such as Beaumont. Therefore, the Executive is the appropriate body to respond to the issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

77. **Deputy John Cregan** asked the Minister for Health and Children when a person (details supplied) in County Limerick will be admitted to St. Vincent’s Hospital, Dublin for surgery; and if she will make a statement on the matter. [26729/07]

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.

Community Pharmacy Services.

78. **Deputy Andrew Doyle** asked the Minister for Health and Children if he will ensure that fair reimbursement for medical card services is made to pharmacists, especially those in rural areas with a high medical card carrying population. [26744/07]

Minister for Health and Children (Deputy Mary Harney): Community pharmacists are reimbursed for dispensing under the GMS and community drugs schemes under the terms of the Community Pharmacy Contractor Agreement with the Health Service Executive (HSE). The following reimbursement rates apply for dispensing under these schemes:

- GMS Medical Card — dispensing fee ranging from €3.27-€18.83 per item.
- Drug Payment, Long Term Illness, Hepatitis C (HAA) and EEA Schemes — dispensing fee ranging from €2.86-€32.92 per item.

The majority of dispensing transactions under these schemes would attract dispensing fees at the lower end of the fee ranges outlined. Under the DPS and LTI schemes, community pharmacists also receive a mark-up of 50% on the ingredient cost of each item dispensed.

In addition to the foregoing, pharmacists also benefit from discounts on wholesale supply. Information provided to the HSE recently, in the context of determination of revised wholesaler pricing arrangements, indicates that discounts available to pharmacists range from 12% (approx) for larger urban pharmacies and chains, to 2-3% for smaller and rural pharmacies.

While certain pharmacies in rural areas may have a higher proportion of medical card dispensing I understand that, in general, the majority of rural pharmacies would dispense under all of the schemes, in addition to their private dispensing business.

In line with ongoing reform of all aspects of the pharmaceutical supply chain, the HSE will be seeking to reform the pricing structure for the GMS and community drugs schemes, to achieve greater value for money consistent with patient safety and continuity of supply. This will involve the separation of the price of drugs and medicines dispensed in community pharmacies from reimbursement for professional services, through the introduction of a flat fee arrangement across all the schemes. The aim is to achieve a fairer and more transparent fee reflecting the level of service provided.

In order to address concerns by community pharmacists regarding the implications of recent legal advice on competition law, a process of dialogue was established under Mr Bill Shipsey S.C. to examine available options for advancing pharmacy contractual negotiations in compliance with Irish and EU competition law. This process is continuing.

Medicinal Products.

79. **Deputy Andrew Doyle** asked the Minister for Health and Children the terms of agreement with the wholesale suppliers of medicines to pharmacists. [26745/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the issue raised by

[Deputy Mary Harney.]

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.

80. **Deputy Pat Breen** asked the Minister for Health and Children when persons (details supplied) in County Clare will be facilitated with orthodontic treatment; and if she will make a statement on the matter. [26766/07]

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.

Marketing of Alcohol.

81. **Deputy Joanna Tuffy** asked the Minister for Health and Children if further action has been taken by her Department to regulate the sponsorship of sporting and youth-related events by alcohol companies as per the strategic task force on alcohol since her reply to Parliamentary Question No. 106 of 16 February 2006; and if she will make a statement on the matter. [26790/07]

82. **Deputy Joanna Tuffy** asked the Minister for Health and Children when she expects to receive a report from the alcohol marketing communications body; the reason no report was produced in 2006 as previously stated; the number of times the body have met; and if she will make a statement on the matter. [26791/07]

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): I propose to take Questions Nos. 81 and 82 together.

The first Annual Report of the Alcohol Marketing Communications Monitoring Body for 2006 was submitted to the Minister for Health and Children for consideration on 19th July 2007. The Monitoring Body met on 9 occasions up to 19th July 2007. A copy of the Report is being supplied separately to the Deputy.

Following consideration of the Report my Department has decided to commence discussions with the relevant stakeholders with a view to strengthening and expanding the current voluntary codes on alcohol marketing and communications in order to provide significantly greater protection for children and young people. I will give further consideration to the possibility

of using legislation in this area depending on the outcome of these discussions.

With regard to sponsorship of sporting and youth events by alcohol companies, the Programme for Government states that the Government will "Discuss the question of the sponsorship of sporting events by the alcohol industry with the aim of phasing it out". My Department intends to raise this issue with the alcohol industry representatives during the course of the broader discussions on advertising and marketing referred to above.

Departmental Staff.

83. **Deputy Jim O'Keeffe** asked the Minister for Health and Children if she will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in her Department and Offices in the past 12 months; and if she will make a statement on the matter. [26813/07]

Minister for Health and Children (Deputy Mary Harney): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. As shown in the Committee for Performance Awards Report for 2006, (page 10) awards totalling €100,000 were made in 2007 to 8 officers in my Department in respect of 2006. Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link:

<http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Services for People with Disabilities.

84. **Deputy Finian McGrath** asked the Minister for Health and Children if persons (details supplied) in County Galway will be assisted. [26819/07]

Minister for Health and Children (Deputy Mary Harney): 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.

Long-Term Illness Scheme.

85. **Deputy Finian McGrath** asked the Minister for Health and Children if she will respond to correspondence from a person (details supplied). [26842/07]

Minister for Health and Children (Deputy Mary Harney): I presume the correspondence which the Deputy's question refers to is in regard to the Long Term Illness Scheme.

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.

People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP card, which covers the cost of general practice consultations.

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.

Health Service Staff.

86. **Deputy Paul Connaughton** asked the Mini-

ster for Health and Children the amount of money being paid for travelling and subsistence to employees of the Health Service Executive in view of the crisis and service cutbacks; if she will provide a breakdown for HSE west; the figure spent for the years ending 2005 and 2006; and if she will make a statement on the matter. [26844/07]

Minister for Health and Children (Deputy Mary Harney): As the management and delivery of health and personal social services, including related budgetary issues, are the responsibility of the Health Service Executive under the Health Act, 2004, 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.

Air Services.

87. **Deputy Fergus O'Dowd** asked the Minister for Transport when his Department's Press Office first became aware of press reports relating to the establishment of a hub by Aer Lingus in Belfast; the way they became aware of such reports; the date and time of such awareness and their subsequent action on this issue; and if he will make a statement on the matter. [26703/07]

Minister for Transport (Deputy Noel Dempsey): I would refer the Deputy to my answer to Dail Question No. 182 of the 24th October (ref: 25736/07). The staff of my Press Office became aware of the suggestion of an Aer Lingus hub in Belfast through press cuttings of the papers of the 13th June 2007. No action was taken by the press office staff.

88. **Deputy Fergus O'Dowd** asked the Minister for Transport the detail and dates relating to e-mails between his Department and the Dublin Airport Authority as mentioned in his response to Parliamentary Question No. 195 of 24 October 2007; and if he will make a statement on the matter. [26710/07]

Minister for Transport (Deputy Noel Dempsey): The email exchanges with the DAA, as referred to in the response to Parliamentary Question No. 195 of 24 October 2007, took place on 13th June. They related to information on traffic on the Shannon-Heathrow route. This was provided in the form of a spreadsheet by the DAA.

Rail Services.

89. **Deputy Joe McHugh** asked the Minister for Transport if he will provide a list of all representations made during the past 10 years in relation to a proposed rail link between Letterkenny and Derry; and if he will make a statement on the matter. [26720/07]

Minister for Transport (Deputy Noel Dempsey): The information sought by the Deputy is being compiled and will be forwarded to the Deputy as soon as possible.

Road Transport Operators.

90. **Deputy Joe McHugh** asked the Minister for Transport the operators who are registered as legal hauliers or registered as holders of the road transport operators licence; if the list is available on-line or in an electronic format; and if he will make a statement on the matter. [26721/07]

Minister for Transport (Deputy Noel Dempsey): As at 25 October 2007, there were 5,135 road haulage operators licensed by the Road Transport Operator Licensing Unit of my Department. The total number of vehicles authorized on those licences is 18,444.

Section 10 of the Road Transport Act 1986 provides for a register of road haulage operator licences to be kept and to be open for inspection by any person. The Road Transport Acts (Fees) Regulations 1994, S.I. No 141 of 1994, provides for a fee of €6.35 per hour for the inspection of that register, along with the same fee for a copy of an entry in the register. That register is available for inspection by any person in the offices of the Road Transport Operator Licensing Unit, Clonfert House, Bride Street, Loughrea, Co. Galway.

My Department had, until recently, published the register of road haulage operators, along with a similar register of licensed passenger transport operators, on the Department's website. The register could be read by anyone who wished to check if the road haulage or road passenger transport operator they were considering contracting was appropriately licensed.

However, it emerged in May this year, following correspondence from the Office of the Data Protection Commissioner, that the publishing of the register on the Department's website was not in accordance with the 1986 legislation providing for the register, or with data protection rules generally. Accordingly, my Department removed the register from the website immediately.

Officials in the Road Transport Operator Licensing Unit of my Department have been exploring with the Office of the Data Protection Commissioner how this difficulty can best be remedied. It would appear that new legislation might be needed enable the register to be published on the website once more. My officials are looking at which legislation needs to be amended, and will be writing to the Office of the Data Protection Commissioner soon to consult with them in that regard.

I can assure the Deputy that it is my intention, and that of my officials, that the appropriate information about licensed haulage and passenger transport operators will, as quickly as possible, be restored to my Department's website, so

that the general public will be able to ensure that operators they are considering contracting are fully and appropriately licensed.

I should clarify for the Deputy that any person wishing to engage either a road haulage or a road passenger transport operator should ensure that the operator they are engaging is properly licensed by asking to inspect the operator's licence. In addition, every vehicle authorized for use on that licence will be listed in a schedule to the licence, and every such vehicle will also have a Transport Disc, which should be visible in the windscreen of the vehicle, which will have the registration number of the vehicle, along with the name of the operator and the period of validity of the licence. The Road Safety Authority has recently engaged in an advertising campaign to that effect, which my Department actively co-operated with.

Departmental Staff.

91. **Deputy Andrew Doyle** asked the Minister for Transport the number of staff in the section which has responsibility for interaction with the National Roads Authority and local authority capital investment scheme. [26747/07]

Minister for Transport (Deputy Noel Dempsey): There are 10 staff members in the Division which has deals with the National Roads and the National Roads Authority. There are 12 staff in the Division which oversees the Non-National Roads investment programme.

92. **Deputy Jim O'Keeffe** asked the Minister for Transport if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26816/07]

Minister for Transport (Deputy Noel Dempsey): The scheme for performance-related awards in the Civil Service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance-related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €64,000 were made to 5 officers in my Department in respect of 2006 (as shown in the Committee for Performance Awards report for 2006).

Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance www.finance.gov.ie.

Passport Applications.

93. **Deputy Mary Upton** asked the Minister for Foreign Affairs the reason a person (details supplied) in Dublin 12 could not be issued with a 10 year Irish language version of their passport; and if he will make a statement on the matter. [26691/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): A passport is an identity document issued by the State to facilitate foreign travel. It is issued in the official name of the holder of the passport which is normally the name in which the person's birth was registered, or in his or her married name when so requested. The long form of the birth certificate and, as the case may be, the marriage certificate, are required as supporting documents.

If a person seeks a passport in a form of his or her name other than that entered on his or her birth or marriage certificate, the Passport Office will require proof of usage of the form of name over a period of two years. This is sought in all cases, including when a person seeks a passport in the Irish form of the name but the birth certificate shows the English version, and vice versa.

The period of validity for which the passport is issued will depend on proof of usage of the name requested. Where two years proof of usage is submitted a full ten year passport will issue. In the absence of such proof a restricted passport of two years validity may be issued. An applicant can subsequently make a new application for a full 10 year passport when he or she has acquired the necessary two years proof of usage of the new name.

In the case of name change for reasons other than marriage, it is the practice to enter an observation on the passport indicating the name by which the passport holder was previously known. This helps to avoid difficulties that may arise, for example, when applying for visas or work permits abroad, due to the name on the passport differing from the name entered on a person's birth certificate or previous passport. While this is optional in the case of applicants who have the required two years evidence of usage of the new name, it is a requirement in the case of applications where such evidence is not provided.

Departmental Staff.

94. **Deputy Jim O'Keeffe** asked the Minister for Foreign Affairs if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26812/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): The scheme of performance-related awards in the Civil Service applies to Deputy and Assistant Secretaries and equivalent grades. It

does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link:

<http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

However, I can say that during 2007 awards totalling €608,750 were made to 45 officers in my Department in respect of their performance in 2006. As the Deputy will be aware, I do not have any involvement in decisions concerning this issue.

Diplomatic Representation.

95. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will challenge the recent US foreign policy activity which is damaging to the Cuban people and raise this issue at EU and UN levels. [26821/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): Ireland and our European Union partners believe that the United States' foreign policy toward Cuba is fundamentally a bilateral issue. Nonetheless, the European Union has clearly expressed the opposition of its Member States to all unilateral measures against Cuba which are contrary to commonly accepted rules of international trade. Ireland, in common with our partners in the European Union, is of the view that the US economic embargo on Cuba seriously hampers the economic development of Cuba and negatively affects its entire people. On 30 October, 2007, Ireland and our EU partners voted at the United Nations General Assembly in favour of the annual Cuban-tabled resolution calling for an end to this embargo.

As the Deputy will be aware, the European Union's 1996 Common Position on Cuba remains the basis of both the European Union's and Ireland's approach to relations with that country. The overriding objective of Ireland and our European Union partners in our relations with Cuba is to encourage, but not to enforce by external coercion, a process of transition to pluralist democracy and respect for human rights and fundamental freedoms.

The Common Position was most recently reviewed at the General Affairs and External Relations Council on 18 June 2007. The Council's Conclusions deplored the fact that the human rights situation in Cuba has not fundamentally changed, and noted that the Cuban Government continues to deny its citizens internationally recognised civil, political and economic rights and freedoms. We also recognised the right of Cuban citizens to decide independently about their future.

[Deputy Dermot Ahern.]

While the European Union will continue to pursue its dialogue with Cuba's civil society and to offer to all sectors of society practical support towards peaceful change in Cuba, the Council also emphasised the Union's willingness to resume a comprehensive and open political dialogue with the Cuban authorities on all areas of mutual interest. In order to sound out the potential for such a dialogue, which should take place on a reciprocal and non-discriminatory basis, the Council decided to invite a Cuban delegation to Brussels.

The Council Conclusions represent a balanced approach, which is in accordance with the principles of the Common Position. The decision which we took in Council to invite a Cuban delegation to Brussels would provide an opportunity for establishing an open political dialogue with the Cuban authorities. The Cuban authorities have rejected this invitation. However, we remain hopeful that such a dialogue will be established in the future. In this regard, on foot of a further initiative of the European Union, a Ministerial-level meeting between the European Union Troika and Cuba was held en marge of the United Nations General Assembly in New York on 24 September 2007.

Labour Inspections.

96. **Deputy Joanna Tuffy** asked the Minister for Enterprise, Trade and Employment the number of inspections and prosecutions under the Protection of Young People (Employment) Act 1996, in 2005, 2006 and to date in 2007; and if he will make a statement on the matter. [26788/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The National Employment Rights Authority's Inspection Services undertakes both day-time and night-time inspection activity in respect of enforcement of the Protection of Young Persons (Employment) Act, 1996. The night-time element of Inspectors' activities has an exclusive focus on such enforcement. Inspection Services initiate prosecutions in all cases where breaches are detected (subject to the advice of the Attorney General/Chief State Solicitor).

The following table sets out details of inspections/visits and prosecutions initiated insofar as breaches of the Protection of Young Persons (Employment) Act, 1996 in the years 2005, 2006 and to date in 2007 is concerned.

Year	Inspections/Visits	Prosecutions Initiated
2005	2,007	25
2006	3,347	1
2007 (to 12/10/07)	799	9

Job Losses.

97. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the permanent redundancies in a plant (details supplied) in County Tipperary and of their future plans for restructuring; and if he will make a statement on the matter. [26800/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I understand from Enterprise Ireland that 31 redundancies were recently announced at the company in question and a further 15 people are ceasing work on 2 November, 2007. I am very conscious of the implications of these redundancies for the workers involved. The relevant State agencies, particularly the Industrial Training agency FÁS, will provide every support they can to any of the workers who wish to avail of agency services.

The company has experienced a reduction in sales of its premium cider brand in the United Kingdom, primarily due to the impact of the bad weather there during the summer. I understand that the company's volume cider sales in the UK are 30% below target. Employment in the company has risen rapidly from 330 people in 2004 to 610.

Enterprise Ireland is in regular contact with the company and is currently discussing how the agency can be of assistance to the company with its research and development programme. To date, Enterprise Ireland has approved almost €300,000 in funding under its Research Technology and Innovation Scheme for the company and the agency expects all of this funding to be drawn down. The agency will continue to work very closely with the company during this challenging period.

Departmental Staff.

98. **Deputy Jim O'Keeffe** asked the Minister for Enterprise, Trade and Employment if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26809/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €168,000 were made to 14 officers in my Department and associated Offices in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of

the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link:

<http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

99. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26804/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General.

Details of awards to individual officers are not disclosed, or where there are less than 5 officers covered by the scheme in a Department which would allow them to be identified, which is the case in my Department, on the basis that the awards are confidential to the officer concerned. Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf

Pension Provisions.

100. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs if there are plans to introduce pension and PRSI changes, in view of the fact that the number of people over 65 is expected to double by 2050; and if he will make a statement on the matter. [26675/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Green Paper on Pensions was published on the 17th October and sets out the key issues and challenges facing the Irish pensions system now and for the future, and some suggestions on how these might be addressed. In addition to the Green Paper, the Actuarial Review of the Social Insurance Fund 2005 was also published and this provided important information and context that informed the development of the Green Paper.

A consultation process on the Green Paper is now underway and will run until about June 2008. Following the completion of the consultation process the Government will develop and publish a framework for long-term pensions policy. The objective of the process is the development of a pensions system that is both adequate and sustainable in the long-term. Decisions in relation to the design of the system and its financing will be made in that context.

Social Welfare Benefits.

101. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs if there are plans to increase the carers’ allowance, and for increased provision of respite; and if he will make a statement on the matter. [26676/07]

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.

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 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 the 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.

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. From June 2007, the level of the grant was increased by €300 per year to €1,500 per year in respect of each person being cared for. The provision of respite care services is of course a matter for the Health Service Executive. The Programme for Government commits the Government to further increasing eligibility for carer’s allowance and to doubling the level of the respite care grant. I will keep the supports for carers, available from my Department under review in order to continue to improve the schemes.

Departmental Staff.

102. **Deputy Jim O’Keeffe** asked the Minister for Social and Family Affairs if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26815/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However, I can say that during 2007 awards totalling €89,000 were made to 6 officers in my Department in respect of 2006 (as shown on page 10 of the Committee for Performance Awards report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following site:

<http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Social Welfare Payments.

103. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if it is policy to distribute social welfare payments only on Fridays resulting in long queues at certain post offices; and if he will make a statement on the matter. [26824/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The current range of payment options offered by my Department to customers includes payment to a bank or building society account, or at a local post office. Customers opt for a particular payment option having regard to their own circumstances. My Department administers a variety of schemes which have weekly, monthly, quarterly and annual payment cycles.

For operational and administrative reasons, and to facilitate the distribution of payments through the bank and Post Office networks, each scheme is assigned a day of the week for payment. This ensures that payments to be distributed through Post Offices are evenly spread across the week. In addition, to meet customers needs, payments can be collected on the due date or over a number of days there after.

The post office network, and the operation of any individual post office, is a matter for An Post which is under the remit of the Department of Communications, Energy and Natural Resources. If the deputy is aware of difficulties arising in any particular office he should bring it to the attention of the management of An Post.

National Drugs Policy.

104. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of local drugs task forces in the city of Dublin; the location of same; the support provided to each in 2005 and 2006; and if he will make a statement on the matter. [26787/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Twelve of the fourteen Local Drugs Task Forces are located in Dublin. The LDTF areas benefit from annual current funding under the Drugs Task Force process and the Emerging Needs Fund. Capital funding is available under the Premises Initiative Fund which addresses the accommodation needs of community based drugs projects. Details of the expenditure under these headings in 2005 and 2006 are attached.

Meanwhile, LDTF areas also benefit from expenditure under the Young People’s Facilities and Services Fund (YPFSF) which provides facilities, programmes and activities for the most “at risk” young people (10-21yrs), with the aim of diverting them from the dangers of drug misuse. Combined current and capital funding under the YPFSF in Dublin LDTF areas in 2005 and 2006 amounted, in addition to €10.9m and €10.2m respectively.

Expenditure in the Dublin Local Drugs Task Force Areas

2005

Task Force	LDTF	ENF	Premises	Total
	€	€	€	€
Ballyfermot	1,203,381	0	0	1,203,381
Ballymun	1,054,697	0	252,760	1,307,457
Blanchardstown	543,284	0	0	543,284
Canal Communities	1,292,722	0	0	1,292,722
Clondalkin	1,298,340	0	0	1,298,340
Dublin North East	1,217,198	0	0	1,217,198
Dublin 12	850,937	0	0	850,937
Dun LaoghaireRathdown	920,088	13,904	0	933,992

Task Force	LDTF	ENF	Premises	Total
	€	€	€	€
Finglas/Cabra	660,089	0	0	660,089
North Inner City	1,774,211	0	50,000	1,824,211
South Inner City	1,319,308	0	0	1,319,308
Tallaght	952,634	0	150,000	1,102,634
Total	13,086,889	13,904	452,760	13,553,553

2006

Task Force	LDTF	ENF	Premises	Total
Ballyfermot	1,320,362	200,639	0	1,521,000
Ballymun	974,357	103,800	74,000	1,152,157
Blanchardstown	904,370	269,000	674,237	1,847,607
Canal Communities	1,145,313	158,917	0	1,304,230
Clondalkin	940,058	0	158,000	1,098,058
Dublin North East	944,180	44,934	60,000	1,049,114
Dublin 12	850,885	150,000	0	1,000,885
Dun LaoghaireRathdown	595,147	14,251	0	609,398
Finglas/Cabra	804,855	83,009	30,000	917,864
North Inner City	2,315,171	99,503	166,548	2,581,222
South Inner City	1,327,162	510,323	100,000	1,937,485
Tallaght	843,985	169,341	0	1,013,326
Total	12,965,842	1,803,716	1,262,785	16,032,343

Departmental Funding.

105. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications for grant aid assistance to his Department for each of the past four years from applicants within the Border Midland Western region; the number of successful applications; the number refused or still in the investigative position; the reason for the refusals; the amount of funding drawn down; the amount of funding available; the position of the funding not drawn down; if this aspect of funding is being withdrawn from possible grant applications within the BMW region; and if he will make a statement on the matter. [26701/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department funds a wide range of grant schemes across the entire range of its remit. Many of these schemes are administered on behalf of the Department by subsidiary agencies such as POBAL and local LEADER groups around the country. In the circumstances, the Deputy will appreciate that my Department is not in a position to provide the information requested in respect of applications received by such bodies.

In the case of many of the schemes for which application is made direct to the Department, applications are not generally classified on a BMW region basis and the information requested

by the Deputy is, therefore, not readily available. In view of the wide range of schemes and the large volumes of applications received on an ongoing basis, the work involved in compiling and collating a BMW region breakdown of applications and funding on the basis sought by the Deputy is likely to exceed the information value of such statistics. However, if the Deputy wishes to contact me with a query in respect of any application made under a specific scheme under the remit of my Department, I will, of course, be happy to assist him.

106. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number, names and areas covered by non-governmental organisations funded by his Department or by EU funding through his Department that deal with the Border Midland Western region; and if he will make a statement on the matter. [26714/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware my Department provides funding to a significant number of non-governmental organisations that deal with the Border Midlands Western region.

It is not practical, within the time available to provide the information sought. I am arranging

[Deputy Éamon Ó Cuív.]

for the material to be compiled as a priority and provided directly to the Deputy.

Departmental Reports.

107. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of reports carried out or pending financed by his Department, State agencies within the remit of his Department or by agencies at the behest of his Department dealing with rural development and the development of the Border Midland Western regions; the names of such reports; the decisions reached by his Department as a result of such reports; the cost of such reports; and if he will make a statement on the matter. [26715/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I am arranging for the material to be compiled as a priority and provided directly to the Deputy. It is not practical, within the time available to provide the information sought.

Community Development.

108. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs if he will allocate funding in three year blocks to community development projects in the future, instead of year to year funding; and if he will make a statement on the matter. [26725/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Community Development Projects are normally funded on the basis of three-year renewable contracts based on workplans submitted to the Department and endorsed by the relevant City or County Development Board. The funds provided by the Department contribute to the costs of employing two full-time equivalent employees, administrative expenses and overheads. The level of funding provided to each project annually is individually determined based on information provided by the project and on the level of resources made available to the Programme. At present, my Department is reviewing the Programme and funding to Projects is being provided on an interim basis. When I am satisfied with the future direction of the Programme, funding based on a three year timeframe can be expected.

Regional Development.

109. **Deputy Jack Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his views in relation to the recent census figures for areas within the Borders Midland Western region; the proposals he has to address within the National Development Plan, the further development of each area in relation to infrastructure to

meet the demands of the regions; and if he will make a statement on the matter. [26728/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy is aware, the new National Development Plan (NDP) 2007-13 sets out a 7-year programme of integrated investments throughout the country. The NDP integrates strategic development frameworks with common economic and social goals for regional development, for rural communities, for all-island co-operation and for the protection of the environment. My Department's involvement in the NDP covers a variety of programmes within the Enterprise, Science and Innovation Priority, the Social Infrastructure Priority and the Social Inclusion Priority. The recent census figures have been noted by my Department and will be borne in mind in the context of its ongoing involvement in the NDP.

Departmental Staff.

110. **Deputy Jim O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26806/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €38,400 were made to 3 officers in my Department in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link: <http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Community Development.

111. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he has or intends to offer financial assistance to community groups attempting to combat anti-social behaviour; and if he will make a statement on the matter. [26825/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Addressing anti social behaviour is a matter primarily for the Minister for Justice, Equality and Law Reform. That said, my Department operates a number of

programmes and schemes supportive of communities both urban and rural it might be said that some or all of these schemes through the provision of financial or other types of support might have a positive impact indirectly on the incidence of anti-social behaviour in communities. Details of the schemes and programmes operated by my Department are available on its website at www.pobail.ie. If the Deputy has specific questions about a programme I or my Department will be happy to oblige.

In this context I should specifically mention the RAPID leverage scheme and the Young People's Facilities and Services Fund.

RAPID Leverage Scheme.

Since the introduction of the RAPID leverage schemes, I have allocated over €5m to improving the general environment of housing estates, including the provision of funds to install traffic calming measures; €6m to provide playgrounds and over €8m to provide additional resources to sporting organisations located, or servicing young people, in RAPID areas. I have also allocated €2m to support initiatives being undertaken by the Department of Justice, Equality and Law Reform in the development of community CCTV and dealing with the removal of graffiti in RAPID areas.

Young People's Facilities and Services Fund.

Over €130 million has been allocated to date to support the work of the Young People's Facilities and Services Fund in Local Drug Task Force areas (Dublin, Bray and Cork, as well as in Limerick, Galway, Waterford and Carlow). The main aim of the fund is to attract "at risk" young people in disadvantaged areas into recreational facilities and activities, and to divert them away from the dangers of substance misuse and associated anti-social behaviour.

There are now over 560 community-based projects, employing more than 400 people, which are supported through the Local and Regional Drugs Task Forces and the work carried out in these projects is supportive of communities in their endeavours to combat anti-social behaviour.

112. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of urban based support programmes set up by his Department in the past twelve months; the location of same; and if he will make a statement on the matter. [26826/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department implements and funds a wide range of measures, schemes and programmes for the development and support of various communities, urban and rural. Details of these can be found on my Department's website www.pobail.ie. My Department has not set up

any new urban based support programmes during the past twelve months.

113. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he proposes to support community based organisations in County Kildare in the next twelve months; and if he will make a statement on the matter. [26827/07]

114. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which urban or rural community groups in County Kildare are expected to qualify for grant aid under the various schemes run by his Department; and if he will make a statement on the matter. [26828/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I propose to take Questions Nos. 113 and 114 together.

As the Deputy will be aware, my Department implements and funds a wide range of measures, schemes and programmes for the development and support of various communities, urban and rural. Details of these can be found on my Department's website www.pobail.ie.

In relation to the provision of support to community based organisations in County Kildare over the next twelve months, I can confirm that the funding supports provided by my Department over the coming period for the development of urban and rural communities country wide, including Co. Kildare, will be in line with the Agreed Programme for Government, the National Development Plan 2007-2013 and the ongoing emerging needs of communities, both urban and rural.

Application forms and detailed guidelines in respect of the schemes and programmes operated by my Department, including eligibility and assessment criteria are available on my Department's website at www.pobail.ie. It is open to any individual or group to consider making an application for funding under these schemes and programmes.

Questions Nos. 115 and 116 answered with Question No. 11.

117. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the full extent of the community based programmes run or funded by his Department; his intentions to expand or extend such activity in 2008; and if he will make a statement on the matter. [26831/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware my Department administers and delivers a wide range of programmes, measures

[Deputy Éamon Ó Cuív.]

and schemes for the development and support of various communities, both urban and rural.

The community based programmes operated or funded by my Department include:

- The Local Development Social Inclusion Programme (LDSIP)
- RAPID Programme
- PEACE II and INTERREG III
- Community and Voluntary Supports
- Funding Scheme for Training and Supports in the Community and Voluntary Sector
- The Scheme of Community Support for Older People
- The Programme of Grants for Locally-based Community and Voluntary Organisations
- Community Services Programme
- Community Development Programme
- LEADER Programmes
- Rural Social Scheme
- CLÁR
- Young Peoples Facilities and Services Fund
- Gaeltacht and Islands Schemes

Details in relation to the administration, operation and the extent of the funding available for these community based programmes over the coming period can be accessed on my website at www.pobail.ie.

I can confirm to the Deputy that the future operation and development of these community based programmes will be in accordance with the Agreed Programme for Government and the National Development Plan 2007-2013.

Decentralisation Programme.

118. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which the decentralisation programme for his Department has progressed; and if he will make a statement on the matter. [26832/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): In the context of Budget 2004 it was decided that my Department, Pobal and Foras na Gaeilge would decentralise a total of 220 posts. Of that total, 108 posts (almost 50%) have been relocated since last year and plans to relocate an additional 40 posts by early 2008 have been approved and are being implemented.

Question No. 119 answered with Question No. 18.

Community Development.

120. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of community based schemes involved in drug rehabilitation funded by his Department in 2007; the extent to which he proposes to increase such support with a view to dealing with the drugs issue for 2008; and if he will make a statement on the matter. [26834/07]

121. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he proposes to allocate funding under the various schemes available to his Department to groups involved in drug treatment programmes and rehabilitation in County Kildare for 2008; the breakdown of expenditure under those schemes since January 2007 to date; and if he will make a statement on the matter. [26835/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 120 and 121 together.

Over 440 Local Drugs Task Force (LDTF) projects, including those under the Emerging Needs Fund, are receiving interim funding from my Department. Of these, in the region of 200 projects focus on treatment and rehabilitation and funding for these will continue in 2008.

Across the ten Regional Drug Task Force (RDTF) areas, work is progressing on the implementation of their Action Plans. To date, 67 treatment and rehabilitation projects have been funded and this number is expected to rise to approx. 90 projects in 2008.

With regard to Co. Kildare, an allocation of €203,000 has been made to the Community Drug Team for Kildare and West Wicklow following an application from the South West Area RDTF and this funding will continue next year. Some of the other funding provided to that Drugs Task Force also provides benefit broadly across their region of operation, including Co. Kildare. On top of this, a sum in the region of €170,000 has been made available to Teen Challenge, a rehabilitation project at Shechem House, Richardstown, Co. Kildare, arising from applications through the South Inner City LDTF in Dublin.

Meanwhile, as regards capital funding, €22,354 was approved to Newbridge Family Resource Centre in June 2007 under the Premises Initiative. This is in respect of the purchase and installation of a semi-permanent structure for the Centre to provide a dedicated drop-in facility for “at risk” youth.

As the Deputy may be aware, the Report of the Working Group on Drugs Rehabilitation was published in May. The Programme for Government contains a commitment to implement the recommendations of the Report and I am actively seeking to initiate their implementation. In that context it is likely that further rehabilitation

initiatives will be funded by my Department over the coming years.

Question No. 122 answered with Question No. 50.

Question No. 123 answered with Question No. 32.

Departmental Expenditure.

124. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the moneys on a county basis awarded by his Department by way of a grant or other support in the year ending 31 December 2005; and if he will make a statement on the matter. [26839/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As I have informed the Deputy previously, my Department administers and delivers a wide range of programmes and measures, descriptions of which are available on its website at www.pobail.ie. While expenditure under these programme areas takes place countrywide, it is not possible to give a county-by-county breakdown of that expenditure. For example, a number of my Department's programmes are delivered through agencies and other intermediary bodies that operate across county boundaries and in respect of which there is no detailed breakdown on a county basis held by my Department. In addition, groups and organisations that receive grants directly from my Department are not necessarily constituted on a single-county basis.

In view of the wide range of my Department's schemes and programmes and the large volumes of applications received thereunder on an ongoing basis, I am satisfied that the work involved in compiling and collating a full county-by-county breakdown of expenditure would exceed the information value of such statistics. If, however, the Deputy would like specific information in relation to a particular county and/or scheme, I would be glad to arrange to have consideration given to any such request from him.

125. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the expected expenditure under the RAPID scheme in County Kildare in 2007: the way this compares with 2006; his plans in this regard for 2008; and if he will make a statement on the matter. [26840/07]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within 46 designated RAPID areas. This Department, with the support of Pobal, has overall responsibility for the co-

ordination of the RAPID programme. It is a matter for individual Departments to report progress with their projects under the RAPID programme. The latest data in respect of the programme is available on Pobal's website under the RAPID section (<http://www.pobal.ie/live/RAPID>). Athy is the only area in County Kildare that has RAPID status.

The Deputy will be aware that I introduced the RAPID Leverage Schemes in 2004. Under these schemes, my Department directly funds schemes with other Departments and agencies to provide playgrounds, traffic safety measures, CCTV, health facilities, and improve the environment of local authority housing estates and flat complexes. In addition, top-up funding is provided to sporting organisations that have been successful in receiving support under the Department of Arts, Sports and Tourism's Sports Capital Programme.

The total funding allocated to projects in the Athy RAPID area under the leverage schemes in 2006 was €211,000 and €96,750 in 2007. The Deputy will be aware that expenditure is dependent on the speed with which projects are completed. Some €200,000 in outstanding commitments made to the end of 2006 remain to be claimed in the Athy RAPID area. The amount expended in respect of projects funded by the leverage schemes in the Athy RAPID area in 2006 was €92,000 and €86,000 in 2007.

I am constantly monitoring the schemes to ensure that they are serving the needs identified by people in the RAPID communities. Last year, in response to requests, I broadened the Playground Scheme to provide funding for Multi-User Games Areas, which has proved very popular. The Deputy will be aware of the joint initiative announced earlier this year with my colleague the Minister for Education and Science that will enable €18m worth of investment in schools in RAPID areas funded by Dormant Accounts. I understand that the Minister of Education and I will be in a position to announce allocations under this scheme following a detailed assessment of applications received.

Aquaculture Licences.

126. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the rules regarding the granting of mussel licenses on traditional native wild oyster grounds; and if she will make a statement on the matter. [26704/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Aquaculture licences, including licences to grow mussels, are issued under the Aquaculture Acts 1997 to 2006. These acts comprise the following:

- Fisheries (Amendment) Act 1997, No. 23 of 1997;

[Deputy Mary Coughlan.]

- Sections 2, 3 and 4 of the Fisheries and Foreshore (Amendment) Act 1998, No. 54 of 1998;
- Fisheries (Amendment) Act 2001, No. 40 of 2001; Section 101 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 No. 8 of 2006.

Section 8(1) of the Fisheries (Amendment) Act 1997 prohibits the licensing of aquaculture within the limits of an oyster bed or oyster fishery without the prior consent of the person who is beneficially entitled to the oyster bed or oyster fishery.

Applications for aquaculture licences are made under the Aquaculture (Licence Application) Regulations 1998, SI No. 236 of 1998. These regulations set out the information required to accompany an application and the decision making process to decide on an application for an aquaculture licence. In addition to the aforementioned, other environmental legislation may apply where there is potential for aquaculture to impact on the environment.

Grant Payments.

127. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food the assistance that may be available to a person (details supplied) in County Cork regarding purchase of a thoroughbred stallion; and if she will make a statement on the matter. [26665/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Quality Stallion Purchase Incentive Scheme which operated under the NDP 2000-2006 provided for grant aid for the purchase of stallions. This aid was approved by the European Commission under the terms of the State Aid Guidelines in place at that time. The Scheme terminated on 31 December 2006.

The Deputy will be aware that under the current Community Guidelines for State Aid in the Agriculture Sector it is prohibited to make direct payments to producers save in certain exceptional circumstances. As a result my Department does not have any scheme currently in place to provide grant assistance for the purchase of a stallion.

128. **Deputy Seamus Kirk** asked the Minister for Agriculture, Fisheries and Food if a person who sells land for development purposes which had entitlements attached can sell the entitlements to another person or consolidate on the sale of the farm; and if she will make a statement on the matter. [26750/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The EU regulations governing the transfer of entitlements allow that Single Payment entitlements can be transferred with or without land but may only be transferred

without land if 80% have been used in one calendar year. A farmer uses entitlements by declaring one hectare of eligible land per entitlement on his/her Single Payment application form.

Under the relevant EU regulations, the position in relation to the consolidation of entitlements under the Single Payment Scheme is that an applicant can consolidate on the sale of land, only in cases where the land is acquired a public authority, for non-agricultural purposes.

It is not possible for a person who has sold land for development purposes to a private individual or concern to consolidate. In order for persons concerned to benefit for their full Single Payment, the lands so sold would have to be replaced by other lands acquired by purchase, lease or rent.

129. **Deputy Seamus Kirk** asked the Minister for Agriculture, Fisheries and Food if there is an upper or lower age limit for new entrants to farming and particularly to purchase single farm payment entitlements; and if she will make a statement on the matter. [26751/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position is that under the rules governing the transfer of Single Payment entitlements in respect of the 2006 and 2007 Single Payment Scheme, there was no claw-back applied where entitlements were transferred to a new entrant to farming. For this purpose a new entrant was defined as a person who was at least 18 years of age and the holder of a registered herdnumber. Certain educational and income criteria also applied. There was no upper age limit but the new entrant must not have pursued an agricultural activity at his/her own risk during the five years immediately preceding the new agricultural activity. All persons qualifying as a new entrant under these criteria were free to purchase single payment entitlement without a claw-back.

The Deputy should note however that, following a recommendation from the Single Payment Advisory Committee (comprising representatives of the farming organisations, Teagasc and officials from my Department) I decided, some time ago, that no claw-back would be applied to entitlements sold with or without land for the 2008 and subsequent years' Single Payment Scheme regardless of whether the entitlements were being sold to a new entrant to farming.

130. **Deputy Seamus Kirk** asked the Minister for Agriculture, Fisheries and Food if a single farm entitlement purchaser is required to lease a hectare of land for each entitlement sought for activation purposes; and if she will make a statement on the matter. [26752/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Eligibility under the Single Payment Scheme requires, inter alia, that

applicants hold one eligible hectare for each payment entitlement claimed. A person would need to have established entitlements in his/her own right during the 2000 to 2002-reference period, or otherwise have acquired entitlements to qualify for payment under the Single Payment Scheme.

131. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when the trading entitlements application for persons (details supplied) in County Mayo will be processed. [26754/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application for the Transfer of Entitlements under the 2007 Single Payment Scheme to the persons named was submitted on the 20 April 2007. During processing of the transfer application, it was necessary for an official of my Department to write to the persons named requesting an additional signature on the

transfer application form. Upon receipt of the requested information my Department will process the application.

Tree Felling.

132. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food if she will provide a detailed listing of all trees felled in the Sutton and Bayside areas due to the recent suspected presence of fireblight; if she will provide a copy of the laboratory test results to support the felling of these trees; and if she will make a statement on the matter. [26797/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Since my reply to you of 3rd October, there has not been any further findings of positives in the Sutton and Bayside areas. The laboratory has confirmed the following samples to be positive for fireblight and a copy of the laboratory results will be provided to the Deputy.

Location	Tree Species	Result	Date Samples Taken
Bayside Boulevard North	Crataegus monogyna	Positive	13-8-2007
Bayside Boulevard North	Sorbus aria	Positive	13-8-2007
Bayside Boulevard North	Crataegus monogyna	Positive	13-8-2007
Verbena Avenue	Sorbus aria	Positive	13-8-2007
Verbena Avenue	Sorbus aria	Positive	13-8-2007
Verbena Avenue	Sorbus aria	Positive	13-8-2007
Verbena Avenue	Sorbus aria	Positive	8-8-2007
Verbena Avenue	Sorbus aria	Positive	8-8-2007
Verbena Avenue	Sorbus aucuparia 'Joseph Rock'	Positive	17-8-2007
Bayside Walk	Sorbus aria	Positive	23-8-2007

These findings resulted in the removal by the local authority of 177 affected and associated trees in the Sutton and Bayside area. The majority of the trees have been Sorbus Aria and Sorbus aucuparia with a small number of Cotoneaster sp. and Malus sp.

133. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food if she will ensure that Fingal County Council plants semi-mature trees to replace the trees felled by her Department in Sutton and Bayside and puts in place a management plan to ensure their survival which would include watering during periods of dry weather; and if she will make a statement on the matter. [26798/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As Minister for Agriculture, Fisheries and Food I do not have responsibility for local authorities or their work.

Departmental Programmes.

134. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food the amount of

the 2007 budget for farm improvement schemes that has been spent; and if the scheme will be retained for its planned five year length. [26799/07]

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 yesterday 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.

Departmental Staff.

135. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if she will

[Deputy Jim O’Keeffe.]

detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and assistant secretaries in her Department and offices in the past 12 months; and if she will make a statement on the matter. [26803/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned.

However I can say that during 2007 awards totalling €144,000 were made to 11 officers in my Department in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link: <http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Grant Payments.

136. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Kerry has an entitlement to a single farm payment. [26863/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the Single Payment Scheme / Disadvantaged Areas Schemes was received from the person named on 1 May 2007. The 50% Advance Payment, which amounted to €2,343.36, was paid to the applicant on 30 October. My Department will commence balancing payments to all eligible applicants on 1 December 2007 as provided for in the relevant EU Regulations.

Payments under the Disadvantaged Areas Scheme commenced on 20 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as further cases subsequently become clear. The application of the person named has now been fully processed and the DAS payment (€4,456.75) will issue shortly.

Proposed Legislation.

137. **Deputy Damien English** asked the Minister for Education and Science if she plans to introduce legislation that will permit the Office of Public Works or the Department of Education and Science to acquire land for school building projects by way of a compulsory purchase order; and if she will make a statement on the matter. [26670/07]

Minister for Education and Science (Deputy Mary Hanafin): The Programme for Government sets out a number of measures in relation to school provision including improving arrangements for the acquisition of sites. In this regard, I recently met with my colleague the Minister for the Environment, Heritage and Local Government to discuss these matters and the scope for greater liaison with the local government sector.

Higher Education Grants.

138. **Deputy Ruairí Quinn** asked the Minister for Education and Science if mature students who work in low paid jobs, below €19,000, in the year preceding their return to education, will be awarded the special rate of maintenance grant; and if she will make a statement on the matter. [26654/07]

Minister for Education and Science (Deputy Mary Hanafin): The report of the Action Group on Access to Third Level Education made detailed recommendations concerning the introduction of special rates of maintenance grants for disadvantaged students. The target group of “those most in need” was defined in terms of the dependants of people receiving long-term welfare payments, where the necessary conditions are fulfilled. The special rates of grant are also available to mature students who meet the prescribed conditions.

The special rate of maintenance grant is available to students under each of my Department’s four maintenance grant schemes. In order to qualify for the special rate of maintenance grant the following conditions must be satisfied:

1. An applicant must qualify for the standard maintenance grant.
2. The relevant income, in the prescribed tax year, must not exceed the lower income limit as set out in the appropriate maintenance grant scheme — net of Child Dependent Increase, where applicable.
3. As at the prescribed date — i.e. 31st December of the relevant tax year — the source of income must include one of the eligible long-term social welfare payments.

The following Social Welfare and Health Service Executive Payments are excluded in the calculation of reckonable income:—

- Child Benefit
- Family Income Supplement
- Disability Allowance (where paid to the candidate)
- Blind Pension (where paid to the candidate)
- Means Tested One Parent Family Payments

- Guardian's Pension (Previously known as Orphan's Pensions)
- Back to Education Allowance
- Foster Care Allowance
- Domiciliary Care Allowance and
- Carer's Allowance

Schools Building Projects.

139. **Deputy Charles Flanagan** asked the Minister for Education and Science the status of all school building projects in County Laois including projected time-frames for completion of same. [26661/07]

Minister for Education and Science (Deputy Mary Hanafin): I wish to inform the Deputy that there are currently thirteen school building projects being progressed in my Department for County Laois. The process of appointing Design Teams to three school building projects is underway. One school building project is at stage 3 (Developed Sketch Scheme); four projects are at stage 4/5 (Detail Design/Bill of Quantities), one of which has submitted a tender report to my Department; five projects are at stage 7/8 (Post Contract Control/Practical Completion and Handover of Building), of which three are currently on site and two are practically completed.

As the projects range from the appointment of Design Teams to Practical Completion, this is a further indication of progress under the Schools Building and Modernisation Programme. However, as with all major building projects, it is impossible to predict with certainty the exact date of completion for those projects not yet under construction.

Departmental Expenditure.

140. **Deputy Brian Hayes** asked the Minister for Education and Science the moneys paid to primary teachers in promoted positions in the last financial year; the moneys paid to voluntary secondary school teachers in promoted positions in the last financial year; the moneys paid to community and comprehensive school teachers in promoted positions in the last financial year; and if she will make a statement on the matter. [26667/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy is being compiled and I will arrange for it to be forwarded to him as soon as possible.

School Enrolments.

141. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if her attention has been drawn to the recent decision by the High Court in Belfast to deny access to Derry schools to children whose parents have moved

just over the border to County Donegal, resulting in the displacement of these children; if her attention has been further drawn to the fact that similar practices take place in every city on the island as city residents move out to surrounding villages and smaller towns for quality of life or affordability reasons but continue their children's education in the school from their previous address; and if she will liaise with her northern counterpart, Minister for Education, Ms Caitríona Ruane, to resolve this issue which has arisen as a result of the separate educational jurisdictions on this island. [26677/07]

Minister for Education and Science (Deputy Mary Hanafin): In relation to schools under the aegis of the Department of Education and Science, it is a matter for the managerial authorities to determine enrolment policies. In doing so, they must act in accordance with the requirements of the Education Act 1998 and equal status legislation. Enrolment policies in Northern Ireland are a matter for the relevant Northern Ireland authorities.

My Department, together with the Department of Education Northern Ireland, has responsibility for the development of co-operation and common action in the field of education between both parts of the island of Ireland, in the context of the Good Friday Agreement. My Department is required to take forward this co-operation through the North/South Ministerial Council (NSMC) and to develop, within that framework, common policies in the designated areas of special education needs, educational underachievement, teacher mobility and school, youth and teacher exchanges.

The re-establishment of the NI Assembly structures including the North South Ministerial Council will present opportunities to enrich and develop cooperative activities with Northern Ireland in the education and youth sector.

Student Support Schemes.

142. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if her Department has had consultation with the Union of Students of Ireland regarding the proposed Student Support Bill; if not, if there is an intention to engage with the USI regarding this piece of legislation; and if she will make a statement on the matter. [26678/07]

143. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if the Student Support Bill has gone to the Attorney General; when it was sent; if it has come back; and if she will make a statement on the reason there has been a delay in publishing this Bill. [26679/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 142 and 143 together.

[Deputy Mary Hanafin.]

As the Deputy may already be aware, I plan to introduce a single unified scheme of maintenance grants for students and to consolidate the administration of this unified grants scheme in the VEC sector. This will, I believe, provide for a more coherent administrative system. The scheme, which will be underpinned by a new Student Support Bill, will facilitate consistency of application, improved client accessibility and timely delivery of grants.

My Department has, as I have indicated previously, engaged in substantial consultations with the key stakeholders, including the Union of Students, on the future structure and administration of the student support schemes.

This process of consultation with the key stakeholders is on-going, in order to map the most logical and effective arrangements for the administration of the student support schemes, including the arrangements for the 2008/09 academic year. These consultations are a priority for my Department at present.

The Student Support Bill is at an advanced stage of preparation and my Department is currently working closely with the Office of the Attorney General to finalise outstanding issues. I hope to be in a position to have the Bill published during the current Dáil session.

Schools Building Projects.

144. **Deputy Paul Connaughton** asked the Minister for Education and Science the position regarding an application by a school (details supplied) in County Galway in relation to their efforts to have a new school built; and if she will make a statement on the matter. [26685/07]

Minister for Education and Science (Deputy Mary Hanafin): The Office of Public Works which acts on behalf of my Department generally on the acquisition of sites for schools has been requested to source a suitable site for this school.

When a suitable site has been identified its acquisition will be considered in the context of my Department's budgetary allocation for site acquisitions which has yet to be finalised for 2008.

Education Schemes.

145. **Deputy Fergus O'Dowd** asked the Minister for Education and Science if tuition will be provided for a person (details supplied) in County Louth; and if she will make a statement on the matter. [26702/07]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that the home tuition scheme provides funding to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years

to facilitate tuition for children awaiting a suitable educational placement.

I wish to advise the Deputy that my Department has no record of receiving an application for home tuition in respect of the pupil in question. Details of my Department's home tuition scheme together with an application form may be accessed on my Department's website www.education.ie.

Road Safety.

146. **Deputy Shane McEntee** asked the Minister for Education and Science the grants or supports available to schools to undertake road safety measures outside schools; and if she will make a statement on the matter. [26723/07]

Minister for Education and Science (Deputy Mary Hanafin): The issue of road safety measures outside the vested site areas of schools, would be a matter that should be raised in the first instance with the relevant Local Authority.

Local Authorities have the power to decide on road safety measures outside schools and should ensure that measures are in place to protect the safety of local school children.

Individual school authorities are responsible in the first instance for health and safety issues within the school site. Primary school authorities may use their minor works grant to deal with urgent issues. In November last I increased funding for the minor works grant by 44% on the previous year and around €27m was paid out to primary schools throughout the country to enable thousands of small scale works to be completed without the need to interact with my Department.

Other avenues for grant-aid from my Department to provide improved health and safety measures include the Summer Works Scheme and Emergency Works Grants. In 2007, of the funding available to improve infrastructure in primary and post-primary schools, close to €120million is allocated to the Summer Works Scheme, involving over 1,100 individual projects at 965 schools.

Schools Building Projects.

147. **Deputy Joan Burton** asked the Minister for Education and Science the location, in view of the recent announcement by Fingal County Council and the DEIS that sites were being acquired for a new primary school in Phibbles-town and Phoenix Park, where a school (details supplied) or the proposed new VEC school will be located; if permanent sites for such schools have been agreed; and if she will make a statement on the matter. [26724/07]

Minister for Education and Science (Deputy Mary Hanafin): The New School Advisory Committee (NSAC) has received formal notifications of intention to apply for the recognition of new

primary schools in September, 2008 in the locations to which the Deputy refers.

The (NSAC) is an independent advisory group established to process applications for the recognition of new primary schools and to make recommendations to me. I would expect that the NSAC will produce its report early in 2008.

In the meantime, the Department has prioritised site acquisitions in the areas concerned under the Fingal School Model Agreement process.

School Staffing.

148. **Deputy Eamon Scanlon** asked the Minister for Education and Science when a language teacher will be appointed to schools (details supplied) in County Sligo; and if she will make a statement on the matter. [26743/07]

Minister for Education and Science (Deputy Mary Hanafin): In order to meet the language needs of students in our schools whose first language is not English or Irish, additional support is given to their schools which can take the form of financial assistance, additional teaching posts or portions of posts.

The level of extra financial or teaching support provided to any school is determined by the numbers of eligible non-English speaking students enrolled. Schools with 14 or more such pupils are entitled to one or more language support teachers. Schools with between 3 and 13 eligible pupils receive grant assistance towards the cost of employing part-time teachers. Schools with 3 to 8 such pupils receive a grant of over €6,300, while schools with between 9 and 13 such pupils receive over €9,500. These amounts are based on the full school year. If the school only becomes eligible for a grant during the year, they would receive the pro-rata amount due. The position is outlined in Circular 0053/2007 which is available on my Department's website.

Each of the schools referred to by the Deputy qualify for grant assistance towards the employment of a part-time teacher. The appointment of a part-time teacher is a matter for the Board of Management of the individual schools concerned.

Schools Building Projects.

149. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 228 of 24 October 2007, the funds already committed under the new National Development Plan in 2007, 2008 and 2009; the percentage of the total permitted annual commitment in each year; the projected cost of the recently announced new builds for 2008; if this figure is included in the 2008 committed funding; and if she will make a statement on the matter. [26753/07]

Minister for Education and Science (Deputy Mary Hanafin): The total capital allocation for the Primary and Post-Primary sectors in 2007 is over €540m and this allocation will be expended by year-end. It is not possible to determine the level of contractual commitments that will be a constituent part of the 2008 allocation until later this year. This arises as projects on site will incur further expenditure in 2007 and a number of projects may reach contract stage and commence construction works before year end. Consequently, the actual level of contractual commitments that will feature in 2008 cannot be accurately determined at this time.

The annual Department of Finance sanction under the Capital Investment Framework denotes the level of contractual commitments permissible for following years and my Department intends to adhere to such direction for 2008.

150. **Deputy Jack Wall** asked the Minister for Education and Science if all the national guidelines for primary schools were considered in the application by a school (details supplied) in County Kildare for an extension; and if she will make a statement on the matter. [26774/07]

Minister for Education and Science (Deputy Mary Hanafin): When a school is given approval to enter architectural planning the first step in the process is the appointment of a Design Team to design and plan the works.

All Design Teams are made aware of the Department's Design Team procedures which include relevant and appropriate guidelines and these must be adhered to in advancing a school through the architectural design process.

151. **Deputy Jack Wall** asked the Minister for Education and Science her views in relation to the fact that no traffic impact study was carried out regarding an application for the extension of a primary school (details supplied) in County Kildare; if a traffic impact study is one of the guidelines for the provision of funding for such a school; and if she will make a statement on the matter. [26775/07]

Minister for Education and Science (Deputy Mary Hanafin): 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 required. During this discussion, Kildare County Council suggested alterations to the scheme to take account of traffic requirements and these alterations have been incorporated into the design.

Kildare County Council granted planning permission for the prepared scheme. This was subsequently appealed to An Bord Pleanála. My Department is awaiting the outcome of this appeal.

Grant Applications.

152. **Deputy Ruairí Quinn** asked the Minister for Education and Science the criteria for a top up grant; the reason a person from a disadvantaged background who had the top up grant during their degree and masters studies has been refused same for their PhD studies; and if she will make a statement on the matter. [26796/07]

Minister for Education and Science (Deputy Mary Hanafin): The special rate of maintenance grant is available to students under each of my Department's four maintenance grant schemes. In order to qualify for the special rate of maintenance grant the following conditions must be satisfied: 1. An applicant must qualify for the standard maintenance grant; 2. The relevant income, in the prescribed tax year, must not exceed the lower income limit as set out in the appropriate maintenance grant scheme — net of Child Dependent Increase, where applicable. 3. As at the prescribed date — i.e. 31st December of the relevant tax year — the source of income must include one of the eligible long-term social welfare payments. Decisions in relation to eligibility for the special rates of maintenance grants are a matter for the local authority or VEC concerned. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular condition is desired.

If an individual applicant considers that she/he has been unjustly refused the special rate of maintenance grant, she/he may appeal, in the first instance, to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down in writing by the relevant local authority or VEC, and remains of the view that the body has not interpreted the conditions correctly in his/her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, itself, in exceptional circumstances, seek clarification on issues from my Department. Eligibility criteria for the Back to Education Allowance are determined by the Department of Social and Family Affairs.

Departmental Staff.

153. **Deputy Jim O'Keeffe** asked the Minister for Education and Science if she will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in her Department and Offices in the past 12 months; and if she will make a statement on the matter. [26808/07]

Minister for Education and Science (Deputy Mary Hanafin): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General.

Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €93,000 were made to 8 officers in my Department (including Chief Executive posts of civil service bodies under Department aegis which are covered by the scheme) in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link:
<http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Schools Building Projects.

154. **Deputy Eamon Scanlon** asked the Minister for Education and Science if she will provide a commitment that funding will be provided early in 2008 for a project for a school (details supplied) in County Sligo; and if she will make a statement on the matter. [26846/07]

Minister for Education and Science (Deputy Mary Hanafin): The school referred to by the Deputy has applied for funding for the upgrade of toilet facilities under the Summer Works Scheme 2008. The closing date for the Summer Works Scheme 2008 was 28 September 2007. Decisions on the scheme will be made later in the year.

Departmental Staff.

155. **Deputy Ruairí Quinn** asked the Minister for Education and Science the structure, management system and number of personnel in her Department's Tullamore building unit; the number in each grade working on the administrative and professional or technical areas; the number and title of positions which are currently vacant; when they will be filled; and if she will make a statement on the matter. [26849/07]

Minister for Education and Science (Deputy Mary Hanafin): The Planning and Building Unit of my Department, which is located in Tullamore, has a total staffing level of 128 posts. The unit deals with first, second and third level infrastructure, as well as Public Private Partnership. Details of the staff allocation at each grade are set out below. There are 5.5 vacancies in the unit and arrangements are being made to fill these. 8 — Principal Officer/ Technical Manager (1 vacancy); 11 — Assistant Principal Officer (1 vacancy); 6 — Senior Architect; 3 — M&E Engineer Gr1; 5 — Architect (1 vacancy); 4 — Snr Quantity Surveyor; 10 — Architectural Assistant (1 vacancy); 17.5 — Higher Executive Officer (1.5 vacancies); 40.5 — Executive Officer; 2 — Staff Officer; 21 — Clerical Officer.

Departmental Properties.

156. **Deputy Ruairí Quinn** asked the Minister for Education and Science the system in operation in her Department's building unit which contains information on the condition of each primary school, the year of its construction, the number of classrooms, ancillary facilities, the number of temporary classrooms and prefabs and related data; and if she will make a statement on the matter. [26850/07]

Minister for Education and Science (Deputy Mary Hanafin): The information to which the Deputy refers is acquired by the Department in the context of applications which are made by schools under the various Capital Programme Schemes. The information received is maintained on an individual school basis and is used to assess applications under the published prioritisation criteria attaching to each Scheme.

The Government is delivering on its commitment to provide modern facilities in schools and will invest a further €4.5 billion in educational infrastructure under the new National Development Plan. The allocation for 2007 alone is over €540m and this funding will deliver over 1,500 building projects.

Schools Building Projects.

157. **Deputy Ruairí Quinn** asked the Minister for Education and Science the amount of the approximately 800 primary schools here that have lodged requests for financial assistance to renovate, extend, or rebuild a part of or whole of their present school buildings and related facilities; and if she will make a statement on the matter. [26851/07]

Minister for Education and Science (Deputy Mary Hanafin): It is not clear what the Deputy is referring to, however, as he will be aware, funding of €4.5 billion is being provided by the Government under the new National Development Plan (NDP) for investment in school building infrastructure over the lifetime of the Plan. This will be the largest investment programme in schools in the history of the State and will enable the Department to ensure that school places are available where needed as well as continuing to upgrade existing school facilities. This investment will allow the Department to continue the acceleration of the school building programme which commenced during the life time of the last NDP when well over €2.6 billion was invested on school development, delivering over 7,800 projects.

The budget for 2007 is the first year of the rollout of the new NDP. This funding will enable the Department to continue to take a proactive approach to the provision of modern school accommodation particularly in developing areas. This year alone around over €540 million will be spent on school building infrastructure with over

1,500 projects on the Department's school building programme. Construction in 2007 alone will deliver over 700 classrooms to provide permanent accommodation for over 17,500 pupils, mainly in developing areas.

Innovations in the delivery of school buildings such as Generic Repeat Designs and the use of the Design and Build model ensure that new school buildings are delivered in the fastest time-frame possible. The Department has also adopted a policy of devolving much greater authority to local school management boards to manage and deliver smaller building projects, thereby freeing the Department to concentrate on the larger scale projects. The Department has also improved forward planning through greater cooperation between it and Local Authorities and the publication of Area Development Plans.

The main focus of the school building programme is to deliver additional capacity in the rapidly developing areas. It is projected that 100,000 additional school places will be required over the next number of years. I am conscious of the need to provide more school places quickly and these are being delivered.

School Accommodation.

158. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of contracts her Department has entered into, directly or sanctioned indirectly, for the renting of temporary accommodation; the yearly average rent, per unit, per annum; the duration of the rental contract; the life expectancy of the temporary accommodation; and if she will make a statement on the matter. [26852/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy is not available as the parties to the contracts are generally the school authority and the rental company and as such the Department provides grant aid to individual school authorities towards these costs.

The demand for additional accommodation in schools has risen significantly over the last number of years mainly due to the rapid expansion in teacher numbers particularly in the area of special needs, the growth in the school-going population in rapidly developing areas and the demands to cater for diversity through the recognition of new Gaelscoileanna and Educate Together schools.

The total capital expenditure at primary and post-primary level in 2006 was €524.68m. The expenditure on rental for the same period was €24.5m. Therefore, the expenditure on rental of temporary school accommodation for the same period represents 4.6% as a % of the total capital expenditure.

Schools Building Projects.

159. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of private consultant architects that have been retained, directly or indirectly, by her Department to provide professional architectural led services for the construction or renovation of the primary school system here; and if she will make a statement on the matter. [26853/07]

Minister for Education and Science (Deputy Mary Hanafin): There are currently 230 large scale projects progressing from early design through to post-contract control stage in the primary sector. At the commencement of the process a Design Team is appointed to each of these large scale projects and comprises the services of an architect, structural engineer, mechanical and electrical engineer and a quantity surveyor. There are 120 consultant architect firms engaged on the large scale projects.

On the devolved projects (Summer Works Scheme, Small School Scheme and Permanent Accommodation Scheme) the standard practice involves the appointment of single consultant to such a project with ancillary services bought in if required. Architects, engineers or building surveyors all perform this function but in the majority of cases an architect is the likely appointment. While there are over 1,000 projects devolved to the primary sector for 2007, individual consultants are generally associated with a number of projects.

School Staffing.

160. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of primary school teachers that are employed and paid for by her Department; the amount she expects to retire at the end of this academic year; and if she will make a statement on the matter. [26854/07]

Minister for Education and Science (Deputy Mary Hanafin): The most recent public service

figures for September 2007 indicated that there were to the order of 29,720 teaching posts in primary schools.

It is expected that circa 650 primary teachers will retire during or at the end of the current academic year.

Higher Education Research.

161. **Deputy Ruairí Quinn** asked the Minister for Education and Science the formal relationship between her Department and Science Foundation Ireland; and if she will make a statement on the matter. [26855/07]

Minister for Education and Science (Deputy Mary Hanafin): My Department engages with Science Foundation Ireland on a regular basis. SFI is a member of the Higher Education Research Group (HERG), an implementation structure established under the Strategy for Science Technology and Innovation, chaired by my Department and representative of all stakeholders in research in higher education, including the Department of Enterprise, Trade and Employment, the Department under whose aegis SFI operates.

School Enrolments.

162. **Deputy Ruairí Quinn** asked the Minister for Education and Science the student population in second level schools by category for each of the years from 2000 to date in 2007; and if she will make a statement on the matter. [26856/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy in relation to the pupil population in second level schools by sector is contained in the attached file. The data includes post leaving certificate pupils. All of the details with the exception of the 2005/06 and 2006/07 years have been published in my Departments annual statistical report. Data in relation to pupil enrolment in the 2007/2008 school year is not yet available to my Department.

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2000/2001

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	53,637	76,680	35,772	31,287	197,376
Vocational	309	219	48,864	47,450	96,842
Community	1,022	671	21,555	19,660	42,908
Comprehensive	286	231	4,112	3,629	8,258
TOTAL	55,254	77,801	110,303	102,026	345,384

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2001/2002

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	52,376	76,206	34,628	29,226	192,436
Vocational	299	203	48,043	47,922	96,467
Community	944	712	21,683	19,612	42,951
Comprehensive	270	246	4,085	3,623	8,224
TOTAL	53,889	77,367	108,439	100,383	340,078

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2002/2003

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	51,661	74,609	34,026	28,797	189,093
Vocational	273	191	48,485	49,284	98,233
Community	611	711	22,323	20,103	43,748
Comprehensive	252	254	4,051	3,600	8,157
TOTAL	52,797	75,765	108,885	101,784	339,231

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2003/2004

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	51,044	73,700	34,278	28,541	187,563
Vocational	251	172	47,927	49,784	98,134
Community	622	741	22,485	20,187	44,035
Comprehensive	232	285	4,051	3,551	8,119
TOTAL	52,149	74,898	108,741	102,063	337,851

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2004/2005

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	50,716	71,738	33,645	28,927	185,026
Vocational	225	603	47,232	49,633	97,693
Community	611	748	22,549	20,403	44,311
Comprehensive	230	242	4,050	3,610	8,132
TOTAL	51,782	73,331	107,476	102,573	335,162

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2005/06

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	50,611	71,998	33,344	27,813	183,766
Vocational	0	577	47,158	49,168	96,903

[Deputy Mary Hanafin.]

Category	Male	Female	Mixed		Total
			Male	Female	
Community	601	748	22,261	20,143	43,753
Comprehensive	0	0	4,180	3,805	7,985
TOTAL	51,212	73,323	106,943	100,929	332,407

Table 3.7 Pupils in Second Level Schools Classified by Sex Category of Schools in 2006/2007

Category	Male	Female	Mixed		Total
			Male	Female	
Secondary	50,946	71,495	33,330	27,950	183,721
Vocational	0	537	47,596	49,548	97,681
Community	600	711	22,769	20,350	44,430
Comprehensive	0	0	4,127	3,759	7,886
TOTAL	51,546	72,743	107,822	101,607	333,718

School Staffing.

163. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of permanent wholetime teacher positions in second level schools here by category in each of the years from 2000 to date in 2007; and if she will make a statement on the matter. [26857/07]

Minister for Education and Science (Deputy Mary Hanafin): The number of Permanent Wholetime Teacher Positions in Secondary and Community/Comprehensive schools from the 2000/2001 to the 2007/2008 school years is attached. The information regarding permanent wholetime teachers employed by Vocational Education Committees is available from the individual committees.

Permanent Whole-time Positions

		2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Secondary	Female	7,482	7,818	7,776	7,876	7,995	7,973	7,627	6,983
	Male	4,137	4,362	4,292	4,436	4,440	4,415	4,234	3,900
C & C	Female	1,976	2,020	2,021	2,031	2,053	2,063	2,065	1,874
	Male	1,277	1,298	1,289	1,326	1,319	1,323	1,313	1,219

164. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of retirements from PWT positions in each of the years from 2000 to date in 2007; and if she will make a statement on the matter. [26858/07]

Minister for Education and Science (Deputy Mary Hanafin): The number of retirements from Permanent Wholetime positions in Secondary and Community/Comprehensive schools as recorded on my Department's database from 2000 to 2007 is as follows:—

Year	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
Female	142	160	176	201	241	219	311
Male	187	170	189	222	247	253	297
Total	329	330	365	423	488	472	608

165. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of new PWT contracts issued in each of the years 2000 to date in 2007; and if she will make a statement on the matter. [26859/07]

Minister for Education and Science (Deputy Mary Hanafin): The number of teachers appointed for the 2007/2008 school year to a PWT contract in Secondary and Community/Comprehensive schools is currently 359. The information in respect of previous years for secondary and community

comprehensive schools for contracts is not readily available and will be forwarded to the Deputy at a later date. The number of teachers appointed to new PWT contracts for teachers employed by Vocational Education Committees is available from the individual Committees.

166. **Deputy Ruairí Quinn** asked the Minister for Education and Science the age and gender profile of those accepting new PWT contracts (details supplied) in each of the years from 2000 to date in 2007; and if she will make a statement on the matter. [26860/07]

Minister for Education and Science (Deputy Mary Hanafin): The age and gender profile of new teachers in Secondary and Community/Comprehensive schools appointed to a PWT contract for the 2007/08 school year is as follows:—

	Male	Female
20-23 yrs	9	7
24-27 yrs	37	80
28-31 yrs	60	133
Age 32 yrs	14	19

CID Contracts

Post Primary

	School Year					
	2005/06		2006/07		2007/08	
	Male	Female	Male	Female	Male	Female
0-11 hrs	6	42	6	45	6	47
11-15 hrs	10	119	12	123	12	134
15-18 hrs	5	81	7	88	6	95
18-22 hrs	260	857	265	902	299	999

168. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of teachers employed and their hours (details supplied) in other categories in each year since 2005 to date in 2007; and if she will make a statement on the matter. [26862/07]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy in relation to secondary and community comprehensive schools is being compiled and I will arrange for it to be forwarded to him. The information regarding the number of teachers employed by Vocational Education Committees and their hours is available from the individual Committees.

Departmental Staff.

169. **Deputy Jim O'Keeffe** asked the Minister for Defence if he will detail and itemise the per-

The information regarding the age and gender profile of teachers awarded new PWT contracts employed by Vocational Education Committees may be obtained from the individual committees. The age and gender profile of new teachers appointed to a PWT contract in previous years in Secondary and Community/Comprehensive schools is not available.

167. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of CID contracts issued in each year since 2005 to date in 2007 in categories (details supplied); and if she will make a statement on the matter. [26861/07]

Minister for Education and Science (Deputy Mary Hanafin): The cumulative number of CID contracts held by teachers paid by my Department in recognised posts in Secondary and Community/Comprehensive schools in the 2005/2006, 2006/2007 and the 2007/2008 school years is outlined in the attached table. The information regarding the number of CID contracts held by teachers employed by Vocational Education Committees is available from the individual Committees.

formance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26807/07]

Minister for Defence (Deputy Willie O'Dea):

The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €22,400.00 were made to 2 officers in my Department in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of

[Deputy Willie O'Dea.]

the Department of Finance at the following link:
<http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Legislative Programme.

170. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform when the Ground Rents Bill will be enacted; when it will be brought before Dáil Éireann; and if he will make a statement on the matter. [26795/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my response to Question No. 283 on 10 October. I have nothing further to add to the details given in that reply.

Road Traffic Offences.

171. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of persons who have been committed to prison for non-payment of fines resulting from penalty point convictions in the Courts. [26683/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Irish Prison Service does not record information relating to the imposition of penalty points.

In any event, according to information available to the Irish Prison Service, non-payment of fines arising from motoring offences featured in the committal orders of 1022 persons sent to prison since 1st September 2006. However, it would be misleading to suggest that the non-payment of fines by them contributed exclusively to their imprisonment as many committals had also been convicted of other offences which would in their own right have resulted in the imposition of a custodial sentence.

Asylum Support Services.

172. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the annual cost of the lease of a building (details supplied) in County Mayo; the length of the lease; and if he will make a statement on the matter. [26694/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Reception & Integration Agency (RIA) of my Department is charged with two sets of responsibilities (1) to accommodate asylum seekers while their applications for asylum are processed and (2) to develop, drive and coordinate integration policy across other Government departments, agencies and services for all legally resident migrants and to coordinate the Government's resettlement programme.

In fulfilling its responsibilities in respect of the accommodation of asylum seekers, the RIA does not 'lease' premises from commercial contractors. Rather it 'contracts-in' a comprehensive range of services, which include accommodation, catering, housekeeping, etc., for a fixed period of time. The RIA endeavours to achieve the best value for money in relation to such contracts, in respect of which negotiations can take place with a number of commercial entities. It is not in the interests of the taxpayer that details of individual contracts are made known both to the public and to other parties who are, or may be in the future, engaged in negotiations with the RIA.

I am therefore unable to provide, in respect of the premises cited in the question, the detailed financial information requested by the Deputy, as its release could negatively affect the competitive position of the State. I can confirm, however, that the rates are within the normal range of €189-255 per person per week (pppw) for direct provision centres. The current contract at the premises will expire on 19 January, 2010.

Departmental Properties.

173. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the annual cost of the lease of a building (details supplied) in County Mayo; the length of the lease; and if he will make a statement on the matter. [26695/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Reception & Integration Agency (RIA) of my Department is charged with two sets of responsibilities (1) to accommodate asylum seekers while their applications for asylum are processed and (2) to develop, drive and coordinate integration policy across other Government departments, agencies and services for all legally resident migrants and to coordinate the Government's resettlement programme.

In fulfilling its general accommodation responsibilities, the RIA does not 'lease' premises from commercial contractors. Rather it 'contracts-in' a comprehensive range of services, which include accommodation, catering, housekeeping, etc., for a fixed period of time. The RIA endeavours to achieve the best value for money in relation to such contracts, in respect of which negotiations can take place with a number of commercial entities. It is not in the interests of the taxpayer that details of individual contracts are made known both to the public and to other parties who are, or may be in the future, engaged in negotiations with the RIA.

I am therefore unable to provide, in respect of the premises cited in the question, the detailed financial information requested by the Deputy, as its release could negatively affect the competitive position of the State. I can confirm, however, that the rates are within the normal range of €133-

165 per person per week (pppw) for self catering centres. The current contract at the premises will expire on 27 August, 2010.

It is important to record here that the premises in question are specifically in fulfilment of RIA's integration function. The building does not accommodate asylum seekers. Rather, it is an Orientation Centre for Programme Refugees used to temporarily accommodate and provide facilities for such refugees. Refugees receive health screening and a cultural orientation programme on a range of topics such as household and money management, law and order, child welfare, the education system, how to access services and so on, all of which are designed to prepare them for independent living. Children attend a short course to prepare them for entry into mainstream education. This programme has been put in place following consultation with previously resettled refugees and service providers.

Closed Circuit Television Systems.

174. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the reason the long promised closed circuit television facilities for Mullingar town, County Westmeath has not materialised; when same will occur; and if he will make a statement on the matter. [26696/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An Garda Síochána is at present expanding its town centre CCTV programme and Mullingar is one of the 14 new locations involved. I have been informed by the Garda authorities that tenders for the provision of a CCTV system for Mullingar have been fully evaluated and it is expected that a contract for installation of the system will be awarded in the coming weeks. Once contracts are in place, work will commence on the installation of the CCTV system, subject to planning permissions, wayleaves and any civil works required. It is expected that the system in Mullingar will become operational during 2008.

Residency Permits.

175. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if an application for long term residence by a person (details supplied) in Dublin 8 will be expedited; and if he will make a statement on the matter. [26697/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As outlined in Parliamentary Question put down for answer on the 16th October 2007 (PQ No. 527) persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context

they may also apply to be exempt from employment permit requirements.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residence from the person referred to by the Deputy was received in July 2007. I understand that applications received in July 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Closed Circuit Television Systems.

176. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the expected timetable for the installation of closed circuit television facilities for Athlone town, County Westmeath; the reason the anticipated date for the installation of same has not been met; and if he will make a statement on the matter. [26698/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Athlone is one of 14 locations into which the Garda town centre CCTV programme is being expanded. I have been informed by the Garda authorities that the tenders received for the provision of a town centre CCTV system for Athlone are currently being evaluated and this process is expected to be completed shortly. Following approval of the preferred suppliers it is planned that the contract for the system will be awarded before the end of 2007. Works on the installation of the CCTV system should commence shortly after that, subject to planning permissions, wayleaves and any civil works required.

Earlier this year the Garda authorities carried out a project involving three locations and included the use of wireless and digital technologies. Evaluation of these technologies was required to be completed before progressing to further locations.

Departmental Agencies.

177. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform the cost of legal actions pursuant to the functions of the Criminal Assets Bureau in each year of its operation to date, including fees discharged by the Chief State Solicitor's Office. [26719/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Since the inception of the Criminal Assets Bureau in 1996 the Bureau has been the subject to orders for legal costs by the Courts of €2.418 million. It has also expended €145,000 for legal services in pursuance of receivership orders. Both these sums were borne out of the Criminal Assets Bureau Annual Budget.

These amounts do not include fees discharged by the Chief State Solicitor's Office to the legal

[Deputy Brian Lenihan.]

profession for actions taken by the Bureau, which are a matter for the Chief State Solicitor.

Asylum Applications.

178. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the progress on the application for subsidiary protection by a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [26730/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned was refused refugee status by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. She was considered for temporary leave to remain in the State pursuant to Section 3 (6) of the Immigration Act, 1999, as amended and was refused. My predecessor signed a deportation order in respect of her on 21 August 2006. This order was served by letter dated 6 October 2006.

By letter dated 7 November 2006, my Department informed the person concerned that as her removal letter had issued circa 10 October 2006 being the date on which my predecessor gave effect in Irish Law by way of Statutory Instrument No. 518 of 2006 — European Communities (Eligibility for Protection) Regulations 2006 to the EU Council Directive 2004/83/EC of 29 April 2004, that the Minister for Justice, Equality and Law Reform, as an exceptional measure, was prepared to give an undertaking not to deport the person concerned before a decision had been made on her eligibility for “subsidiary protection” under the aforementioned regulations.

Her case is currently being considered by my Department for Subsidiary Protection pursuant to the provisions of the aforementioned regulations. Her case is amongst many to be considered by my Department. The Subsidiary Protection application lodged will be considered on its individual facts, merits and circumstances and a decision will issue as soon as practicable to the person concerned and to her legal representative.

I wish to advise the Deputy that no removal action will be undertaken by my Department in respect of the person concerned pending the determination of her application for Subsidiary Protection under the Regulations.

Criminal Prosecutions.

179. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the number of convictions there have been under Part 3, Section 25 of the Criminal Justice Act 2007, which refer to the commission of another offence within a specified period; and if he will make a statement on the matter. [26732/07]

180. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the number of

people who have been convicted under Part 9 Section 46 of the Criminal Justice Act 2007, which concerns the possession of an article intended for use in connection with certain offences; and if he will make a statement on the matter. [26741/07]

181. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the number of people who have been convicted under Part 9 Section 47 of the Criminal Justice Act 2007, which amends Section 15 of the Criminal Justice (Theft and Fraud Offences) Act 2001; and if he will make a statement on the matter. [26742/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 179 to 181, inclusive, together.

The information requested by the Deputy is currently being researched. I will contact the Deputy again when the information is to hand.

Criminal Assets Bureau.

182. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform, further to his reply to Parliamentary Question No. 334 of 17 October 2007 and the statement in the CAB Annual Report that the CAB in its first decade received High Court Orders to seize €90 million worth of illegal assets, the reason only €5 million approximately was returned to the Exchequer in the same period; and if he will make a statement on the matter. [26748/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The difference with regard to the amount of the value of the assets seized by the Criminal Assets Bureau to date and the amount which has been returned to the Exchequer to date is explained by the following.

The Criminal Assets Bureau operates under the Proceeds of Crime Act, 1996. Under this legislation, monies or property frozen pursuant to Section 2 or 3 of the Act remain frozen for a period of at least seven years and therefore the first applications under section 4 of the Act for “disposal orders” of the assets which have been seized by the Bureau could not come before the courts until 2004.

The only exception to this minimum seven year waiting period is whereby all relevant parties agree to the application of a section 4a order which allows for a disposal order to be made by the High Court within the seven year period with the consent of all parties. These consent provisions only came into force in 2005 under the Proceeds of Crime (Amendment) Act of that year.

As the Deputy will appreciate, no monies or property frozen by the Criminal Assets Bureau can be forwarded to the Exchequer until a final decision on such assets has been determined by the courts although, of course, the persons involved are deprived of such monies.

Public Transport.

183. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform, further to his reply to Parliamentary Question No. 258 of 24 October 2007, if the Garda authorities will confirm that the green area referred to is in fact a large children's play centre and preschool with numerous children entering and exiting obscured from passing traffic by parked buses giving rise to serious safety concerns; and if he will review this as a matter of urgency. [26749/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the green area concerned is a secure, railed, public park having within its confines a children's nursery centre at the north-eastern corner and a separate children's play-ground at the south-eastern corner. There are a number of entrance gates on all sides of the park.

I am further informed that local Garda management have received no complaints or representations in relation to inadequate traffic controls in the area. However, An Garda Síochána is willing to assist in any safety review undertaken by Dublin City Council and / or Dublin Bus in respect of this issue.

Citizenship Applications.

184. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 219 of 5 July 2007, when a decision will be made on an application for persons (details supplied) in County Clare; and if he will make a statement on the matter. [26757/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Parliamentary Question No. 219 on 5 July 2007. The position remains as stated.

Residency Permits.

185. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 266 of 27 February 2007, the status of an application for residency visa for a person (details supplied) in County Limerick; and if he will make a statement on the matter. [26758/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to inform the Deputy that the person in question was granted long term residency in June 2007. He was granted permission to remain for a 5 year period with an exemption from work permit requirements.

Enquires carried out with the Garda National Immigration Bureau indicate that the person concerned attended at his local Immigration Office on 2nd July 2007 and was granted permission to remain in line with his current passport. Follow-

ing the renewal of his passport it is open to him to return to his local Immigration Office to have the remaining period endorsed on his passport.

Citizenship Applications.

186. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if he will confirm that a case for naturalisation for a person (details supplied) in Dublin 17 will be decided upon in the near future. [26770/07]

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 January 2007.

Officials in that Section are currently processing applications received in the beginning of 2005 and have approximately 11,600 applications on hand to be dealt with before that of the person concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of the application will commence in the second half of 2009. I will inform the Deputy and the person in question when I have reached a decision on the matter.

Residency Permits.

187. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform when he expects to make a decision regarding an application for long term residency by a person (details supplied) in Dublin 22. [26776/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residence from the person referred to by the Deputy was received in September 2006. I understand that applications received in early July 2006 are currently being dealt with.

188. **Deputy John Curran** asked the Minister for Justice, Equality and Law Reform when he expects a decision will be made regarding an application for long term residency by a person (details supplied) in County Dublin. [26777/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residence from the person referred to by the Deputy was received in August 2007. I understand that applications received in early July 2006 are currently being dealt with.

Garda Strength.

189. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of Gardaí located in the Dublin South-Central electoral area; and if he will make a statement on the matter. [26778/07]

190. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of Garda stations located in the Dublin South-Central electoral area; and if he will make a statement on the matter. [26779/07]

Division	CR	D/C	A/C	C/SUPT	SUPT	INSP	SGT	GDA	Total
DMR South Central	—	—	1	2	3	22	90	651	769
DMR Southern	—	—	—	1	4	16	85	503	609
DMR Northern	—	—	—	1	4	18	96	564	683
DMR West	—	—	—	1	4	16	100	622	743
DMR North Central	—	—	—	1	4	23	91	578	697
DMR Eastern	—	—	—	1	4	16	82	508	611
TOTAL	—	—	1	7	23	111	544	3,426	4,112

The Deputy will appreciate that, as with any large organisation, on any given day the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc.

191. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of Gardaí patrolling on pedal bicycles located in the Dublin south central electoral area; and if he will make a statement on the matter. [26780/07]

192. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of community Gardaí per station located in the Dublin south central electoral area; and if he will make a statement on the matter. [26781/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 189 to 192, inclusive, together.

I am informed by the Garda Commissioner that Garda District boundaries differ from the boundaries of electoral districts/wards and constituencies. A Garda District can cover several electoral areas and similarly an electoral area can include parts of more than one Garda District.

There are four Garda Stations located in the Dublin South Central Constituency. The following table provides the information requested by the Deputy, as of 30 September 2007, for each of these Garda Stations:-

Station	Strength	Bicycles	Community Gardaí
Crumlin	103	3	4
Sundrive Road	78	2	5
Kilmainham	86	3	7
Ballyfermot	87	2	6

193. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of gardaí by rank in each division located in the Dublin region; and if he will make a statement on the matter. [26782/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As of 30 September last, the latest date for which figures are readily available, the strength, by rank, of each Garda Division in the Dublin Metropolitan Region, is as follows:

It is the responsibility of the Garda Commissioner to allocate personnel throughout the force taking everything into account. The

situation will be kept under review and when additional personnel next become available the needs of the above Divisions will be fully considered by him within the overall context of the needs of Garda Districts/Divisions throughout the country.

194. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of reserve gardaí allocated to Dublin City; the stations to which they are assigned; and if he will make a statement on the matter. [26783/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The total personnel strength of the Garda Reserve including trainees as at 30th October 2007 was 247. A total of 171 members are fully attested.

There are 91 attested members attached to the Dublin Metropolitan Region. They are allocated to the following Stations:

- DMR SOUTH CENTRAL DIVISION — Pearse St, Kevin Street, Kilmainham and Donnybrook.
- DMR NORTH CENTRAL DIVISION — Store St, Bridewell and Fitzgibbon Street.
- DMR WEST DIVISION — Clondalkin, Finglas, Lucan, Ballyfermot and Blanchardstown.
- DMR NORTH DIVISION — Santry, Raheny, Swords, Clontarf, Coolock and Ballymun.
- DMR SOUTH DIVISION — Crumlin, Sundrive Road, Rathmines and Terenure.
- DMR EAST DIVISION — Bray, Dún Laoghaire and Blackrock.

Crime Levels.

195. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded from January 2005 to date in 2007 in each area of the Dublin region; and if he will make a statement on the matter. [26784/07]

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 her.

Garda Investigations.

196. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the protection that currently exists for people who provide sensitive information to the Garda; if he is considering amending or introducing new legislation in this area; and if he will make a statement on the matter. [26785/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): All persons with information regarding the commission of crime are encouraged to provide this information to the Garda Síochána.

I am informed by the Garda authorities that the Garda Síochána has introduced best international practice in its policy and procedures for the management and use of intelligence sources by its members. Persons who meet specific criteria, as set out in the Garda Síochána's policy, are evaluated and, where considered appropriate, are managed by Garda personnel who have been specifically trained to internationally recognised standards in this area.

In addition, since 1997, the Garda Síochána has operated a Witness Security Programme in response to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system, including threats of violence and systematic intimidation of witnesses. Although legislation was not required to establish this Programme, its operation is supported by complementary legislative provisions in the Criminal Justice Act 1999. I have no plans to introduce legislation in respect of intelligence sources, although the matter will be kept under review.

Gaming Legislation.

197. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the legislation that applies in relation to the setting up and running of a casino; and if he will make a statement on the matter. [26786/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Under Irish law, gaming and gambling is illegal, except where it is specifically permitted under the 1956 Gaming and Lotteries Act. Certain gaming activities, such as those carried out in casinos, are prohibited.

I have been informed by the Garda authorities that they are aware of a number of private clubs

[Deputy Brian Lenihan.]

offering casino-like activities around the country. These private clubs are visited by the Gardaí and I am informed that to date irregularities have not been detected that would justify a prosecution under the Gaming & Lotteries Acts 1956-86. I am assured that such premises will continue to receive Garda attention and if breaches of the legislation are detected the directions of the DPP will be sought.

As the Deputy is aware, in mid 2006 my predecessor established an inter-departmental committee chaired by Mr Michael McGrath BL to report on the possibilities for a legislative basis for the strict regulation of casino-style operations in the State, and related matters.

The Casino Regulation Committee presented their Report in April of this year. It is a lengthy document which deals with a range of complex and inter-related public policy matters. The Report is currently being considered within my Department and when this process is concluded I intend to bring the Report before Government.

The Deputy will understand that I do not propose to comment on the Report or any future policy proposals it may contain prior to bringing it before Government.

Residency Permits.

198. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform if stamp four status will be granted to a person (details supplied) in County Dublin; and if he will make a statement on the matter. [26802/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension.

In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

A request for information regarding long term residence was received from the legal representatives of the person referred to by the Deputy in October 2007. Correspondence issued on 18th October 2007 outlining the criteria for long term residence. I understand that applications received in early July 2006 are currently being dealt with.

Departmental Staff.

199. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and assistant secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26814/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance-related scheme are not disclosed on the basis that they are confidential to the officer concerned. However, I can say that during 2007 the following awards were made to Deputy Secretaries, Assistant Secretaries and equivalent grades in respect of 2006.

	Total Awards	No. of Staff
	€	
Department of Justice, Equality and Law Reform Deputy/Assistant Secretaries	134,000	10
Heads of Agencies (reporting to a Board)	108,000	5
Other Heads of Agencies (not reporting to a Board)	55,000	4
Total	297,000	19

A further €179,000 was paid in respect of Deputy/Assistant Commissioners (14) in An Garda Síochána for the same period.

Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link: <http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>

Legislative Programme.

200. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the recent High Court ruling on 19 October 2007 regarding gender dysphoria and gender identity disorder; and the plans being put in place to change the law. [26818/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I understand that the effect of the judgment of the High Court in this case is that the system of registration of births, as it relates to those with gender dysphoria, is incompatible with the European Convention on Human Rights. The system of registration of births and the legislation governing that system do not come within the functional responsibility of my Department.

Asylum Applications.

201. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the progress on the application by a person (details supplied) in Dublin 7 to remain here on humanitarian grounds; and if he will make a statement on the matter. [26843/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 20 September, 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 05 January, 2006, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Garda Investigations.

202. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform the length of time it takes forensic results to be analysed and to be reported back to the originating Garda station; the location where Galway based forensic tests are analysed; the length of time it takes the Gardaí to read the results once received; and if he will make a statement on the matter. [26845/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that a service level agreement is in place between An Garda Síochána and the Forensic Science Laboratory which oversees processing and reporting times according to agreed priorities and

which applies on a nationwide basis. This agreement incorporates arrangements to ensure that high priority cases are examined immediately upon receipt and is reinforced by ongoing interaction between the Laboratory and the Garda authorities. All analysis takes place at the Forensic Science Laboratory, which is based at Garda Headquarters, Dublin.

Crime Levels.

203. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the ongoing spate of burglaries in an area (details supplied) in County Kildare; if he recognises that the area is within easy reach of those with criminal intentions from the city and therefore especially vulnerable; if he will arrange for increased Garda presence particularly as the festive season approaches; and if he will make a statement on the matter. [26848/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that they are aware of a number of burglaries in the area referred to.

I am further informed that uniform and plain-clothes personnel, including District Detective and Drug Unit personnel, supplemented as necessary by District and Divisional Traffic Corps personnel, carry out patrols and checkpoints in this area. Crime prevention patrols have also been conducted in the area as part of Operation Anvil which is targeting persons suspected of involvement in organised criminal activity and theft-related offences.

I am advised that crime trends and the allocation of personnel are closely monitored and kept under constant review by local Garda management, who are satisfied with the current availability of personnel to patrol this area.

However the situation will be kept under review by the Garda Commissioner and when additional personnel next become available the needs of Carlow/Kildare Division will be fully considered by him within the overall context of the needs of Garda Districts and Divisions throughout the country.

Water Supply.

204. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the figures his Department has in relation to the amount of water that is available from present sources to supply Dublin's needs; if there has been an analysis carried out by his Department in relation to a potential shortfall in water supply for Dublin with the additional housing and other development that is to occur over the next five years; the figures projected in relation to such shortfall; and if he will make a statement on the matter. [26668/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Responsibility for ensuring that an adequate water supply is available to, and planned to meet the needs of, consumers in the Dublin area rests primarily with the local authorities in the Dublin region.

The current demand in the Greater Dublin Water Supply Area, which consists of Dublin City, Fingal, Dun Laoghaire-Rathdown, South Dublin, and parts of Wicklow, Kildare and Meath, is 540 million litres per day. Work is under way on an expansion of the Ballymore Eustace Treatment Plant to provide an additional 44 million litres per day and an expansion of the Leixlip Works to provide an additional 67 million litres per day is in planning.

However, there is limited potential to abstract additional water from existing sources to service growth in demand in the Greater Dublin Area and it is necessary to consider new options for potential long-term sources. My Department provided €2.55m under the Water Services Investment Programme to Dublin City Council to fund a study of longer term water supply needs and options to meet the needs of the greater Dublin area. This study, which was completed in 2006, estimated that the region will require an extra 300 million litres of water per day from a new source by 2031. It also concluded that only two options, taking water from the Shannon or the provision of a sea-water desalination facility in the region, could meet the capacity requirements in the medium and long term.

Consultants engaged by Dublin City Council are preparing a Preliminary Report, which will outline the options for source development, the type of treatment to be provided and how the water should be delivered/distributed, and make recommendations on the optimum solutions. Both the Shannon and desalination options will be addressed in this Preliminary Report.

Planning Issues.

205. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps taken by his Department in relation to the requirement under the National Spatial Strategy that the strategic planning guidelines for the Greater Dublin Area issued in 1999 be reviewed; and if he will make a statement on the matter. [26669/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In accordance with sections 21 and 22 of the Planning and Development Act 2000, the Dublin Regional Authority and the Mid-East Regional Authority, in May 2004, jointly made Regional Planning Guidelines for the whole of the area of their two regions, i.e. the area known as the Greater Dublin Area. These guidelines replaced the non-statutory Strategic Planning Guidelines

for the Greater Dublin Area (1999) and incorporated the aims and policies of the National Spatial Strategy.

Section 26 of the Act requires that the regional authorities review their Regional Planning Guidelines not later than six years after the making of the Guidelines i.e. in the case of the GDA, not later than May 2010.

Water and Sewerage Schemes.

206. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the knowledge his Department has of the proposed Loughrea/Kilrickle/Killimor water scheme in County Galway; and if he will make a statement on the matter. [26686/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): The Loughrea Regional Water Supply Scheme, which will serve Kilrickle, is included in the Department's Water Services Investment Programme 2007- 2009 as a scheme to start construction in 2009. The Department approved Galway County Council's Preliminary Report for the scheme in October 2006 and is now awaiting submission of the revised Contract Documents from the Council. Additional details of proposals for serving Killimor may be sought from the Council.

207. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the position of the proposed sewerage treatment plant at Glenamaddy, County Galway; the involvement of his Department in relation to same at present; and if he will make a statement on the matter. [26687/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Glenamaddy 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 Galway County Council's Preliminary Report for the scheme in December 2006 and further progress is a matter for the Council.

Waste Management.

208. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if, further to his comment that Ireland requires no more than two incinerators to deal with waste, which are to be located in Counties Cork and Meath, and in view of An Taoiseach's recent announcement that based on his examination of new technologies, perhaps Ireland will not need eight incinerators, there are plans to replace the proposed Poolbeg incinerator

with a waste management technology other than incineration. [26690/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have not made any statement in regard to the number or location of any future incinerators. I have, however, signalled a move away from an over-reliance on incineration towards alternative technologies such as mechanical and biological treatment. This would greatly reduce residual waste requiring thermal treatment, which may include use as refuse derived fuel as a further alternative to incineration.

Under the Waste Management Acts statutory responsibility for the making of regional waste management plans, which includes determinations in regard to the waste management infrastructure appropriate to each region, rests with the local authority (or local authorities) concerned and my Department has no function in this regard.

The Poolbeg project is at present going through the statutory planning and waste licensing processes and I as Minister am precluded, under both the Planning and Development and Waste Management Acts, from involvement in these processes in any particular case.

Fire Stations.

209. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government if, further to the Dáil Éireann adjournment debate of 10 October 2007 in regard to the proposed new fire station in Tallow, County Waterford and subsequent contacts and correspondence from his Department, the allocated pre-construction funds of €600,000 are available to Waterford County Council for the Tallow project; and if he will make a statement on the matter. [26693/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I refer to the reply to Question No. 1132 of 26 September 2007.

I am informed that the figure of €600,000 referred to in the question represented an early estimate of potential financial commitments in respect of the construction of a fire station in the town rather than an actual commitment under the Fire Services Capital Programme for 2007.

The Department recently requested Waterford County Council to prioritise projects it wishes to progress under the Fire Services Capital Programme. The council responded to the effect that Lismore and Portlaw were its first and second priorities for replacement fire stations ahead of Tallow.

The provision of exchequer funding for a replacement fire station in Tallow will be considered under future capital programmes having regard to Waterford County Council's priorities,

the existing facilities at the station, the proximity of other stations, and the competing demands from other fire authorities for available funding.

Architectural Heritage.

210. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government his plans for the preservation of the Market House, Castlepollard, County Westmeath which is the oldest building in the town and is a valuable link to the 18th century; and if he will make a statement on the matter. [26705/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Market House, Castlepollard, is in the ownership of Westmeath County Council. Statutory protection of the architectural heritage is primarily a matter for the planning authorities in the exercise of their functions under Part IV of the Planning and Development Act 2000.

Under the provisions of the Act, each planning authority is required, for the purpose of protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, to include in its development plan a Record of Protected Structures (RPS) for its functional area. This may be done at the time of the preparation of the development plan or, where appropriate, at any other time.

On 5 October 2007, I formally launched my Department's Survey of the Architectural Heritage (NIAH) of County Westmeath. Included in this NIAH survey are structures throughout the county, including Castlepollard Market House, which are rated as being of regional importance or higher. Under Section 53 of the Planning and Development Act 2000, I have recommended to Westmeath County Council that these structures are included in its RPS. I also met with representatives of the Castlepollard Market House Campaign Group on 5 October and understand that the Group will have further contact with Westmeath County Council, and my Department as appropriate.

Local Government Representation.

211. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the under-representation of councillors in Fingal County in view of the increases in population particularly in Dublin 15 with over 92,000 population per the last census and only eight councillors; if he has proposals to increase the number of councillors; if he will appoint a commission to examine the issue and report on local authority representation; and if he will make a statement on the matter. [26707/07]

212. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government the relevant sections of the acts dealing with local authorities and the creation of additional council seats; if the relevant sections of the legislation are fully in force; if not, the sections of such legislation not in force; and if he will make a statement on the matter. [26708/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 211 and 212 together.

The last review of local electoral areas was carried out in 1998. I am at present considering the issues around a review of local electoral areas and I expect to be in a position to make a statement on the matter shortly. The number of elected members in each local authority is set out in section 21 and schedule 7 of the Local Government Act 2001. Section 22 of the 2001 Act provides for the alteration of the number of members of a local authority. The operation of section 22 would require the establishment of the Local Government Commission, which would report on proposals to alter the number of elected members of a local authority in addition to having a number of other functions concerning local government organisational matters. Section 22 and part 11 of the 2001 Act, which provides for the Commission, have not been commenced to date.

The Programme for Government contains a commitment to publish a Green Paper on Local Government Reform in the coming months, which will examine a number of issues in relation to the organisation of Irish local government. A White Paper on Local Government Reform will then follow next year. I will give consideration to those parts of the Local Government Act 2001 which have not yet been commenced as part of this reform process.

Fire Prevention.

213. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the rise in the number of chimney fires across the country; if he has plans to help prevent chimney fires; if he will introduce minimum standards for those employed in chimney sweeping; and if he will make a statement on the matter. [26767/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I am concerned about any increase in the number of chimney fires. A Community Fire Safety Programme is being advanced by the Department to enhance fire safety generally and to contribute to bringing about a safer society. A priority project under the Programme dealing with fire safety in the home is being implemented through educational and

promotional campaigns. Chimney fire prevention is an important part of this project. The setting of employment and related standards are not a matter for this Department.

World Heritage Sites.

214. **Deputy Chris Andrews** asked the Minister for the Environment, Heritage and Local Government if, in view of the response to the previous parliamentary question on the issue, he will give a commitment to add Georgian Dublin to the tentative list for nomination as a UNESCO world heritage site; and if he will make a statement on the matter. [26772/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As outlined previously, it is intended to review the current tentative list of sites submitted to UNESCO which was compiled in 1992. Georgian Dublin can be considered in the context of that review. UNESCO Natural and Cultural World Heritage sites are only considered for inscription where they are deemed to be of 'Outstanding Universal Value' i.e. "has cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity and the permanent protection of it's heritage is of the highest importance to the international community as a whole".

A property is deemed to be of Outstanding Universal Value if it satisfies prescribed criteria, as per Section 77 of the Operational Guidelines for the Implementation of the World Heritage Convention. In addition, it must also meet prescribed standards in relation to integrity and-or authenticity, protection and management etc. As for the previous list, the advice of relevant experts will be sought on whether each proposed site meets all of these criteria.

EU Petitions.

215. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the position in relation to a European Parliament petition (details supplied); if the documents mentioned by the authorities here in their June 2007 response to the Commission's letter of 17 April 2007 relating to the way the operation of the plant in question prior to 2001 sought to fulfil the requirement of Council Directive 84/360/EEC on the combating of air pollution from industrial plants, for the application of or adaptation to the best available technology, have been located and transmitted to the Commission; and if he will make a statement on the matter. [26789/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department responded to the European Com-

mission's requests for information relating to this petition in December 2006, January 2007 and June 2007. The European Parliament's Committee on Petitions visited Ireland in June 2007 and met with officials to discuss, amongst other issues, the subject matter of this petition. My Department has not yet located the files referred to in the response to the European Commission in June 2007.

EU Directives.

216. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the measures taken to comply with Article 3(5) of Directive 2003/4/EC on Access to Information on the Environment; and if he will make a statement on the matter. [26792/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Article 3(5) of the Directive 2003/4/EC deals mainly with practical arrangements by public bodies to assist persons to access information on the environment. The Directive has been transposed into Irish law by the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. 133 of 2007). Article (5)(a) requires a public authority to inform the public of their rights under these Regulations (the AIE Regulations) and the Directive, and to provide advice and guidance on the exercise of these rights.

Article 14 of the AIE Regulations enables me to publish guidelines in relation to their implementation by public authorities and obliges these authorities to have regard to any such guidelines. Guidelines under Article 14 were issued at the time of the making of the AIE Regulations. Paragraph 7.3 of the guidelines sets out the practical steps to be taken by public authorities to assist persons seeking environmental information, and is especially relevant in the context of Article 3(5) of the Directive. The detailed arrangements necessary to give effect to these requirements are matters for the public bodies concerned.

Finally, my Department arranged for the publication of a notice in the national newspapers at the time of the making of the AIE Regulations. The notice drew attention to the making of the Regulations and to the guidelines accompanying them.

Local Government Elections.

217. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government if he will review the boundaries for county council electoral purposes; if so, when; and if he will make a statement on the matter. [26793/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Unlike for Dáil and European Parliament constituencies, there are no legal requirements in relation to the frequency of local electoral area reviews. The last review of local electoral areas was carried out in 1998; the next local elections are due to take place in 2009. I am at present considering the issues around a review of local electoral areas and I expect to be in a position to make a statement on the matter shortly.

Departmental Staff.

218. **Deputy Jim O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26810/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Civil service posts at the levels of Assistant Secretary and Deputy Secretary are covered by a scheme of performance related awards. It does not apply to Secretaries General. The operation of the scheme is overseen by the Committee for Performance Awards. Since 2002, the funding for awards is based on 10% of the payroll for the posts covered by the scheme. Within this overall limit, payments of up to 20% can be made to individuals.

Details of the procedures, the numbers covered by the scheme, the range of awards and the total amounts paid in Departments are outlined in the annual reports of the Committee for Performance Awards (available on the website www.finance.gov.ie). The Committee does not identify the amount paid to individuals as this is regarded as personal information.

Payments for 2006 in the sum of €96,000 were made to 8 staff members in my Department. Payments under the scheme have not yet been made for 2007.

Unsolicited Mail.

219. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the plans he has to tackle the growing problem of postal spam, or junk mail; his views on restrictive measures against those who send unsolicited mail; and if he will make a statement on the matter. [26768/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):

The public receives a wide variety of mail from a number of sources, much of which could be regarded as unsolicited mail, including unaddressed mail material, which may be delivered by An Post or other operators. An Post is statutorily obliged under Section 12 of the Postal and Tele-

[Deputy Eamon Ryan.]

communications Services Act, 1983 to satisfy all reasonable demands for postal services throughout the State.

Measures are already in place to manage the impact of direct mailing. Under Section 2(7) of the Data Protection Acts 1988 and 2003, individuals have the right to request that they be removed from any direct mailing lists used by businesses. Householders also have the option of limiting the amount of unsolicited mail they receive by completing a Mailing Preference Service form requesting that their names be removed from mailing lists controlled by members of the Irish Direct Marketing Association. Individuals may contact the Irish Direct Marketing Association directly or alternatively, can complete a form available from post offices. This form goes directly to the Irish Direct Marketing Association and applies to addressed mail sent by their members. I have no intention at this time to introduce additional measures in respect of direct mailing.

Departmental Staff.

220. **Deputy Jim O’Keeffe** asked the Minister

for Communications, Energy and Natural Resources if he will detail and itemise the performance based bonuses or other bonuses paid to Secretaries General and Assistant Secretaries in his Department and Offices in the past 12 months; and if he will make a statement on the matter. [26805/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The scheme of performance-related awards in the civil service applies to Deputy and Assistant Secretaries and equivalent grades. It does not apply to Secretaries General. Details of awards to individual officers under the performance related scheme are not disclosed on the basis that they are confidential to the officer concerned. However I can say that during 2007 awards totalling €51,200 were made to 4 officers in my Department in respect of 2006 (as shown on page 10 of the CPA report for 2006). Details of the operation of the scheme are available in the report of the Committee for Performance Awards which can be accessed on the website of the Department of Finance at the following link: <http://www.finance.gov.ie/documents/publications/reports/CPArep2006.pdf>.